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## Article 14-5: OVERLAY ZONING DISTRICTS

### 14-5.1 GENERAL PURPOSE; RELATIONSHIP TO GENERAL USE ZONING DISTRICTS

The overlay zoning districts of this article are intended to apply in combination with the underlying ~~general use zoning districts of Article 14-4~~ to impose regulations and standards in addition to those required by the underlying general use districts. ~~When the requirements of an overlay district shall apply whenever they are in conflict with those of in the underlying general use district or those of another overlay district, the more restrictive limitation or requirement shall control as provided for in Section 14-1.7.~~ The following overlay districts are hereby created:

- (A) Historic (H) Districts;
- (B) Archaeological Review Districts;
- (C) Arts and Crafts District;
- (D) Highway Corridor Protection (HCP) Districts;
- (E) Escarpment Overlay Districts;
- (F) PUD Planned Unit Development District; and
- (G) Residential Suite Hotel/Motel (RS) District; and
- (H) Ecological Resource Protection (ERP) District.

**Comment [JBC1]:** As requested by GSmith, needed clear rule for conflicts between overlay district standards and base district standards ...

**Comment [CLG2]:** added 12 08 2010 per staff

**Comment [JBC3]:** As suggested by Clarion, clarifying the various overlay districts relationship to one another, and specifically which controls in case of conflict.

**Comment [CLG4]:** categories of uses will be reviewed for consistency with new provisions of 146 permitted uses and use regulations

**Comment [CLG5]:** had been deleted from PC subcommittee draft, but later determination was made to keep the district. revised 12 08 2001.

Any rezoning requirements set forth in this Article 14-5 are in addition to the requirements set forth in §14-3.5, which apply to all rezonings.

**Comment [JBC6]:** From PUD section, deleted: "Rezonings to Planned Unit Developments shall follow the general rezoning procedure set forth in §14-3.5, as well as the specific provisions set forth in this section. In the case of any conflict, the provisions of this section control" and moved here with some tweaking to give broader applicability to rezoning requirements listed throughout 14-5...

### 14-5.2 HISTORIC DISTRICTS

[not in the scope of this part of the project]

### 14-5.3 ARCHAEOLOGICAL REVIEW DISTRICTS

      (A) Purpose

                    In order to promote the economic, cultural and general welfare of the people of the City, it is deemed essential by the Governing Body that the qualities relating to the unique cultural

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traditions, prehistory, and history of Santa Fe, and which attract tourists and residents alike, be preserved by establishing three archaeological review districts. The purpose of these Districts is to:

\_\_\_\_\_ (1) Recognize the value of archaeological resources from all periods of history and prehistory including prehistoric native American settlements, Spanish colonization and settlement, and settlement and developments under Mexican and American governments;

\_\_\_\_\_ (2) Provide the means for identifying archaeological sites by requiring surveys and test excavations, depending on the district, through the development review and building permit process;

\_\_\_\_\_ (3) Provide the means by which archaeological sites can be evaluated for their potential contribution to cultural, educational, historic, economic, and scientific concerns;

\_\_\_\_\_ (4) Establish a procedure for treatment of archaeological resources on private and public land; thereby mitigating the information loss from the sometimes unavoidable destruction of archaeological resources and providing for the treatment of those resources which can be preserved; and

\_\_\_\_\_ (5) Provide methods for the emergency treatment of archaeological resources found through unexpected discovery.

\_\_\_\_\_ (B) Application to State of New Mexico and Any of Its Agencies, Political Subdivisions, or Instrumentalities

Pursuant to § 3-22-1 through 3-22-5 NMSA 1978, it is the intent of the City of Santa Fe that the provisions of this § 14-5.3 shall apply to the state of New Mexico and of any of its agencies, political subdivisions or instrumentalities, as well as to any other entity or activity in the archaeological review districts.

\_\_\_\_\_ (C) Establishment of Districts; Boundaries

\_\_\_\_\_ (1) Districts Established

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There are established three archaeological review districts to be known as the historic downtown, river and trails, and suburban archaeological review districts.

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(2) Boundaries

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The boundaries of the historic downtown, the river and trail, and the suburban archaeological review districts are as shown on the map attached hereto and incorporated herein, set out as Exhibit "~~FE~~<sup>1</sup>" and as shown on the official map, located in the City Land Use Department. The boundaries are determined by the following criteria: (Ord. No. 2007-45 § 30)

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(a) Historic Downtown Archaeological Review District

**Comment [JBC7]:** Changed to remain consistent with language in 14-2 and 14-3.

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The center of Santa Fe since 1610 and occupied by Native Americans prior to that time, land within the historic downtown area archaeological district has a high potential of containing significant cultural remains and is part of the historic core of the City;

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(b) River and Trails District

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An area of prehistoric Native American occupation, settled by early Spanish colonists, and being primary transportation routes important to the settlement of Santa Fe, the river and trails archaeological review districts has a high potential of containing significant cultural remains and is part of the Santa Fe River floodplain, escarpment, or ridges above the escarpment, or land adjacent to those areas, and contains historic trails such as the Santa Fe Trail, Galisteo Road, and Agua Fria;

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(c) Suburban District

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<sup>1</sup>The Archaeological Districts Map is set forth in the Appendix to this chapter as Exhibit E and is incorporated herein by reference.

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Land within the suburban archaeological district has a moderate potential of containing significant cultural remains, and is not a part of the historic downtown or river and trails districts.

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(3) Map Revisions

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The archaeological districts may be revised upon a recommendation of the Archaeological Review Committee as approved by the Governing Body. In revising the district boundaries the Committee shall follow the criteria set forth in paragraph (C)(2) of this section. (Ord. No. 2002-37 § 31)

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(D) Archaeological Clearance Permit Required

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An Archaeological Clearance Permit shall be required for certain types of development activity within the Archaeological Review Districts, as described in §14-3.13.

#### 14-5.4 ARTS AND CRAFTS DISTRICT

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(A) Purpose and Intent

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It is the intent of the an Arts and Crafts (AC) district to permit -arts and crafts and other related commercial uses in eligible underlying districts. overlay portions of residential districts with a district that permits arts and crafts shops. Within this overlay district, residential and limited office and retail commercial uses are intermixed with small arts and crafts shops, and studios, and galleries where the goods traded are custom-produced in small quantities and are, often one of a kind; where the arts or crafts are taught to small numbers of people; or where small numbers of persons are engaged in arts and crafts activities.

**Comment [JBC8]:** Greg? Trying to set up meeting re: description of RAC and AC overlay... will report results...

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(B) Land Eligible

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An AC district may overlay any residential district or any portion thereof.

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(C) Uses

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(B) ~~Permitted Principal Uses and Structures~~

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The permitted principal uses, accessory uses, and special exceptions and structures of the AC district are the same as the underlying zoning district with the addition of:

(1) Principal Uses

(1-a) Dance studios;

(2-b) Arts and crafts studios, galleries and shops;

(c-3) Antique shops;

(d-4) Arts and crafts schools;

(5-e) Bookshops;

(6-f) Custom tailoring and dressmaking shops;

(7-g) Art supply stores, retail;

(8-h) Gift shops for the sale of arts and crafts;

(9-i) Nonprofit theaters for production of live shows;

(j-10) Custom cabinet shops;

(k-11) Florist shops; and

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~~(12)~~ Photographic studios.

~~(C)~~ Permitted Accessory Uses and Structures

The permitted accessory uses and structures for the AC district are the same as for the underlying zoning district.

~~(2D)~~ Special Use Permits Exceptions

The special exceptions for the AC district are the same as for the underlying zoning district with the addition of:

(1a) Offices, business and professional offices;

Comment [JBC9]: Tweaked to match use as listed in 14-6 table.

