

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2016-39

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE "MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT" (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING SECTIONS TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; RELATING TO THE HOUSING CODE, CHAPTER 26 SFCC 1987, AMENDING SUBSECTION 26-3.6 DEDICATION; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

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

3 **Section 1. A new Subsection 14-5.5(D) SFCC 1987 is ordained to read:**

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

5 **(1) Purpose and Intent**

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

- 8 (a) Strengthen and animate the built environment and the business and
9 population links within the demographic and geographic center of
10 the city between the existing employment centers of the Santa Fe
11 University of Art and Design and surrounding uses to the west and
12 the Christus St. Vincent Regional Medical Center and related
13 medical uses to the east;
- 14 (b) Incentivize multi-family residential development, complementary
15 non-residential uses, and an enlivened, street-oriented pedestrian
16 environment by freeing development capacity of existing under-
17 developed land and buildings for these targeted uses, while allowing
18 existing uses to continue as redevelopment occurs;
- 19 (c) Allow for innovative development and redevelopment of the district
20 while providing buffering between the district and existing
21 residential development outside of the district by the application of
22 amended land development regulations and fees and by establishing
23 conditions precedent for future infrastructure enhancements and the
24 application of other redevelopment and financing tools;
- 25 (d) Promote a more healthy, safe, and enjoyable environment within the

1 city's midtown area through the enhancement of pedestrian and
2 bicycle accessibility and safety, landscaping and other street-related
3 amenities and the eventual reduction of traffic speeds and provision
4 of on-street parking, bicycle lanes, and improved crosswalks; and

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

9 **(2) Boundaries**

10 The Midtown LINC Overlay District includes land in the vicinity of
11 the St. Michael's Drive *right-of-way* from the eastern edge of the
12 Cerrillos Road *right-of-way* to the western edge of the St. Francis
13 Drive *right-of-way*, and additional land in the vicinity of the campus of
14 the Santa Fe University of Art and Design as shown on the Midtown
15 LINC Overlay District Map.

16 ***Editor's Note: The Midtown LINC Overlay District Map can be found as Exhibit E,
17 Appendix A of the Land Development Code.**

18 **(3) Applicability**

- 19 (a) The provisions of this Subsection 14-5.5(D) apply to all land within the
20 boundaries of the Midtown LINC Overlay District.
21 (b) New *development* shall comply with the provisions of this Subsection.
22 (c) *Alterations* to existing *structures* shall comply with the provisions of
23 this Subsection to the extent practical or feasible as determined by the
24 *land use director*.

25 **(4) Permitted Uses; Qualifying Projects**

(a) Permitted and Prohibited Uses

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

Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses

Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses (See Note 1)			
ADDITIONAL USES		PROHIBITED USES	
CATEGORY	Specific Use	CATEGORY	Specific Use
RESIDENTIAL	Dwellings, Multiple-family	RESIDENTIAL	Mobile homes; Mobile home parks
		COMMERCIAL	Sexually Oriented Businesses
			Vehicles and Equipment ⁽²⁾
			Outdoor Storage
			Storage ⁽³⁾
			Industrial ⁽⁴⁾
			Warehouse & Freight Movement
NOTES: 1. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts. See Table 14-6.1-1 for a complete listing of use categories and permitted uses per underlying zoning district. See Table 14-5.5-4 for additional uses permitted if associated with a <i>qualifying project</i> . 2. Parking lots and garages are permitted as <i>accessory</i> uses when associated with a <i>qualifying project</i> . 3. Individual storage areas enclosed within a building and that are part of a <i>qualifying residential project</i> are permitted. 4. Research, experimental and testing laboratories are permitted.			

(b) Qualifying Projects

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

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

- 1 (ii) *Qualifying residential project* means a new *development*
2 that: (a) is composed solely of new *multiple-family*
3 *dwelling*s, or (b) results in a *development* that is a mix of
4 primarily new *multiple-family dwelling*s and any lesser
5 amount and combination of the eligible non-residential uses
6 listed in Table 14-5.5-3 as measured by *gross floor area*.
- 7 (iii) *Qualifying non-residential project* means a new *development*
8 that is composed of a new *building* or *buildings*, or of
9 *alterations* to an existing *building* or *buildings*, for the
10 eligible uses identified in Table 14-5.5-3.
- 11 (iv) *Development* projects not meeting the definitions of this
12 Subsection 14-5.5(D)(4)(b) are permitted as provided in
13 Subsection 14-5.5(D) but are not *qualifying projects*.
- 14 (v) The *land use director* may adopt submittal requirements and
15 review policies in accordance with Subsection 14-2.11(B) as
16 necessary to verify that *qualifying projects* meet the
17 requirements of this Subsection 14-5.5(D).

