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.
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE

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

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

(1) Purpose and Intent

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

(a) Strengthen and animate the built environment and the business and population links within the demographic and geographic center of the city between the existing employment centers of the Santa Fe University of Art and Design and surrounding uses to the west and the Christus St. Vincent Regional Medical Center and related medical uses to the east;

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

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

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

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

(2) Boundaries

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

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

(3) Applicability

(a) The provisions of this Subsection 14-5.5(D) apply to all land within the boundaries of the Midtown LINC Overlay District.

(b) New development shall comply with the provisions of this Subsection.

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

(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>
<thead>
<tr>
<th>ADDITIONAL USES</th>
<th>PROHIBITED USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATEGORY</td>
<td>Specific Use</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td>Dwellings, Multiple-family</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td></td>
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</tbody>
</table>

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 qualifying project.
2. Parking lots and garages are permitted as accessory uses when associated with a qualifying project.
3. Individual storage areas enclosed within a building and that are part of a qualifying residential project are permitted.
4. Research, experimental and testing laboratories are permitted.

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

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

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

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

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

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

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

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

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

(6) Building Envelope Standards and Measurements
Table 14-5.5-4: Midtown LINC Overlay District - Table of Dimensional Standards

<table>
<thead>
<tr>
<th>DEVELOPMENT TYPE</th>
<th>Max. Gross Density (Dwelling units/Acre)</th>
<th>Min. Lot Size</th>
<th>Max. Height of Structures (Feet)(^{(1)})</th>
<th>Yard Requirements (Feet)</th>
<th>Max. Lot Coverage (%)</th>
<th>Min. Required Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying Residential Projects (As defined in Subsection 14-5.5(D))</td>
<td>N/A</td>
<td>Same as C-2 District</td>
<td>52(^{(2)})</td>
<td>Minimum Street: 0(^{(3)}) Side: 5 Rear: 10(^{(4)})</td>
<td>None</td>
<td>Same as C-2 District (See §14-7.5(D))</td>
</tr>
<tr>
<td>All Other Development</td>
<td>Same as C-2 District</td>
<td>Same as C-2 District</td>
<td>Per Underlying District Standards; Santa Fe University of Art and Design Campus (SFUAD): 62</td>
<td>Per Underlying District Standards except as noted below Maximum Street: 5(^{(5)})</td>
<td>Per Underlying District Standards</td>
<td>Per Underlying District Standards</td>
</tr>
</tbody>
</table>

NOTES:
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.
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).
3. Except that 4th stories along street-frontage façades shall be set back a minimum of ten (10) feet from the story below.
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.
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.

(7) Site Design, Circulation and Parking

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

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

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

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

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

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

(g) Sidewalks and other pedestrian pathways connecting buildings to the street and to parking areas shall be a minimum of six (6) feet wide and shall be clearly defined.
(h) Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from St. Michael’s Drive or Cerrillos Road as applicable. The screening shall be integrated with the building architecture, materials and construction.

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

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

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

(8) Architecture

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

(a) Lot configuration and available street frontage permitting, the longest façade of all new buildings on lots abutting St. Michael’s Drive or Cerrillos Road shall be aligned parallel with the street frontage of St. Michael’s Drive or Cerrillos Road as applicable.
(b) The primary entrance to any new building on a lot abutting St. Michael’s Drive or Cerrillos Road shall be visible from St. Michael’s Drive or Cerrillos Road as applicable.

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

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

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

(9) Landscaping Standards

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

(a) On-site storm water detention or retention facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an active water harvesting system, in which case the active water harvesting system shall be incorporated into the architectural design of a building to the extent possible.
(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
where abutting the existing residential development. Plant material in the landscaped buffer strip shall conform to the requirements for open space provided in Subsection 14-8.4(H).

(10) Signage

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

(a) Pole-mounted signs are prohibited.

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

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

(d) Wall- or building-mounted signs shall not extend above the roofline or parapet.

(e) Roof-mounted signs are prohibited.

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

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

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

(11) Site Furnishings

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

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

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

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

(12) Outdoor Lighting

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

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

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

(13) Additional Requirements for Qualifying Projects
In addition to the requirements of this Subsection 14-5.5(D), qualifying projects shall comply with the following requirements:

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

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

(i) waterless urinals;

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

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

(iv) ENERGY STAR® compliant clothes washers;

(v) active water harvesting systems.

(c) The land use director shall not issue a construction permit for a qualifying project until a restrictive covenant is recorded by the owner of the development at the office of the county clerk that requires that the development will contain no uses that do not meet the requirements for a qualifying project for a period of at least ten (10) years from the completion of the project’s construction. The covenant shall be in a form approved by the land use director and the city attorney and shall be notarized prior to recordation. The covenant shall be considered part of a development plan approved
pursuant to Subsection 14-3.8(B)(9). The land use director shall
maintain copies of recorded covenants pursuant to the provisions of
this Subsection.