~~(2)~~ Eating and drinking establishments, ~~excluding nightclubs and provided that no food or drinks are sold for consumption in automobiles on the premises. (Ord. No. 2002-37 § 32)~~

Comment [JBC10]: Eating and drinking establishments will be defined in 14-12. Changing this "new" SE use to be in line with use as listed in table 14-6.1-1... Altogether moved below...

(b3) Nonprofit religious, educational, philanthropic and eleemosynary institutions, but not penal institutions;

~~(4)~~ ~~Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business; and~~

Comment [JBC11]: "Private clubs and lodges" already SE in R1-R9, RC, R10-R29, and RAC. And GSmith assures that it will never be an issue in R7-1 and MHP. So should not be listed here as new SEs. Made sure reflected accurately in 14-6 use table ...

(c5) Offices for those licensed by the state to practice the healing art or any branch thereof pertaining to human beings, provided that offices and accessory facilities specified shall not be considered as "service establishments;" and

Comment [JBC12]: This language/idea to be reflected in new 14-12 definition of "private clubs and lodges."

(d) Eating and drinking establishments.

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(D) Standards

The development and design standards within the AC district are the same as the underlying zoning district, however n ~~with the addition of:~~

- (1) ~~Maximum Building Area Requirements~~

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The maximum building area requirements for the permitted uses within the district are:

(1) ~~If 75 percent or~~ not more than 3,000 square feet of the gross floor area of any building may be used for ~~is devoted to nonresidential permitted uses in this district, not more than 3,000 square feet shall be used for such nonresidential purposes;~~ and

**Comment [CLG13]:** changes per 06/30/09 PC Subcommittee meeting

(b2) ~~If less than 75 percent of the gross floor area of a building is devoted to nonresidential permitted uses in this district, not more than 1,500 square feet shall be used for such nonresidential purposes;~~ and

**Comment [CLG14]:** per staff 12 08 2010

(3) ~~Structures used for residential purposes shall conform to the same density requirements as the underlying zoning district.~~

**14-5.5 HIGHWAY CORRIDOR PROTECTION DISTRICTS** ~~\*\*~~

**Comment [JBC15]:** Clarion suggested that all corridor protection standards should be integrated, and the new I-25/599 Highway Corridor Plan should be codified. – But GSmith confirmed that no new I-25/599 HCP district is being created at this time and no other corridor protection standards exist... Reed Liming confirmed the existence of the Metro Area Highway Plan. Although the MAHP is given some official recognition, it has only been adopted by resolution, never by ordinance. Beyond scope of contract to integrate here...

(A) SCHC South Central Highway Corridor Protection District

(1) Purpose and Intent

Because openness, quiet, and continuity adjoining the highway corridors in the south central section of the city is considered a special asset that should be retained as the area develops, it is the intent of the SCHC ~~South Central Highway Corridor~~ district ordinance to:

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(a) Establish a clear sense of visual openness and continuity of development, as seen from major highway entrances to Santa Fe;

(b) Protect the openness and continuity of the existing landscape by retaining and planting native and other drought-tolerant, low maintenance trees, shrubs, and groundcovers; ~~encourage the use of architectural style and scale that is representative of Santa Fe, and preserve clean air and a sense of quiet; and~~

(c) Ensure that landscaping provides an appropriate and attractive visual buffer, compatible with neighborhood landscaping character; conserves water by use of storm water collection and drip irrigation systems; and screens transformers and loading areas or outdoor storage;

~~(c) Specifically insure that landscaping provides an appropriate and attractive visual buffer, compatibility with neighborhood landscaping character, conservation of water by use of storm water collection and drip irrigation or other systems, plants which require low maintenance, screening of transformers and loading areas or outdoor storage, and the reduction of the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.~~

**Comment [JBC16]:** Nothing deleted – just reorganized to clarify...

(d) Encourage the use of architectural style and scale that is representative of Santa Fe; and

(e) Preserve clean air and a sense of quiet and reduce the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.

(2) Boundaries

(a) ~~The SCHC South Central Highway Corridor Protection~~ district encompasses the lands within 600 feet of the edge of the right-of-way of both      sides of the following streets designated as special review districts in the General Plan in the south central section of the City: St. Michael's Drive, Old Pecos Trail, St. Francis Drive, Rodeo Road, and Interstate 25 and its frontage roads. ~~In cases where the rear lot~~

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~~line depth exceeds the 600 feet boundary a property owner shall have the right to petition the Governing Body at any time for inclusion of his or her property in the Highway Corridor Protection district as a rezoning application. A map of the South Central Highway Corridor Protection district is provided as Exhibit "F" at the end of this chapter, and is shown in the General Plan.~~

**Comment [JBC17]:** Nothing deleted, just moved to section (b) below...

**Comment [JBC18]:** Asked GSmith about this and about why there seems to be no info on the highway corridors in the General Plan – said information about highway corridors might have been in previous general plan but not carried into current version and suggested references to GP be removed from here...

(b) Persons with property divided by the South Central Highway Corridor Protection district boundary are required to comply with the SCHC district standards only for that segment of the property within the boundary. ~~or as adjusted as described above.~~ In cases where the rear lot line depth exceeds the 600 feet boundary property owners shall have the right to petition the Governing Body in the form of a rezoning application at any time for inclusion of the remainder of their property in the SCHC district.

(3) Uses

The uses permitted in this district are the same as those permitted in the underlying district.

**Comment [JBC19]:** Formerly, uses permitted were those in accordance with the General Plan. Deleted as per GSmith – see previous comment...

(34) General Standards

The standards applicable to development within the SCHC district are the same as the underlying zoning district, and in addition with the addition of:

Any new development in the SCHC district on a previously vacant lot, or any complete redevelopment of a previously developed lot, shall comply with these standards and landscape standards subsections (4)(a), (4)(b), and (4)(c) below.

**Comment [JBC20]:** Deleted these limitations because 1) confusing, and 2) conflict with modern thinking on bringing nonconforming uses into line whenever possible...

per paragraph (4) below. For purposes of this section "complete redevelopment" shall be removal of all existing buildings on a lot prior to the construction of any new buildings.

**Comment [JBC21]:** If first part of paragraph is deleted, no longer need definition of "complete redevelopment."

(a) Development and design standards

(i) Density -- The density for residential development shall be the same as in the underlying district, but in no case shall exceed a maximum density of 21 units per acre;

**Comment [JBC22]:** GS suggestion – eliminates problem of highway corridor land receiving R-21 density by default...

(a) The minimum building setback from the edge of the right-of-way from the street shall be 50 feet;

<sup>2</sup> The South Central Highway Corridor Protection District Map is set forth in the Appendix to this chapter as Exhibit F and is incorporated herein by reference.

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(ii) Height -- The maximum ~~building height~~ of structures shall be 25 feet, not including a parapet;

**Comment [CLG23]:** per staff 12 08 2010

(iii) Setback or Yard -- The minimum building setback or yard from the edge of the right-of-way from the street shall be 50 feet;

(c) ~~The maximum density for residential development shall be 21 units per acre;~~

(d) ~~For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use a minimum of 50 percent of the lot shall be open space, which shall meet all the requirements set forth in §14-8.4(H).~~

**Comment [JBC24]:** If rule about more restrictive regulation controlling is now clear, then the latter part of this sentence is gratuitous... Altogether, moved to Landscaping Standards section...