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

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

USE CATEGORIES (See Note 1)	For Inclusion in <i>Qualifying Residential Projects</i>	As <i>Qualifying Non-Residential Projects</i>
Pre-Schools, Daycare for Infants & Children (All)	X	X
Educational (All; including Libraries)	X	X
Community Centers & Institutions (All)	X	X
Parks and Open Space (All) ⁽²⁾	X	X
Arts Activities (All)	X	X
Assembly	X	
Food and Beverage (All) ⁽³⁾	X	X
Medical (All)	X	X
Public Transportation	X	
Recreation and Entertainment (All)	X	X
Retail Sales and Services (All)	X	X ⁽⁸⁾
Service Establishments (All)	X	X
Storage ⁽⁴⁾	X	
Vehicles and Equipment ⁽⁵⁾	X	
Industrial ⁽⁶⁾	X	X
Manufacturing and Production ⁽⁷⁾	X	X

NOTES:

1. Eligible uses listed in this table are permitted uses when part of a *qualifying project*. 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 *qualifying residential project*.
5. Only parking lots and garages that are intended to serve the associated *qualifying project*.
6. Research, experimental and testing laboratories only.
7. Light assembly and manufacturing (including "maker" spaces) only.
8. Neighborhood grocery stores and laundromats only.

(5) General Standards

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

(b) The *land use director* may permit alternate means of compliance

1 with the provisions of this Subsection as provided in Subsection 14-
2 2.11(C).

3 (c) In the event of conflicts between the requirements of this Subsection
4 14-5.5(D) and the requirements of underlying zoning districts,
5 platted *building setbacks* or existing easements, the requirements of
6 this Subsection shall apply.

7 **(6) Building Envelope Standards and Measurements**

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1 **Table 14-5.5-4: Midtown LINC Overlay District - Table of Dimensional Standards**

2 **Table 14-5.5-4: Table of Dimensional Standards for the Midtown LINC Overlay District**

3 DEVELOPMENT TYPE	4 Max. Gross Density (Dwelling units/Acre)	5 Min. Lot Size	6 Max. Height of Structures (Feet)⁽¹⁾	7 Yard Requirements (Feet)	8 Max. Lot Coverage (%)	9 Min. Required Open Space
10 Qualifying Residential Projects (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⁾	None	Same as C-2 District (See §14-7.5(D))
11 All Other Development	Same as C-2 District	Same as C-2 District	Per Underlying District Standards; Santa Fe University of Art and Design Campus (SFUAD): 62	Per Underlying District Standards except as noted below <u>Maximum</u> Street: 5 ^(3,5)	Per Underlying District Standards	Per Underlying District Standards

12 **NOTES:**

- 13 1. Elevator “over-runs” and renewable energy generating equipment less than ten (10) feet high (such as solar photovoltaic panels and wind turbines) mounted on *buildings* shall not be included in the calculated height of a *building*.
- 14 2. Maximum height of structures fifty (52) feet, except where any portion of a structure associated with a *qualifying residential project* will be located within one hundred fifty (150) feet of an existing *residential development* located outside of the Midtown LINC Overlay District, in which case the maximum height of a structure associated with a *qualifying residential project* within the above limits shall be thirty-eight (38) feet, or, where a structure is also located within the South Central Highway Corridor Protection District (SCHC), in which case the maximum height of a structure shall conform to the requirements of the SCHC district, Subsection 14-5.5(A).
- 15 3. Except that 4th stories along *street-frontage façades* shall be set back a minimum of ten (10) feet from the story below.
- 16 4. *Rear yard* ten (10) feet, except at the rear of a *lot* abutting an existing *residential development*, in which case there shall be a *required rear yard* of not less than twenty-five (25) feet.
- 17 5. Maximum *Street yard* five (5) feet, except that: (a) up to thirty (30) percent of a *street-frontage façade* may be set back greater than 5 feet for entryways and integral courtyards, or to accommodate other aspects of a *building’s* design, and (b) *street-frontage façades* may be set back greater than five (5) feet in locations where existing utility easements prevent compliance with this requirement.

18 **(7) Site Design, Circulation and Parking**

- 19 (a) *New buildings* or additions to existing *buildings* shall be oriented so
- 20 that their primary *façades* face St. Michael’s Drive, Cerrillos Road,

1 or other *street frontages* as applicable.

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

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

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

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

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

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

1 (h) Loading docks shall be located at the side or rear of *buildings* and
2 shall be fully screened so that the loading dock is not visible from St.
3 Michael's Drive or Cerrillos Road as applicable. The *screening* shall
4 be integrated with the *building* architecture, materials and
5 construction.

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

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

17 (k) The amount of off-street bicycle parking required by Subsection 14-
18 8.6(E) shall be increased by twenty-five (25) percent.