(iv) Floor Area Ratio -- The maximum *floor area ratio* for office, ~~and for professional, and medical office~~ uses allowed in the district are:

<b>TABLE 14-5.5-1: Maximum Floor Area Ratio</b>		
<u>Building Use</u>	<u>Building Size</u>	<u>Maximum Ratio</u>
<u>Professional and Other Office</u>	<u>One story</u>	<u>0.25</u>
	<u>Two story</u>	<u>0.35</u>
<u>Medical Office</u>	<u>One story</u>	<u>0.20</u>
	<u>Two story</u>	<u>0.30</u>

**Comment [JBC25]:** Was formerly just "office"... trying to clarify both subsection (iv) and this table... According to GSmith, the distinction between medical and other offices is necessary because medical offices require more parking... FYI -- If we standardize the parking requirements, these distinctions may go away...

(f) ~~For educational, hospital, institutional, and other uses allowed in the district, the open space, setback, and landscaping standards set forth in this section shall apply;~~

**Comment [JBC26]:** Unnecessary since already clear that all new development subject to the standards listed here...

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(g) ~~— The uses permitted in this district are those consistent with the policies set forth in the General Plan;~~

(h) ~~— Loading areas shall be screened and located on side or rear yards;~~

**Comment [JBC27]:** Moved to Landscaping Standards because really about screening...

(i) ~~— Outdoor storage shall not be allowed in the district;~~

(j) — Access to the property shall be approved by the City Engineer and as shown on the development plan;

**Comment [JBC28]:** 14-3.8 already lists “vehicular and pedestrian ingress and egress from adjoining streets, including curb cuts and access to major arterials” as a default dev. plan requirement and “Ingress and egress to public streets, existing and proposed vehicular, bicycle, pedestrian circulation systems including possible parking locations and access to public transit “ as a default master plan requirement.... And the City Engineer automatically reviews plans submitted to the LU Dept. when deemed necessary... So unnecessary to list separately here...

~~(k) — The off-site impact of site-generated traffic shall be based on a study performed by the developer utilizing the latest edition of the Highway Capacity Manual. The results of the corresponding impacts shall be evaluated relative to the computed levels of service at various time frames and durations as defined by the manual. A plan for mitigating any adverse impacts shall be proposed by the developer and approved by the City Traffic Engineer prior to the issuance of any building permits. The Traffic Mitigation Plan shall be based on the results of the traffic impact study and shall include proposed improvements, a cost estimate, a construction schedule and the extent of participation by the proposed development;~~

**Comment [JBC29]:** Moved to 14-3.8 as suggested default dev. plan requirement...

(l) ~~— New half or partial streets shall be prohibited in new developments. When a tract to be developed borders an existing street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, such additional right-of-way shall be platted and dedicated in such a way as would make the resulting street conform;~~

**Comment [JBC30]:** This doesn't belong here. Seems like it should be a statement of general applicability. But the same exact language is found *only* in 14-9.2(E)(3)(b)(ix), which applies to subdivisions only? Indicated needs to be in section giving it greater general applicability... perhaps 14-8?

(m) ~~— When nonresidential uses abut R-1 through R-7 residential densities, the following standards shall apply:~~

(i) ~~— All of the structures for the nonresidential uses shall be set back 50 feet from the residential property line and a 25-foot landscape buffer meeting the standards set forth in paragraph (4) below shall be located between the residential and nonresidential uses; or~~

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(ii) ~~All of the structures for the nonresidential uses shall have a 25-foot landscape buffer meeting the standards set forth in paragraph (4) below and masonry wall or a fence as approved by City staff, located between the residential and nonresidential uses.~~

**Comment [JBC31]:** Moved below as third grouping of standards, i.e. – 1) development and design, 2) landscaping, and 3) when nonresidential uses about low residential...

(n) ~~While it is not the purpose and intent of this section to require that existing, nonconforming buildings and parking lots be modified or altered, it is the purpose and intent of this section that additions to existing buildings and expansions to existing parking lots in no way increase, or in any way intensify, a nonconforming situation.~~

**Comment [JBC32]:** Duplicative of nonconformities section generally... 14-10.1(A)

(b4) Landscaping Standards

**Comment [JBC33]:** These landscaping standards need to stay here since they are different from the general standards set out in 14-8.4...

(ia) Existing Landscaping -- To the greatest extent possible existing natural landscaping shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures, ~~fences, walls~~ or parking are allowed in this setback;

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**Comment [JBC34]:** Duplicative of "structures"

(bii) Plant Material -- Plant material shall be provided in the open space setback where that area has been disturbed and shall be provided for surrounding buildings and parking areas at a minimum width of five feet. ~~The intensity of landscaping shall be 2 plants per 30 square feet of required landscaped area. One half of the vegetation shall be at least five-gallon size and one-half shall be at least one-gallon size at the time of planting. Trees shall be minimum one and one-half inch caliper at time of planting and be a minimum of 10 percent of the total planting.~~

**Comment [JBC35]:** City staff determined that the intensity of landscaping requirements should be no different in the SCHC than elsewhere; that the intensity of landscaping reqs. already provided in 14-8.4(H) should apply. (And the 14-8.4 regulations will apply so long as no alternative requirements provided here because already apply in underlying district...)

(iii) Parking and Loading Area Screening -- If parking is provided in the required front yard setback it shall be effectively screened by earth berms or landscaping which shall be at least four feet above parking lot grade. Loading areas shall be screened and located on side or rear yards; ~~and~~

**Comment [CLG36]:** per staff 12 08 2010

(eiv) Arroyos/100-Year Flood Plains -- In order to preserve natural landscaping on the banks of the arroyos, an undisturbed setback of 10 feet shall be retained next to the major arroyos where ~~100 one hundred-year flood plains have been recorded.~~ Terrain management regulations as set forth in this chapter are applicable to any development in the South Central Highway Corridor Protection district.

**Comment [JBC37]:** Moved here because really about screening, which is found in the landscaping section (14-8.4) of code...

**Comment [JBC38]:** Unnecessary... broad applicability of terrain management regulations made clear in 14-8.2...

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(v) Open Space -- For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use a minimum of 50 percent of the lot shall be open space; and

(vi) Outdoor Storage -- Outdoor storage shall not be allowed.

(c) Additional standards when nonresidential uses about R-1 through R-6 residential densities:

(i) All of the structures for the nonresidential uses shall be set back 50 feet from the residential property line and a 25-foot landscape buffer meeting the standards set forth in paragraph (4)(b) above shall be located between the residential and nonresidential uses; or

(ii) All of the structures for the nonresidential uses shall have a 25-foot landscape buffer meeting the standards set forth in paragraph (4)(b) above and masonry wall or a fence as approved by the Land Use Director, located between the residential and nonresidential uses.

**Comment [JBC39]:** GSmith confirmed that this was meant to protect low density residential – R1-R6 ... changed cut-off from R7 to R6 accordingly.

**Comment [JBC40]:** Bolded and italicized for clarity...

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(5) Architectural Standards

All structures in the South-Central Highway Corridor District, other than those set forth in §14-3.10(C)(1)(b), shall meet the Architectural Design Review regulations as set forth in §14-8.7 of this chapter. (Ord. No. 2002-37 § 33)

**Comment [JBC41]:** Unnecessary -- 14-3.10 (C) already suggests that architectural design review standards apply to SCHC district dev. Also clear from introductory language -- "The standards applicable to development within the SCHC district are the same as the underlying zoning district with the addition of:"

(6) Required Information

In the South Central Highway Corridor Protection district, applicants for any new development on a previously vacant lot, or any complete redevelopment of a previously developed lot shall submit, in addition to the requirements set forth in this chapter, the following information:

**Comment [JBC42]:** Moved to 14-3.8 as new dev. plan trigger...

(a) A development plan drawn to scale showing drainage; significant natural features; access including access to major arterials; arrangement, uses, and dimensions of buildings; parking and loading;



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(iv) Provides for a gradual transition between the rural character of the county and the urban character of the City; and

(v) Accentuates, to the greatest extent possible, architecture and landscaping rather than parking lots and commercial signage.