19 (8) **Architecture**

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

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

- 1 (b) The primary entrance to any new *building* on a *lot* abutting St.
2 Michael's Drive or Cerrillos Road shall be visible from St. Michael's
3 Drive or Cerrillos Road as applicable.
- 4 (c) *Building walls* along *street frontages* shall not extend more than
5 twenty feet, measured horizontally, without openings. Doors,
6 windows or display windows shall be considered openings.
- 7 (d) Doors intended for vehicular access to *buildings* on *lots* abutting St.
8 Michael's Drive or Cerrillos Road shall not face St. Michael's Drive
9 or Cerrillos Road as applicable.
- 10 (e) Except as noted in this Subsection, rooftop equipment shall be fully
11 screened so that the equipment is not visible from the adjacent public
12 *rights-of-way*. *Screening* shall be integrated with the associated
13 *building's* architecture, materials and construction. *Screening* of
14 renewable energy generating equipment (such as solar photovoltaic
15 panels and wind turbines) mounted on *buildings* is not required;
16 however such equipment shall be incorporated into the architectural
17 design of a *building* to the extent possible.

18 (9) **Landscaping Standards**

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

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

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- (b) *Qualifying residential projects* shall provide a minimum five (5) foot wide landscaped area around the base of exterior *building walls*.
- (c) *Street trees* shall be planted at a maximum spacing of thirty (30) feet on-center along the *street frontages* of *development* sites on St. Michael's Drive or Cerrillos Road as applicable. Existing *street trees* within the above areas may be counted toward this requirement. *Street trees* shall have a minimum four (4) inch *caliper* at time of planting and shall have a minimum mature height of twenty-five (25) feet. The required spacing of *street trees* may be adjusted to allow for the clustering of trees as part of a *development's* landscape design as determined by the *land use director*. The location and minimum mature height of *street trees* may be adjusted where conflicts exist with overhead or underground utility lines, *wall-* or *building-* mounted signage, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.
- (d) A minimum of thirty (30) percent of required plant material shall be evergreen.
- (e) Areas of the *parkway* that are located along the *street frontages* of *development* sites, and that are not developed with sidewalks as required by Subsection 14-5.5(D)(7)(c), shall be *landscaped* as part of the required *landscaping* of a *development*.
- (f) *Qualifying non-residential projects* and other non-residential *development* adjacent to existing *residential development* located outside of the Midtown LINC Overlay District shall provide a continuous *landscaped* buffer strip of not less than fifteen (15) feet

1 where abutting the existing *residential development*. Plant material
2 in the *landscaped* buffer strip shall conform to the requirements for
3 open space provided in Subsection 14-8.4(H).

4 **(10) Signage**

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

- 7 (a) Pole-mounted *signs* are prohibited.
- 8 (b) Monument *signs* shall not exceed four feet in height.
- 9 (c) *Signs* shall be setback a minimum of fifteen (15) feet from any
10 public *right of way* unless *wall-* or *building-mounted signs* or
11 *directional signs*.
- 12 (d) *Wall-* or *building-mounted signs* shall not extend above the roofline
13 or parapet.
- 14 (e) Roof-mounted *signs* are prohibited.
- 15 (f) The provisions of Subsection 14-8.10(B)(4), Maximum Number of
16 Colors and Lettering Styles, do not apply within the Midtown LINC
17 Overlay District.
- 18 (g) The provisions of Subsection 14-8.10(B)(5)(d) do not apply to *signs*
19 mounted on the *building walls* of *qualifying projects* within the
20 Midtown LINC Overlay District.
- 21 (h) *Wall signs* associated with a *qualifying project* within the Midtown
22 LINC Overlay District and whose *sign* faces are mounted
23 perpendicular to a *building wall* may extend up to five (5) feet from
24 the *wall*, including *signs* that project over a front property line,
25 providing that such a *sign* shall not impede or endanger pedestrian or

1 vehicular traffic.

2 **(11) Site Furnishings**

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

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

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

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

15 **(12) Outdoor Lighting**

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

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

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

25 **(13) Additional Requirements for *Qualifying Projects***

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

3 (a) *Qualifying projects* shall utilize a detailed alternative development
4 water budget (“Option B” water budget) in accordance with
5 Subsection 14-8.13(B)(2)(b) and applicable adopted administrative
6 procedures.

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

10 (i) waterless urinals;

11 (ii) dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons
12 or less per flush);

13 (iii) EPA WaterSense[®] certified showerheads (or equivalent
14 fixtures rated at 2.0 gallons per minute or less);

15 (iv) ENERGY STAR[®] compliant clothes washers;

16 (v) *active water harvesting* systems.

17 (c) The *land use director* shall not issue a construction *permit* for a
18 *qualifying project* until a restrictive covenant is recorded by the
19 owner of the *development* at the office of the county clerk that
20 requires that the *development* will contain no uses that do not meet
21 the requirements for a *qualifying project* for a period of at least ten
22 (10) years from the completion of the project’s construction. The
23 covenant shall be in a form approved by the *land use director* and the
24 city attorney and shall be notarized prior to recordation. The
25 covenant shall be considered part of a *development* plan approved

1 *qualifying projects* in accordance with Article 22-6.6, Exhibit A,
2 Section 7.

3 (f) Water Utility Expansion Charge (UEC)

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

7 (15) **Review**

8 This Subsection 14-5.5(D) shall be reviewed by the governing body three (3)
9 years after the date of its adoption.

10 **Section 2. Subsection 14-3.8(B) SFCC 1987 (being Ord. #2013-16, §11) is amended**

11 **to read:**

12 (B) **Applicability**

13 (1) Early neighborhood notification and notice and conduct of public hearings
14 are required pursuant to the general provisions of Sections 14-3.1(F), (H) and
15 (I).

16 (2) A *development* plan is required in conjunction with *rezoning applications* in
17 certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5
18 (Overlay Zoning Districts).

19 (3) Approval of a *development* plan by the planning commission is required prior
20 to new *development* that meets any of the following criteria:

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

23 (b) *gross floor area* of ten thousand square feet or more in a *residential*
24 district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS,
25 SC or MU district and is within two hundred (200) feet, including

1 public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9,
2 RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH
3 districts;

4 (c) *flea market* with fifteen or more vendors; or

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

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

14 (5) This section applies where the cumulative square footage of multiple *permits*
15 meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of
16 those subsections when the *permits* are for coordinated *development* of a
17 *project* comprising multiple *buildings* or outdoor uses, including phased
18 *projects* and *projects* involving *development* of adjoining commonly owned
19 *parcels*.

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

1 than ten thousand (10,000) square feet, including *accessory buildings*.

2 (7) No additional *development* plan review is required if the new or changed use
3 or *development* described in Subsections (B)(2) and (3) was part of a
4 *development* plan approved as part of a rezoning or other action before the
5 *governing body* or the planning commission, and for which an early
6 neighborhood notification meeting occurred as set forth in Section 14-3.1(F).

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

10 (9) This section does not apply to the construction of *qualifying projects* within
11 the Midtown LINC Overlay District with the exception that

12 (a) approval of a *development plan* by the *land use director* is required
13 prior to, or concurrent with, the issuance of a construction *permit* for
14 a *qualifying project* consisting of new *building* square footage
15 totaling more than ten thousand (10,000) square feet; and

16 (b) early neighborhood notification is required pursuant to Subsection
17 14-3(F) SFCC 1987 prior to the issuance of a construction permit for
18 a *qualifying project* consisting of new *building* square footage
19 totaling more than thirty thousand (30,000) square feet.

20 **Section 3. Table 14-6.1-1 SFCC 1987 (being Ord. #2013-16, §29) is amended to**
21 **amend the following footnote in the Table of Permitted Uses:**

22 * Special use permit required if located within 200 feet of *residentially-zoned property* unless
23 a *qualifying project* located within the Midtown LINC Overlay District; otherwise permitted.

24 **Section 4. Subsection 14-6.2(A)(7) SFCC 1987 (being Ord. #2016-20) is amended**
25 **to read:**

1 (7) Dwelling Units in Specified Commercial Districts

2 In the C-2 and SC Districts, *dwelling units* do not include *mobile homes* or
3 *recreational vehicles* and shall be either:

- 4 (a) *accessory dwelling units* for occupancy only by *owners, employees*
5 or tenants of *nonresidential* uses that are operated on the same
6 *premises*;
- 7 (b) part of a planned *development*; or
- 8 (c) part of a use for which a *development plan* or special use *permit* is
9 required~~[-];~~ or
- 10 (d) part of a *qualifying residential project* within the Midtown LINC
11 Overlay District.

12 **Section 5. Subsection 14-8.6(B)(4) SFCC 1987 (being Ord. #2011-37, as amended)**

13 **is amended to read:**

14 (4) Combined Uses; Shared Parking

- 15 (a) Combined uses on the same *premises* shall provide the combined
16 total number of spaces required for each use separately, unless a
17 shared parking plan is approved.
- 18 (b) Uses on *premises* comprising more than one *legal lot of record* may
19 provide shared parking in accordance with an approved shared
20 parking plan.
- 21 (c) Parking required for uses located on adjoining *lots* in RAC, C, BCD,
22 BIP, MU, SC or I districts, ~~[or]~~ for institutional uses located on
23 adjoining *lots* in *residential* districts, or for a *qualifying project*
24 within the Midtown LINC Overlay District, may be provided on a
25 joint basis. Within the joint parking areas, the spaces required for

1 each of the participating uses shall be marked on the parking plan
2 and maintained as allocated to the individual use, unless a shared
3 parking plan is approved. (Ord. No. 2013-16 § 50)

4 (d) Cumulative parking space requirements for *mixed-use* occupancies
5 or adjoining *mixed uses* may be reduced if the *applicant*
6 demonstrates that the peak requirements of the several occupancies
7 occur at different times, such as mid-day for office uses and evening
8 for *residential* uses, as supported by a parking demand study.

9 (e) Reduction in the total number of spaces required by the addition of
10 all uses in the BCD or as specified in Subsection 14-8.6(A) may be
11 approved by a *land use board* pursuant to a special use *permit* or
12 *development* plan if the reduction is supported by a parking demand
13 study.