~~(b) While it is not the purpose and intent of this section to require that existing, nonconforming buildings and parking lots be modified or altered, it is the purpose and intent of this section that additions to existing buildings and expansions to existing parking lots in no way increase, or in any way intensify, a nonconforming situation.~~

**Comment [JBC46]:** Unnecessary – duplicative of nonconformities provisions -- 14-10.1(A)...

(2) Boundaries

The CRHC Cerrillos Road Highway Corridor Protection district begins at the intersection of Cerrillos Road and St. Francis Drive and extends southwest along Cerrillos Road to the southern City limits. The provisions of this section shall apply to all legal lots of record that directly abut Cerrillos Road right-of-way. The CRHC corridor district is further subdivided into the following four zones:

**Comment [JBC47]:** “CRHC zones” instead of “corridor zones” – to avoid confusion, since SCHC is also referred to as a corridor...

(a) CRHC-Zone One, St. Francis Drive to St. Michael's Drive;

(b) CRHC-Zone Two, St. Michael's Drive to Calle del Cielo;

(c) CRHC Zone Three, Calle del Cielo to Airport Road; and

(d) CRHC Zone Four, Airport Road to the southern City Limits.

(3) Uses

The uses permitted in the CRHC district are the same as those permitted in the underlying district.

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(4) ~~General Standards~~

**Comment [CLG48]:** revisions for clarity 12 08 2010

The standards permitted in the CRHC district are the same as those permitted in the underlying district with the addition of the following standards which apply :

~~The following standards shall apply only to all new development construction and additions within the CRHCerrillos Road Highway Corridor Protection district, and not, unless otherwise indicated, to existing buildings and structures; subsections (4)(a) and (4)(b) shall apply. All additional provisions of the underlying zoning district shall also apply. Should a Highway Corridor Protection district standard conflict with an underlying zoning district standard, the more restrictive of the two shall govern.~~

**Comment [JBC49]:** Duplicative of 14-5.1....

(a) Development and design standards

(i) Lot Depth

~~---~~No new legal lots of record may be created abutting Cerrillos Road right-of-way having depth of less than 75 feet in CRHC Zone One, 125 feet in CRHC Zone Two, 175 feet in CRHC Zone Three, and 225 feet in CRHC Zone Four;

(ii) Height

~~---~~The maximum height of structures in the CRHC district shall be that allowed by the underlying district, but in no case shall the height of any portion of a building exceed 45 feet or exceed the distance which that portion of the building is set back from the property line abutting Cerrillos Road right-of-way;

**Comment [CLG50]:** changed from building height per staff 12 08 2010

(iii) Setbacks and yards

~~---~~The minimum building setback or yard, as measured from any property line abutting Cerrillos Road right-of-way, shall be either 15 feet in Corridor CRHC Zone One, 25 feet in Corridor CRHC Zone Two, 35 feet in Corridor CRHC Zone Three, and 45 feet in Corridor CRHC Zone Four, or 20 percent of a lot's depth, whichever is less. Setback requirements for other front yards shall be one half the depth required for front yards in the underlying zoning district; and

**Comment [JBC51]:** Bolded and italicized for clarity...

~~(b) --- The maximum building height in all corridor zones, one through four, shall be either 45 feet or that allowed by the underlying zoning district, whichever is less. However, in no case shall the height of any portion of a building exceed the distance which that portion of the building is set back from the property line abutting Cerrillos Road right of way;~~

**Comment [JBC52]:** Nothing deleted - just moved to subsection (ii)...

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)  
Comments: Green is explanatory; Blue is for discussion; Red is issue remaining to be addressed

(iv) Lot coverage -- The maximum lot coverage by buildings and structures in ~~the all-CRHC district~~ corridor zones, one through four, shall be ~~either 60 percent or that allowed by the underlying zoning district, but in no case greater than 60 percent, whichever is less.~~ The areas of all buildings and structures, both existing and new, shall be included in the calculation of maximum lot coverage.

(d) ~~Any new loading docks, outdoor storage facilities, or trash disposal areas located in corridor zones one through four shall either be located at the rear of the property, or be entirely screened from public view by an opaque wall or fence of no less than six feet in height; and~~

**Comment [JBC53]:** Moved to landscaping standards section... because really about screening requirements (even though loading docks are mentioned and loading is not technically part of 14-8.4)...

(e) ~~Cerrillos Road curbcuts should be kept to a minimum. The use of multiple curbcuts is therefore discouraged, and vehicular access should occur from side streets wherever possible. It is strongly recommended that all curbcut locations and configurations be reviewed and approved by the City Traffic Engineer prior to finalizing project site and landscaping plans.~~

**Comment [JBC54]:** Idea of keeping curbcuts to a minimum on major roads seems like it should be a general principle in SFCC 23-2 and possibly in 14-8, but not here... Indicated that this needs to be moved to section giving it greater applicability...

(b4) Landscaping Standards

~~Any new development on a previously vacant lot, or any complete redevelopment of a previously developed lot, shall comply with the frontage landscaping standards for the Cerrillos Road Highway Corridor Protection district as set forth in this section. For purposes of this section, "complete redevelopment" shall be the removal of all existing buildings on a lot prior to the construction of any new buildings.~~

**Comment [JBC55]:** Made landscaping standards of this section applicable to all new development in CRHC to comport with modern notions of bringing nonconformities into line whenever possible... see introductory language to subsection (4) above...

(i) (a) Frontage Landscaping

~~There shall be a~~ Frontage landscaping strip within the front property line abutting and parallel to Cerrillos Road right-of-way with a minimum depth of shall be 10 feet in CRHC Zone One, 15 feet in CRHC Zone Two, 20 feet in CRHC Zone Three, and 25 feet in CRHC Zone Four. Where an adjacent lot in the same CRHC Zone has a frontage landscaping strip of greater depth, the required frontage landscaping strip depth of the property at issue shall match the adjacent lot's frontage landscaping strip depth. In no case, however,

**Comment [CLG56]:** inclusion of "required" to clarify permission for greater depth. 12 08 2010.

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 Comments: Green is explanatory; Blue is for discussion; Red is issue remaining to be addressed

shall the required frontage landscaping strip depth exceed 15 feet in CRHC Zone One, 25 feet in CRHC Zone Two, 35 feet in CRHC Zone Three, and 45 feet in CRHC Zone Four, nor shall ~~it~~ provided at the depths set forth below. However, in no case shall the frontage landscaping strip exceed 20 percent of a lot's depth; ~~and-~~

<u>TABLE 14.5.5.2: Cerrillos Road Highway Corridor</u> <u>Protection Frontage Landscaping Regulations</u>		
<u>CRHC Zone</u>	<u>Minimum depth of landscape strip (feet)</u>	<u>Lots within the same CRHC Zone as adjacent lots which provide the landscape setbacks set forth below shall match those landscape setbacks (feet)</u>
<u>One</u>	<u>10</u>	<u>15</u>
<u>Two</u>	<u>15</u>	<u>25</u>
<u>Three</u>	<u>20</u>	<u>35</u>
<u>Four</u>	<u>25</u>	<u>45</u>

**Comment [JBC57]:** Duplicative of subsection (i) above...

(ii) Screening -- Any new loading docks, storage facilities, or trash disposal areas located in the CRHC district shall either be located at the rear of the property or be entirely screened from public view by an opaque wall or fence of no less than six feet in height.

~~(b) All new development and complete redevelopment shall meet the requirements set forth in §14-8.4.~~

**Comment [JBC58]:** Duplicative of revised introductory language of (b)...

~~(c) Frontage landscaping for other types of new construction, for additions, for remodelings, and for arterials other than Cerrillos Road, shall comply with the standards set forth in §14-8.4.~~

**Comment [JBC59]:** Since Landscaping Standards above revised to apply to all new development in the CRHC, this is unnecessary.

(5) Sign Standards

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~~Signs within the Cerrillos Road Highway Corridor Protection District shall meet the requirements set forth in §14-8.10. In addition, those properties located within C-2, SC, and I zoning districts shall meet the standards set forth in §14-8.10(G)(8).~~

**Comment [JBC60]:** Unnecessary... 14-8.10 --and 14-8.10(G)(8) specifically -- already clearly apply to CRHC...

(6) ~~Architectural Standards~~

~~All building construction within the Cerrillos Road Highway Corridor Protection District, other than that exempted by §14-3.10(C)(1)(b), shall comply with the architectural design review standards set forth in §14-8.7. (Ord. No. 2002-37 § 34)~~

**Comment [JBC61]:** Unnecessary -- 14-3.10 (C) already suggests that architectural design review standards apply to CRHC district dev. Also clear from introductory language -- "The standards applicable to development within the CRHC district are the same as the underlying zoning district with the addition of:" \*\*But indicated in 14-8.7 that should be made clear that, unless otherwise specified, points requirements applicable to projects in overlay districts are the same as the point requirements in the relevant underlying districts...

(7) ~~Minimum Lot Depth~~

~~No new legal lots of record may be created abutting Cerrillos Road right-of-way having depths of less than 75 feet in Corridor Zone One, 125 feet in Corridor Zone Two, 175 feet in Corridor Zone Three, and 225 feet in Corridor Zone Four.~~

**Comment [JBC62]:** No change -- just moved to development and design standards section (4(a)) above...

(C) 599/I-25 Overlay District

~~\_\_\_\_\_~~  
{[RESERVED]}

**14-5.6 ESCARPMENT OVERLAY DISTRICT**

[not in the scope of this part of the project]

**14-5.7 PUD PLANNED UNIT DEVELOPMENT DISTRICT**

\_\_\_\_\_(A) Purpose and Intent

\_\_\_\_\_  
\_\_\_\_\_

(1) This section is intended ~~It is the intent of this section to permit the creation of planned unit development-planned districts, each -conceived as a unit of for cohesive development and integrated uses in an area planned as a unit~~ in either a single development operation or a planned series of

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development operations that may take place over a period of several years. It is also intended to permit and encourage innovative site planning and design to ensure that each planned unit development compatibly integrates with development on adjoining properties and creates an attractive, healthful, sustainable, and stable environment for living and working that is superior to the development attainable under existing zoning regulations.

**Comment [JBC63]:** Added in this language from former section (C)(6) below to make clear that phased development is permitted in PUD.

~~The planned unit development procedure permit and encourage innovative design in architecture and site planning and greater efficiency in design of public facilities by providing:~~

**Comment [JBC64]:** Worked idea of "permit and encourage innovative design and site planning" into purpose and intent section above. Remainder need not be specified because development and design standards so flexible in PUD.

~~(a) Variety in individual lot sizes;~~

~~(b) Variety in housing types within a planned unit development;~~

~~(c) Flexibility in location and use of open space;~~

**Comment [JBC65]:** Moved to end of standards section below...

~~(d) Economical density or intensity of land use while preserving natural topography;~~

~~(e) Unified architectural and landscape design with adjoining lands; and~~

~~(f) Integrated circulation system separating vehicular and pedestrian traffic.~~

**Comment [JBC66]:** Leaving most design and development standards very flexible in PUD, so this sort of specificity no longer necessary. Also, made clear that terrain management and mountainous and difficult terrain standards are variable to keep natural topography idea included. Further, master plan requirement of "Ingress and egress to public streets, existing and proposed vehicular, bicycle, pedestrian circulation systems including possible parking locations and access to public transit..."

(2) It is ~~the further intended~~ that PUD regulations in this section and throughout this chapter shall of this section to accomplish the purposes of land use public regulation to the same degree that as existing zoning regulations requirements do in cases where planning and development are not on a unified basis.

(B) Land Eligible

A PUD district may overlay any zoning district or any portion thereof, so long as consistent with existing plans for streets, utilities, parks, and other uses and structures.

(C) Rezoning Requirements

**Comment [CLG67]:** suggested language "Property is eligible for rezoning to PUD if the property is a minimum of two acres in size, provided all other requirements of this chapter are satisfied." removed per 6/19/09 PC Subcomm meeting

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(1) Any application for PUD rezoning shall be accompanied by a ~~master~~ preliminary development plan and other related documents reasonably necessary to determine compliance with this chapter as may be required by the Land Use Director.

Comment [CLG68]: per staff 12 08 2010

(2) At the time an application for PUD rezoning is filed, the applicant may submit a proposed final development plan and request that the requirement for a preliminary development plan be waived. The Planning Commission and Governing Body may approve or deny the request to waive the preliminary development plan as part of their review of the PUD rezoning application.

Comment [CLG69]: added per staff 12 08 2010

(DE) Uses Classification

Uses in the PUD Permitted principal and accessory uses and structures, special exceptions and prohibited uses and structures are the same as in the underlying existing zoning districts, which the planned unit development district overlays. The PUD classification shall be attached to the respective zoning district upon approval of the PUD by the Governing Body, and as so designated on the official zoning map.

Comment [JBC70]: Moved to 14-3.5...

(EG) Standards and Guidelines for Planned Unit Development

The development, design, and landscaping standards permitted in the PUD may vary from the development, design, and landscaping standards of the underlying district, provided that:

(1) The development, design, and landscaping standards permitted in the PUD may vary from the development, design, and landscaping standards of the underlying district, provided that:

Findings of fact are made that such variation:

(a) -meets the PUD purpose and intent set forth above by creating a unified development, superior to what would otherwise be attainable,

(b) is appropriate in relation to the overall development, and

(c) minimizes the impact on surrounding properties; and

(2) The following limitations are adhered to:

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The density of population and intensity of land use permitted by the underlying zoning district shall be the overall density and intensity in the PUD. So long as the overall PUD density and intensity remain unchanged, the density and intensity of different local sites within the PUD may vary;

**Comment [JBC71]:**  
Should we provide an example of exactly what this means? Greg... is there such an example?

~~Park land shall be dedicated as required by the underlying district. If land is not so dedicated, an impact fee shall be collected by the City as required by §14-8-14. Common open space may be used to meet these park dedication requirements;~~  
(2) and

**Comment [JBC72]:** Former section (H) below had §14-9.3(b) cited, but this section is repealed? Impact fees information now in §14-8.14.

~~The open space requirements of the underlying district shall be the overall open space requirements in the PUD. So long as the overall PUD open space remains unchanged and the open space configuration is integrated and connected, flexibility in location and use of open space is permitted.~~

**Comment [JBC73]:** Moved from former section (H) below altogether... Greg Smith concurred that the existing park dedication requirements of the underlying district should apply... Chris -- Do we even need to specify about the impact fee here or that common open space may be used to meet the park dedication requirements? Shouldn't this all be part of the park dedication and open space requirements of 14-8?

Examples of the development, design, and landscaping standards variable in the PUD include, but are not limited to: lot size, housing type, housing configuration, yards/setbacks, height, lot coverage, distance between buildings, terrain management, and mountainous and difficult terrain.