14 (f) Reduction in the total number of spaces required by this Section 14-
15 8.6 for *qualifying projects* within the Midtown LINC Overlay
16 District shall be approved by the *land use director* pursuant to
17 Subsection 14-3.8(B)(9) if the reduction is supported by a parking
18 demand study prepared by the *qualifying project* applicant. In
19 addition to the shared parking provisions of this Subsection, the total
20 number of spaces required as determined by a shared parking plan or
21 parking demand study may be reduced by the number of on-street
22 parking spaces present in the Midtown LINC Overlay District
23 adjacent to a *qualifying project*.

24 **Section 6. Table 14-8.7-2 SFCC 1987 (being Ord. #2011-37 § 10) is amended to**
25 **read:**

Table 14-8.7-2: Architectural Design Standards and Point Allocations

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations (See Note 1)		
Architectural Design Standards		Points¹
WALLS		
Predominant Exterior Surface Material	Stucco, adobe	30
	Brick, natural stone, and integrally colored unit masonry	25; 30*
	Concrete and non-integrally colored unit masonry	20; 30*
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10; 30*
	Mirrored glass curtainwall systems	-10
Color of Predominant Exterior Surface Material	Earhtones, creams, and pastels of earhtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30
	Pastel colors of non-earhtone hues, whites, grays, and grayish greens	15; 30*
	High-intensity colors	-10; 10*
	Metallic colors, glass and black	-10
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10

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ROOFS		
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10
Predominant Material	(A) All surfaces are concealed from public view	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15
	(C) Flat tiles of clay, concrete or slate	10
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10
Predominant Color	(A) All surfaces are concealed from public view	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10
	(C) Low-intensity colors other than those stated above	5
	(D) White	0
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-15

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BUILDING FORM		
Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story setbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0
DOORS AND WINDOWS		
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0; 20*
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0; 20*
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20
Glazing	(A) All glazing is clear or tinted neutral gray	10
	(B) Any use of colored glazing	0; 10*
	(C) Any use of mirrored glazing	-10

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EQUIPMENT		
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10
NOTES: 1. Point values denoted by an asterisk (*) apply within the Midtown LINC Overlay District.		

Section 7. Subsection 14-8.13(E) SFCC 1987 (being Ord. #2011-37, §11) is amended to read:

(E) Dedication of Water to Development

- (1) A *building permit application* shall not be approved until the *applicant* has dedicated water to meet the approved *development* water budget for the *development* project plus a 9.8% contingency that covers water utility delivery requirements, as documented by the Water Division dedication form and complied with the conditions thereof. This contingency water is comprised of water used for community health and safety purposes, such as firefighting and fire hydrant testing, water used in production for flushing of water distribution and sewer lines, and also results from meter errors, line leaks, and losses from water main breaks.
- (2) Based on the approved water budget for a *development* project, the *applicant* shall obtain water through either the water rights transfer program (Section 25-12 SFCC 1987) or the water conservation credits program (Section 25-11 SFCC 1987) to meet the *development* water budget according to the following criteria:
 - (a) *Applications* for *residential* uses which have a *development* water

1 budget equal to or greater than ten acre-feet per year shall obtain
2 water through the water rights transfer program;

3 (b) *Applications* for *residential* uses which have a *development* water
4 budget less than ten acre-feet per year, designated as small
5 *development* projects, shall obtain water through the water rights
6 transfer program or the water conservation credit program or through
7 a combination of both;

8 (c) *Applications* for *non-residential* uses which have a *development*
9 water budget equal to or greater than five acre-feet per year shall
10 obtain water through the water rights transfer program;

11 (d) *Applications* for *non-residential* uses which have a *development*
12 water budget less than five acre-feet per year, designated as small
13 *development* projects, shall obtain water through the water rights
14 transfer program or the water conservation credit program or through
15 a combination of both;

16 (e) *Applications* with both *residential* and *non-residential* uses each in
17 substantial amounts which have a *development* water budget equal to
18 or greater than seven and one half acre-feet per year shall obtain
19 water through the water rights transfer program; ~~and~~

20 (f) *Applications* with both *residential* and *non-residential* uses each in
21 substantial amounts which have a *development* water budget less
22 than seven and one half acre-feet per year shall either obtain water
23 through the water rights transfer program or the water conservation
24 credit program or through a combination of both[-]; and

25 (g) *Applications* for *qualifying projects* within the Midtown LINC

1 Overlay District as defined in Subsection 14-5.5(D)(4)(b) shall
2 obtain water through the water rights transfer program or the water
3 conservation credit program or through a combination of both. Water
4 for *qualifying projects* obtained through the water conservation
5 credit program shall be paid for at the rate of \$12,000 per acre-foot.