**Comment [CLG74]:** removed at staff request (GTS) because repetitious of 14-8.

Where no variation of a development, design, or landscaping standard has been approved, the development, design, or landscaping standard at issue shall be the same as in the underlying district.

**Comment [CLG75]:** removed at staff request (GS) because no policy to provide more protection than other standards

(1) ~~The location and design of the planned unit development shall be consistent with the comprehensive General Plan and with other plans for streets, utilities, parks, and other uses and structures.~~

**Comment [JBC76]:** Consistency with General Plan already required by 14-3.5 in all rezonings...

**Comment [JBC77]:** Moved to "land eligible" section...

(2) ~~It is intended that the location and design of the planned unit development ensure its compatible integration with development on adjoining properties and create an attractive, healthful and stable environment for living or working that is superior to the development attainable under existing zoning regulations.~~

**Comment [JBC78]:** Moved to purpose and intent section...

(3) ~~The density of population and intensity of land use permitted by the zoning districts overlaid by the planned unit development district shall be the basis for determining the overall density of population and intensity of land use in a planned unit development.~~

**Comment [JBC79]:** Moved to top of standards section...

(4) ~~The dedication of land for public use and the reservation of land for common use in a planned unit development shall be undertaken as follows:~~

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~~(a) — Either each phase of the development shall have its streets, parking areas, recreation open space, and the other public common use areas according to the phasing schedule of that plan; or~~

~~(b) — Public and common use areas for the ultimate development shall be dedicated in the initial phase of the development plan.~~

**Comment [JBC80]:**  
No different from dedication procedure in other phased districts...  
Should be moved to dedication regulations (14-8.15) or 14-3.8...  
Indicated accordingly...

~~(5) — Planned unit development shall be preserved in such ownership or control as to ensure the continued maintenance of private common use areas, such as open space, private drives, walks, parking areas, and other common facilities, by the devices of deed restrictions or covenants, homeowners' association or nonprofit institutions.~~

**Comment [JBC81]:** If appropriate to have in code, then should be somewhere it has broader applicability to planned developments – but where – open space/common space requirements 14-8.4? -- dedication section 14-8.15? -- a new section of 14-8 for planned developments?  
Indicated accordingly...

~~(6) — A planned unit development shall be defined as meeting all of the following requirements:~~

~~(a) — It shall be development of land under unified control, planned and scheduled to be developed as a whole;~~

~~(b) — It shall be in a single development operation or a planned series of development operations, including all lands and buildings;~~

**Comment [JBC82]:** This is the one prong of the "definition" of PUD provided here that is both definitional and contains useful information. Moved ability to develop in phases to purpose and intent section...

~~(c) — It shall be for integrated projects, planned as a whole, and including but not limited to dwellings and related facilities, traveler services, commercial centers, industrial parks and urban renewal projects;~~

**Comment [JBC83]:** Deleted. This attempt to list the types of projects suitable for a PUD is just confusing. Seems to inadvertently impose limits on types of projects allowed...

~~(d) — It shall be according to comprehensive and detailed plans, which include streets, utilities, lots or building sites, site plans, for all buildings as intended to be located, constructed, used and related to each other, detailed plans for other uses and improvements on the lands and other submittals as may be required by the Land Use Department; and~~

**Comment [JBC84]:** Barely definitional. More like plan content... All items already represented in 14-3.8 general dev. plan requirements...

~~(e) — It shall be according to a program to provide, operate and maintain such areas, facilities and improvements as will be for common use by some or all of the occupants of the development, but which will not be provided, operated or maintained at general public expense.~~

**Comment [JBC85]:** Should be moved to section detailing maintenance, etc. in planned developments...  
Indicated accordingly...

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~~(D) — Lands to Be Considered for Planned Unit Development Rezoning~~

~~A planned unit development proposal may be submitted for any zoning district, and, if approved, shall be designated PUD \_\_\_\_\_, with the zoning district abbreviation indicated in the blank. The planned unit development shall have the effect of overlaying the zoning district, maintaining the same uses, but substituting regulations based on a plan for unified development.~~

**Comment [JBC86]:** Moved to "land eligible" section above...

**Comment [JBC87]:** Indicated in 14-3.5...

**Comment [JBC88]:** Duplicative of "uses" section...

**Comment [JBC89]:** Moved to "standards" section...

~~(E) — Terrain Management Requirements~~

~~In PUD districts, terrain management plans, as required by §14-8.2, shall be submitted. Plans shall show compliance with terrain management standards.~~

**Comment [JBC90]:** Unnecessary... broad applicability of terrain management regulations clear in 14-8.2...

**Comment [JBC91]:** Conflicts DIRECTLY with purpose and intent section's claim of providing flexibility in open space, etc. Deleted.

Tried to combine underlying district requirements and flexibility in landscaping section above...

~~(F) — Minimum Open Space and Buffer Requirements~~

~~In PUD districts the minimum open space and buffer requirements shall be as per the underlying district.~~

**Comment [JBC92]:** This conflicts DIRECTLY with purpose and intent section's claim of providing "variety in individual lot size"!! Deleted  
New standards for lot size provided in subsection (4) above.

~~(G) — Minimum Lot Area~~

~~The minimum lot area for single family structures is as set forth for the underlying zoning.~~

**Comment [JBC93]:** The five acres per 1000 residents figure is different from the general park dedication requirements in 14-8.15, i.e. – three acres of neighborhood parks per 1000 residents, 12 acres of regional parks per 1000 residents...  
GSmith said there's no reason for the difference and that the existing park dedication requirements should apply...  
Altogether moved to "standards" section...

~~(H) — Park Dedication~~

~~In PUD districts, land shall be dedicated in the amount of five acres per 1,000 residents, or a fee in lieu of land shall be paid to the City as required by §14-9.3(B). Common open space may be used to meet the park dedication requirements as prescribed by the aforementioned sections. Land may be dedicated to the City or to the homeowners' association or it may be held and maintained by the owner of rental housing developments.~~

**Comment [JBC94]:** If this is appropriate to have in the code, makes more sense to have in the dedications section, maybe in a subsection about PRC, PRRC, and PUD? Indicated accordingly...  
Already in open space section 14-8.4(H)(1)(b)(v)...

~~(I) — Rezoning to Planned Unit Development (PUD) District~~

~~Rezoning to Planned Unit Developments shall follow the general rezoning procedure set forth in §14-3.5, as well as the specific provisions set forth in this section. In the case of any conflict, the provisions of this section control.~~

**Comment [JBC95]:** Moved to standards section above...

**Comment [JBC96]:** All of the procedure from this subsection (I) moved to 14-3.5 and/or 14-3.8...

**Comment [JBC97]:** Moved this idea to beginning of 14-5 because applies to all overlay rezonings...

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~~(1) Materials to Be Submitted with Preliminary Application~~

~~Any application for rezoning to a PUD shall be accompanied by an application, preliminary development plan, and other supporting materials as specified in the user's guide, and also any other information as requested by the Planning Commission.~~

**Comment [JBC98]:** No such thing...

**Comment [JBC99]:** Made clear in rezoning requirements section above that rezoning to PUD requires master plan and any other materials LU Director requests...  
But idea that PC can request additional information at this point is new... noted as much in 14-3.5...

~~(2) Processing Preliminary Applications~~

~~(a) When a preliminary application has been filed, the Planning Commission shall review it for compliance with the requirements of this chapter, including the subdivision regulations and shall make a finding as to whether the proposed change is in accordance with the objectives of the City's General Plan. In the course of such review, the Planning Commission may suggest changes in the preliminary plan as a condition of Planning Commission approval.~~

~~(b) The Planning Commission shall then transmit the application and the preliminary plan to the Governing Body, together with a recommendation as to approval, disapproval, desirable changes and special conditions and safeguards, which recommendations may include suggested time limits within which all construction or specified stages of construction, or both, shall be started or completed.~~

~~(3) Procedure for Preliminary Development Plan~~

~~(a) After the Governing Body has approved preliminary plans with such change and conditions and safeguards as the Governing Body may have included in the amendment, the official zoning map shall be amended to designate as a " \_\_\_\_\_ PUD district" (with the existing zone district abbreviation indicated in the blank) the tract covered by the preliminary development plan.~~

**Comment [JBC100]:** Moved to 14-3.5...

~~(b) The preliminary development plan shall indicate all fee simple lots. Where fee simple lots are indicated, the preliminary development plan shall also be considered the preliminary subdivision plat with all required submittals.~~

**Comment [JBC101]:** Eliminating prelim. dev. plans and prelim. subdiv. plans generally... Also, showing all fee simple lots is a subdivision plat requirement. Likely listed here because goes on to say that prelim. dev. plan shall also be considered prelim. subdiv. plat. 14-3.8 already makes clear that dev. plans and subdiv. plats are interchangeable, so long as they meet all the requirements of the other...

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~(4) — Procedures for Review of Final Development Plan and Deviations~~

~~(a) — The applicant shall prepare a final development plan to be followed in construction operations, and submit it to the Planning Commission for approval, together with final drafts of all agreements, contracts, deed restrictions and other legal instruments pertinent to the implementation of the development plan. The final development plan may be submitted separately for the first and each successive stage of development.~~

**Comment [JBC102]:** Already in 14-3.8...

**Comment [JBC103]:** This language should be somewhere that gives it broader applicability... Similar provision in 14-7.2 – note 11? 14-7.1(B)(1)(e)... Indicated accordingly...

~~(b) — The final development plan, or successive phases thereof, shall be approved by the Planning Commission. It becomes the final subdivision plat, shall meet all the requirements of the final subdivision plat as specified in the City's land subdivision regulations, and shall be the basis for issuance of zoning and building permits and for acceptance of public dedications. The signed original of the final development plan shall be filed with the Public Works Department.~~

**Comment [JBC104]:** Already in 14-3.8...

~~(c) — The final development plan shall show with appropriate dimensions the location and size of buildings including building setbacks from lot lines or adjoining streets.~~

**Comment [JBC106]:** Already default dev. plan req. in 14-3.8...

~~(d) — When application for building permits is made, minor deviations from the approved final development plan, in siting, orientation and size of buildings, may be approved by the Land Use Department at their discretion provided that:~~

~~(i) — All conditions of PUD approval have been met;~~

~~(ii) — The developer submits, with the building permit application, an "as built" final development plan which accurately shows the location, dimensions and orientation of all existing structures, including those for which permits have been or are being requested. This "as built" final development plan shall be completed for each approved stage of development. Partial plats or drawings showing less than an approved stage of the final development plan will not be accepted; and~~

~~(iii) — No reduction in approved building setbacks shall be approved administratively, but shall be considered a major deviation as set forth below.~~

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~(e) — Any major deviations from the approved final development plan, including reduction in building setbacks, shall be approved by the Planning Commission at a public hearing. The property of the applicant shall be posted as set forth in §14-3.1(H)(1)(a)(ii). In addition, the applicant shall notify adjacent property owners as set forth in §14-3.1(H)(2). However, changes increasing the density or intensity of building on the development plan shall be considered to be a rezoning. In this case, the procedures set forth in paragraphs (1)(1) through (4) of this section shall apply.~~

**Comment [JBC107]:** Moved to dev. plan revision authority section of 14-3.8... may have applicability beyond PUD dev. plans?

~~(5) — Time Limits and Standards on Rescission of PUD Zoning and Development Plans~~

**Comment [JBC108]:** GSmith comment to standardize various expiration provisions. So deleting from here and expanding on dev. and master plan expiration provisions in 14-3.8 and rezoning expirations in 14-3.5... considering creating new expiration section altogether at end of 14-3... 14-3.18?... since applies to dev. plans, master plans, variances, conditional uses, and minor approvals...

~~(a) — All development zoned PUD shall be reviewed by staff after a period of 12 months to determine if any substantial and continuing construction has occurred at the development. If no substantial and continuing construction has occurred, then the Planning Commission and the Governing Body, upon the recommendation of the Planning Commission, may grant one extension of time not to exceed 12 months. In order for this extension to occur, the applicant must have made application prior to the end of the 12-month period.~~

**Comment [JBC109]:** 14-3.8 dev. plan rescission section already exists (with some differences which will now apply to PUD's as well, e.g. -- staff to review every 24 months for substantial and continuing construction, if not then plan expires, PC or LU Director may extend for 18 months, application for extension required 90 days before expiration date...) May still be subject to change...

~~(b) — After the first 12-month extension period is complete, staff shall again review the project. If no substantial and continuing construction has yet occurred, then the Planning Commission may recommend to the Governing Body whether the zoning and development plans shall be rescinded or whether the development plan only shall be rescinded.~~

**Comment [JBC110]:** Incorporated into 14-3.8 dev. plan rescission section.

1

~~(c) — In deciding that the zoning and the development plan shall be rescinded, the committee shall determine that the PUD zoning does not comply with the General Plan, or the PUD zoning does not meet the criteria of §14-3.5(C). Procedures for the rescission of the zoning shall be the same as those set forth in §14-3.5, except that City staff shall carry out the procedures.~~

**Comment [JBC111]:** GSmith comment: should be 14-3.5(D). Noted as much in 14-3.5...

~~(d) — In deciding that the development plan only should be rescinded, the committee shall determine that:~~

**Comment [JBC112]:** Procedure for rescinding rezoning approval has greater applicability than just to PUD. Moved to 14-3.5 rezoning procedure section...

~~(i) — City zoning ordinances have changed since the approval for the development plan, making it nonconforming;~~

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~~(ii) Market or neighborhood conditions have changed, making the plan inappropriate; or~~

~~(iii) There is no sign that the development plan will be implemented or that substantial and continuing progress will be made on the project within the next 12 months.~~

~~(e) The Planning Commission may rescind the development plan, following the procedures for adoption of a development plan set forth in §14-3.8.~~

**Comment [JBC113]:** Moving to 14-3.8 section on expiration/rescission of dev. plans...

~~(f) Paragraphs (a) through (e) above apply to PUD rezonings prior to December 31, 1992. PUD rezonings completed after December 31, 1992 shall be reviewed as per §14-3.5.~~

~~(g) Variances from Underlying Zoning~~

**Comment [JBC114]:** Clarion -- need to clarify when PUDs can depart from general standards. Clarified in standards section above and in 14-3.8. Standards left deliberately flexible in PUD. Where no variation requested and approved at either master plan or development plan stage, standards of underlying district apply and cannot be exceeded without variance....

For all projects in PUD districts, any variances from the underlying zoning shall be set forth as a condition of the rezoning and written as a note on the development plan.

#### 14-5.8 RESIDENTIAL SUITE HOTEL/MOTEL OVERLAY DISTRICT

**Comment [CLG115]:** added back in after PC subcommittee reviewed 12 08 2010

    (A) Purpose and Intent

It is the intent of the RS residential suite hotel/motel overlay district to provide a means whereby a residential suite hotel or motel can be approved for development in an SC-1 or SC-2 zone and to provide criteria for development of such residential suite hotels and motels in conjunction with the planned shopping centers in SC-1 and SC-2 districts.