6 **Section 8. Subsection 14-8.14(D)(1) SFCC 1987 (being Ord. #2011-37, §11 as**
7 **amended) is amended to read:**

8 **(D) Exemptions, Waivers and Reimbursements**

9 (1) Certain types of *permits* for *new* construction shall be exempt from the terms
10 of this Section 14-8.14. An exemption shall be claimed at the time of
11 construction *permit application*. The *land use director* shall determine the
12 validity of a claim for exemption pursuant to the criteria set forth in this
13 Subsection 14-8.14(D). The following are exempt from the provisions of this
14 Section 14-8.14: (Ord. No. 2014-28 § 7)

- 15 (a) *alterations* of, or additions to, existing *residential* uses where no
16 additional *dwelling units* are created;
- 17 (b) replacement of a destroyed, partially destroyed or moved *residential*
18 *building* or *structure* with a new *building* or *structure* of the same
19 use and the same size and with the same number of *dwelling units*;
- 20 (c) replacement of destroyed, partially destroyed or moved *non-*
21 *residential building* or *structure* with a new *building* or *structure* of
22 the same *gross floor area* and use;
- 23 (d) construction *permits* for new *residential* units that are part of a
24 master plan, *development* plan or subdivision *plat* where land is
25 dedicated to the *city* to provide park land, as provided in Section 14-

1 8.15 (Dedication and Development of Land for Parks, Open Space,
2 Trails and Recreation Facilities), are exempt from park impact fees;
3 (e) parking *garages* or parking *lots*; and
4 (f) construction *permits* for *qualifying projects* within the Midtown
5 LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b).

6 **Section 9. Subsection 7-1.10 SFCC 1987 (being Ord. # No. 2008-1, §12) is amended**
7 **to read:**

8 **7-1.10 Application of the International Existing Building Code**

9 The applicable provisions of the International Existing Building Code, as adopted in
10 Subsection 7-1.1(A)(9), shall be applied to a construction permit upon the request of the applicant.

11 **Section 10. Subsection 22-6.6, Exhibit A, Section 7, SFCC 1987 (being Ord. #1997-3,**
12 **as amended) is amended to read:**

13 **7. Wastewater Utility Expansion Charge (UEC).**

14 7.1. Except as set forth in Section 7.3, the wastewater utility expansion charge (UEC)
15 applies to customers within the corporate limits of the city of Santa Fe, New Mexico and to customers
16 in those areas outside the corporate limits to which wastewater service has been authorized by action
17 of the governing body of the city of Santa Fe as follows:

18 7.1.1. New customers connecting to the city's wastewater system; and

19 7.1.2. Existing customers if there is an increase in the number of dwelling units or an
20 increase in the size of the nonresidential water meter; however, the charge shall reflect only the
21 increase in the number of dwelling units or the increase in the size of the meter.

22 7.2. The UEC shall be waived for the following:

23 A. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1
24 SFCC 1987;

25 B. Housing opportunity program home or housing opportunity program rental

1 unit subject to a valid housing opportunity program agreement;

2 C. A low priced dwelling unit as defined in Section 26-2 SFCC 1987;

3 D. A *qualifying project* within the Midtown LINC Overlay District as defined in
4 Subsection 14-5.5(D)(4)(b) SFCC 1987.

5 7.2.1. Application for waivers of the UEC shall be made at the time of application for a
6 building permit. Applications shall be reviewed by the office of affordable housing.

7 7.3. The UEC shall be as follows:

8 7.3.1. Single-Family Detached Dwelling Unit or Accessory Dwelling Unit

9 As defined in Chapter 14 SFCC 1987

10 (Heated Living Area)	Charge per unit
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11 0 - 1,500 Sq. Ft.	\$499
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12 1,501 - 2,000 Sq. Ft.	\$735
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13 2,001 - 2,500 Sq. Ft.	\$911
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14 2,501 - 3,000 Sq. Ft.	\$1,052
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15 3,001 - 3,500 Sq. Ft.	\$1,169
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16 3,501 - 4,000 Sq. Ft.	\$1,269
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17 4,001 - 4,500 Sq. Ft.	\$1,357
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18 4,501 or more Sq. Ft.	\$1,435
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19 7.3.2. Multi-Family Dwelling Unit \$561 per unit

20 Includes apartment, condominium, single family attached and residential studio units

21 7.3.3. Mobile Home Park Pad \$902 per unit

22 7.3.4. Nonresidential (meter size) Charge per meter

23 5/8" x 3/4"	\$876
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24 1"	\$2,190
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25 1-1/2"	\$4,380
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1	2"	\$7,008
2	3"	\$14,016
3	4"	\$21,900
4	6"	\$43,800
5	8"	\$70,080
6	10"	\$127,020

7 7.3.5. Any separate water meter installed for irrigation purposes only shall not be included
8 in the calculation of the charge.

9 7.3.6. In the event that the development does not have a water meter, or the wastewater
10 division director or developer believes the size of the water meter does not accurately reflect
11 wastewater generation, the developer may submit or the director may require the submission of a
12 study, prepared by a professional engineer, to determine the charge listed in the above table for the
13 water meter that most closely matches the cost of capital facilities to treat the biochemical oxygen
14 demand that will be generated by the proposed development.

15 7.4. The UEC shall be due prior to issuance of a building permit if the property is located
16 in the city limits and prior to obtaining a permit to connect to the sewer if the property is located
17 outside the city limits.

18 7.5. Payments of wastewater utility expansion charges shall be deposited in an account
19 separate from other funds of the city.

20 **Section 11. Subsection 25-4.2, Exhibit B, Rate Schedule 8 (being Ord. #1995-19, §1**
21 **as amended) is amended to read:**

22 **CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT**

23 **WATER SERVICES DIVISION**

24 **RATE SCHEDULE 8**

25 **UTILITY EXPANSION CHARGE**

1 APPLICABILITY: This Utility Expansion Charge is applicable to all new customers for connection
2 with the City's system. Installation of a second meter and establishment of a new account for existing
3 demand on a legal residential lot of record shall not be considered a new customer subject to
4 application of the Utility Expansion Charge. Service will be furnished in accordance with the City's
5 Rules and Regulations covering water service, available at the City's offices and on file with the
6 office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions
7 thereof are a part of this Schedule as if fully written herein.

8 SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas
9 outside the corporate limits to which service has been authorized by action of the governing body of
10 the city of Santa Fe.

11 UTILITY EXPANSION CHARGE (UEC): The rate for the UEC shall be the sum of A and B.

12 A. CHARGE:

- 13 1. The Charge for a 5/8" meter service is \$2,013.00.
- 14 2. The Charge for a 5/8" meter service for the following is \$800.00.
 - 15 a. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1
 - 16 SFCC 1987;
 - 17 b. Housing opportunity program home or housing opportunity program rental
 - 18 unit subject to a valid housing opportunity program agreement; or
 - 19 c. A low priced dwelling unit as defined in Section 26-2 SFCC 1987.
- 20 3. The Charge for each meter service size shall be determined by multiplying the
- 21 Charge for a 5/8" meter service by the applicable equivalent meter EQM Factor.

22 4. The other meter service sizes are as follows:

Meter Service	EQM Factor	UEC
3/4"	1.5	\$ 3,019.00
1"	2.5	5,032.00

1	1 1/2"	5.0	10,065.00
2	2"	8.0	16,104.00
3	3"	15.6	31,402.00
4	4"	25.0	50,325.00
5	6"	50.0	100,650.00
6	8"	80.0	161,040.00

7 B. SPECIAL TAX AND ASSESSMENT CLAUSE: Billings under this Schedule may be
8 increased by an amount equal to the sum of taxes payable under the Gross Receipts and
9 Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or
10 assessed by any governmental authority on the public utility service rendered, or on the right or
11 privilege of rendering the service, or on any object or event incidental to the rendition of the service.

12 C. VARIANCE: In the event a developer makes an advance payment for project costs, which
13 payment covers all costs pertaining to the project in question which are included in the UEC
14 calculation, he/she shall upon application to the governing body of the city of Santa Fe be entitled to a
15 variance excusing him/her from payment of the UEC. *A qualifying project* within the Midtown LINC
16 Overlay District, as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987, is exempt from payment of
17 the UEC.

18 TERMS OF PAYMENT: The UEC is due when notice is provided to the Customer prior to
19 installation of the service line.

20 SERVICE APPLICATION: The UEC shall apply to new services, not including the installation of a
21 second meter and establishment of a new account for existing demand on a legal residential lot of
22 record, located anywhere within the water service area approved by the City.

23 **Section 21. Subsection 26-3.6 SFCC 1987 (being Ord. #2007-23, §9) is amended to**
24 **read:**

25 A. Tierra Contenta:

1 (1) All payments received from the sale of property in Tierra Contenta that has
2 been reserved for affordable housing as of the date of the passage of this ordinance;

3 (2) Thirty-five percent (35%) of all payments received from the sale of property
4 in Tierra Contenta received after the date of the passage of this section; and

5 (3) All interest earned from the above.

6 B. All proceeds of loans that have been recorded against various affordable housing
7 units through the capital improvements program funds—infrastructure loan funds.

8 C. Principal and interest payments made by the borrowers to the city for outstanding
9 AHTF loans.

10 D. Proceeds from shared equity loans which are realized when a Housing Opportunity
11 Program Home or Santa Fe Homes Program unit is sold on the open market.

12 E. All in-lieu-of contributions or fractional payments received from developers as an
13 option to meet the Santa Fe Homes requirements.

14 F. All in-lieu-of contributions received from developers of qualifying residential
15 projects within the Midtown LINC Overlay District, as defined in Article 14-5.5(D) SFCC 1987, shall
16 be applied only within the following locations:

17 (1) the Midtown LINC Overlay District;

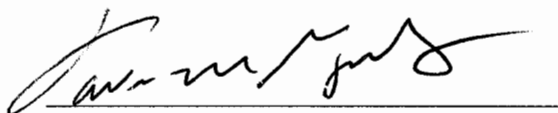
18 (2) Qualified Census Tracts (as defined by the US Department of Housing and Urban
19 Development) adjacent to the boundaries of the Midtown LINC Overlay District; or

20 (3) existing residential developments adjacent to the boundaries of the Midtown
21 LINC Overlay District.