    (B) Applicability

~~An RS district may be established only on property located within either an SC-1 or SC-2 district.~~

**Comment [JBC116]:** This will be evident in 14-6 use table...

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)  
Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(C)—Permitted Principal Uses and Structures

(1)—Property in an RS district shall be used for a residential suite hotel or motel or for any other use permitted in the SC zoning applicable to the property. ~~However, under no circumstances shall an eating or drinking establishment be part of a residential suite hotel or motel.~~

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**Comment [JBC117]:**  
Moved to 14-6.2...

~~(2) No special exceptions or accessory uses shall be allowed except those authorized in the SC district applicable to the property. Except as otherwise provided herein, property which is included in an approved RS overlay district shall comply with all requirements of the SC districts.~~

**Comment [JBC118]:** Moved to 14-6.2...

(C) Development Standards

The following development standards shall apply to all uses and structures in an RS district unless more stringent requirements are imposed by the applicable SC zoning, in which case the more restrictive requirements shall apply:

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(1)—

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(1)— ~~Maximum lot coverage shall not exceed 40 percent.~~

**Comment [JBC119]:** Moved to 14-6.2...

(12) All buildings shall be set back no less than 30 feet from any adjoining residential district.

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(23) The minimum open space requirement in RS districts is 25 percent of the total lot area. ~~Open space shall meet the requirements of 5 14-8.4(H).~~

**Comment [JBC120]:** Duplicative if all standards of underlying district apply... 14-8.4 is already clear that the landscaping standards apply broadly, e.g. -- to all applications for development plan approval...

(4)— ~~The number of hotel or motel residential suite units shall not exceed 29 per acre.~~

**Comment [JBC121]:** Moved to 14-6.2... "no more than 29 guest rooms per acre..."

(5)— ~~The maximum size of the land in an RS district, including all structures, circulation, parking and open space in the RS district, shall not exceed 49 percent of the entire SC district, and not less than five acres of land shall be used for permitted uses of the SC district other than a residential suite hotel or motel.~~

**Comment [JBC122]:** Moved first half of provision to 14-6.2, but not second half which doesn't make sense if RS is no longer a separate district...

(36) Maximum height of all structures in an RS district shall be 35 feet unless otherwise restricted by this chapter.

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)  
Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(D)E Any land which is zoned SC-1 and SC-2 shall be eligible for supplemental zoning designation as an RS overlay district through a rezoning action on a case by case basis pursuant to the procedures set forth in §14-3.5. Application for RS overlay district shall be accompanied by a development plan. ~~The development plan shall be in compliance with this section in addition to meeting applicable SC standards. No building permit shall be issued for any structure not in conformity with the approved development plan. Nothing herein shall be construed to prevent a joint application for SC and RS zonings.~~

- Comment [JBC123]:** Unnecessary and duplicative...
- Comment [JBC124]:** Duplicative of 14-3.10(A)(2)...
- Comment [JBC125]:** Unnecessary if making conditional use...

#### 14-5.9 **ER** ECOLOGICAL RESOURCE PROTECTION OVERLAY DISTRICT

\_\_\_\_\_(A) Purpose and Intent

\_\_\_\_\_

\_\_\_\_—The ecological resource protection overlay district is established in order to:

\_\_\_\_\_

~~(1)~~ (1) Protect the ecological resources of the City of Santa Fe;

\_\_\_\_\_

(2) Provide trail access to city-owned open spaces for the enjoyment and recreation of all Santa Fe citizens;

\_\_\_\_\_

(3) Ensure, maintain and enhance water quality and quantity into the future by protecting groundwater recharge rates;

\_\_\_\_\_ (4) Protect the quantity and contiguity of wildlife habitat;

\_\_\_\_\_ (5) Ensure protection from noise pollution caused by high speed, limited access highways and other land use operations; and

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~~(6) — Ensure compliance with federal regulations including the Clean Water Act and the Endangered Species Act.~~

**Comment [JBC126]:** Compliance with fed regs is always required. Doesn't have to be mentioned in code...

(B) Land Eligible ~~Boundaries~~

— Land eligible for rezoning to ER this overlay district include:

(1) The areas shown on the General Plan Future Land Use Map designated as "Open Space;"

(2) Areas within one percent chance event floodplain;

(3) Other important natural drainage areas and wildlife habitat;

~~(4) — Critical "Required" setbacks in the Metro Area Highway Plan (City Resolution #2000-44) adopted Highway Corridor Plan based on noise study determining the 65 Leq dBA noise contour projected for the year 2020; and~~

**Comment [CLG127]:** deleted 12 08 2010 Not an ordinance, and MAHP resolution does not restrict uses as much as in (C) in any case

~~(5)~~(4) Other areas identified by a resolution of the Governing Body as meeting the purpose and intent of this section.

(C) Functions and Activities ~~Uses~~

The permitted functions and activities principal and accessory uses in the ER district are those consistent with the following:

**Comment [JBC128]:** Changed from "Uses" to "Functions and Activities" because not really "uses" as the term is used in CH14, i.e. – the enumerated items are not reflected anywhere in 14-6.1 use table.

(1) Development of hike/bike/equestrian trails and limited, passive recreation activities;

**Comment [CLG129]:** changed back at staff (GTS) request

(2) Ecological resource restoration, as defined in §14-12, designed to increase the natural and beneficial function of the affected area including increasing wildlife habitat area, increasing the contiguity of wildlife habitat, increasing the variety and number of native plant species, increasing aquifer recharge rate, controlling erosion, flood management, or increasing water quality;

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(3) Crossings required to meet community transportation goals, especially where the intent is to provide safety in terms of Fire and Police Department access. Such crossings shall be designed to have the minimum impact on the ecological resource;

(4) City of Santa Fe park maintenance facilities and activities; and

(5) Other public uses that are deemed necessary by the Planning Commission to provide for the health, safety and welfare of the community.

Applicability of Standards

~~Development in existence at the time of rezoning to this district is exempt from these regulations.~~

(D) Standards

~~(1) Development, including earth moving activities, shall meet all relevant other code requirements; and shall be limited to: and~~

(2) Development in existence at the time of rezoning to ER is exempt from these regulations.

~~(1) Development of hike/bike/equestrian trails and limited, passive recreation activities;~~

~~(2) Ecological resource restoration, as defined in §14-12, designed to increase the natural and beneficial function of the affected area including increasing wildlife habitat area, increasing the contiguity of wildlife habitat, increasing the variety and number of native plant species, increasing aquifer recharge rate, controlling erosion, flood management, or increasing water quality;~~

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(3) ~~— Crossings required to meet community transportation goals, especially where the intent is to provide safety in terms of Fire and Police Department access. Such crossings shall be designed to have the minimum impact on the ecological resource;~~

(4) ~~— City of Santa Fe park maintenance facilities and activities; and~~

(5) ~~— Other public uses that are deemed necessary by the Planning Commission to provide for the health, safety and welfare of the community.~~

~~\*Editor's Note: Exhibit "H", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC130]:** This map (Mountainous or Difficult Terrain) ISN'T referred to herein...? And is now Exhibit G! Needs to be referenced and incorporated somewhere...

~~\*Editor's Note: Exhibit "D", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC131]:** Included as footnote at appropriate point in text...Historic Districts map now Exhibit C!

~~\*Editor's Note: The map referred to herein may be found in the Appendix at the end of this chapter as Exhibit E.~~

**Comment [JBC132]:** This map (HDRB Authority Re: Structure Heights) ISN'T referred to herein...? And is now Exhibit D! Needs to be referenced and incorporated somewhere...

~~\*Editor's Note: Exhibit "F", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC133]:** Included as footnote at appropriate point in text... Archaeological Districts map now Exhibit E!

~~\*Editor's Note: Exhibit "G", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC134]:** Included as footnote at appropriate point in text... SCHC map now Exhibit F!