22 G. Other funds that may be identified from time to time which are suitable and
23 appropriate for allocation to the AHTF. These may include on-going, dedicated funding sources as
24 well as one-time funding that is specifically approved by the governing body.”
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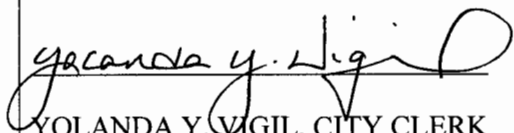
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PASSED, APPROVED and ADOPTED this 26th day of October, 2016.



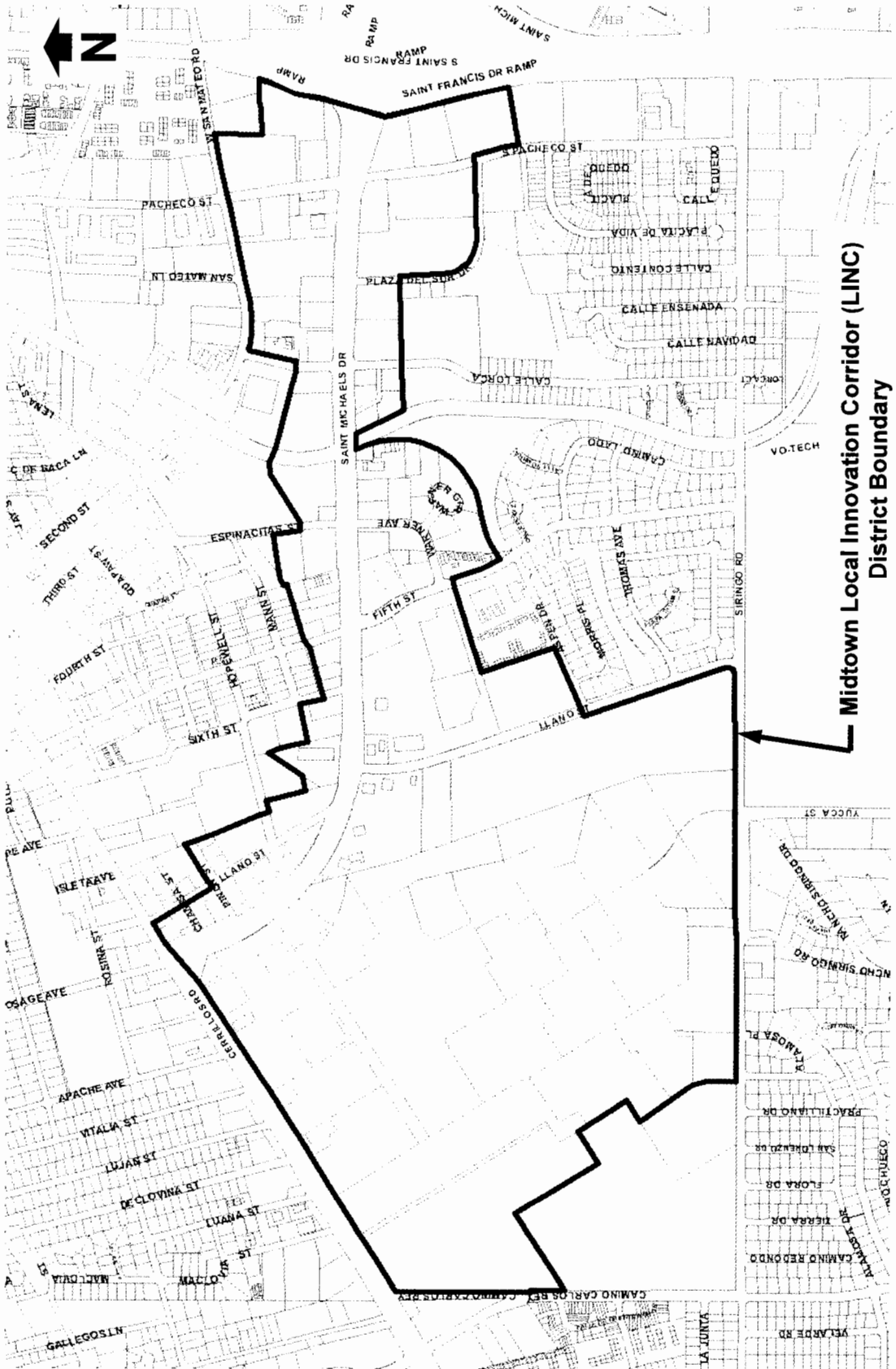
JAVIER M. GONZALES, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


KELLEY A. BRENNAN, CITY ATTORNEY



Midtown Local Innovation Corridor (LINC)
District Boundary