(14) Fee Incentives for Qualifying Projects

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

(a) Construction Permit Fees; Plan Review Fees

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

(b) Development Review Fees

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

(c) Development Water Budget Fees

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

(d) Impact Fees

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

(e) Wastewater Utility Expansion Charge (UEC)

The wastewater utility expansion charge (UEC) is waived for
(f) Water Utility Expansion Charge (UEC)

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

(15) Review

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

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

(B) Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Subsection 14-6.2(A)(7) SFCC 1987 (being Ord. #2016-20) is amended to read:
Dwelling Units in Specified Commercial Districts

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

(a) accessory dwelling units for occupancy only by owners, employees or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; or

(c) part of a use for which a development plan or special use permit is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

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

is amended to read:

(4) Combined Uses; Shared Parking

(a) Combined uses on the same premises shall provide the combined total number of spaces required for each use separately, unless a shared parking plan is approved.

(b) Uses on premises comprising more than one legal lot of record may provide shared parking in accordance with an approved shared parking plan.

(c) Parking required for uses located on adjoining lots in RAC, C, BCD, BIP, MU, SC or I districts, for institutional uses located on adjoining lots in residential districts, or for a qualifying project within the Midtown LINC Overlay District, may be provided on a joint basis.

Within the joint parking areas, the spaces required for each of the
participating uses shall be marked on the parking plan and maintained as allocated to the individual use, unless a shared parking plan is approved. (Ord. No. 2013-16 § 50)

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

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

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

Section 6. Table 14-8.7-2 SFCC 1987 (being Ord. #2011-37 § 10) is amended to read:
**Table 14-8.7-2: Architectural Design Standards and Point Allocations**

<table>
<thead>
<tr>
<th>Architectural Design Standards</th>
<th>Points¹</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WALLS</strong></td>
<td></td>
</tr>
<tr>
<td>Predominant Exterior Surface Material</td>
<td></td>
</tr>
<tr>
<td>Stucco, adobe</td>
<td>30</td>
</tr>
<tr>
<td>Brick, natural stone, and integrally colored unit masonry</td>
<td>25; 30*</td>
</tr>
<tr>
<td>Concrete and non-integrally colored unit masonry</td>
<td>20; 30*</td>
</tr>
<tr>
<td>Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials</td>
<td>10; 30*</td>
</tr>
<tr>
<td>Mirrored glass curtainwall systems</td>
<td>-10</td>
</tr>
<tr>
<td>Color of Predominant Exterior Surface Material</td>
<td></td>
</tr>
<tr>
<td>Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors</td>
<td>30</td>
</tr>
<tr>
<td>Pastel colors of non-earthtone hues, whites, grays, and grayish greens</td>
<td>15; 30*</td>
</tr>
<tr>
<td>High-intensity colors</td>
<td>-10; 10*</td>
</tr>
<tr>
<td>Metallic colors, glass and black</td>
<td>-10</td>
</tr>
<tr>
<td>Exterior Surface Treatment</td>
<td></td>
</tr>
<tr>
<td>(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</td>
<td>10</td>
</tr>
<tr>
<td>(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above</td>
<td>-10</td>
</tr>
</tbody>
</table>

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
### ROOFS

<table>
<thead>
<tr>
<th>Form</th>
<th>Predominant Material</th>
<th>Predominant Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Flat roof surfaces entirely concealed from public view by parapets</td>
<td>(A) All surfaces are concealed from public view</td>
<td>(A) All surfaces are concealed from public view</td>
</tr>
<tr>
<td>(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</td>
<td>(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view</td>
<td>(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead</td>
</tr>
<tr>
<td>(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</td>
<td>(C) Flat tiles of clay, concrete or slate</td>
<td>(C) Low-intensity colors other than those stated above</td>
</tr>
<tr>
<td>(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</td>
<td>(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles</td>
<td>(D) White</td>
</tr>
</tbody>
</table>

- **Predominant Material**: The table lists different materials used for roofing surfaces, categorized by their visibility from the public view. Materials include flat roofs, metal roofing, membrane, asphalt, gravel surfaces, flat tiles, barrel tiles, and others.

- **Predominant Color**: The table lists different color categories, with variations based on visibility and type of roof. Colors range from dark reds, browns, and earthtones to white and bright, non-fading, high-intensity colors.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
### BUILDING FORM

<table>
<thead>
<tr>
<th>Massing</th>
<th>(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</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(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 stepbacks 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</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above</td>
<td>0</td>
</tr>
</tbody>
</table>

### DOORS AND WINDOWS

<table>
<thead>
<tr>
<th>Treatment</th>
<th>(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</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above</td>
<td>0; 20*</td>
</tr>
<tr>
<td>Area</td>
<td>(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</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above</td>
<td>0; 20*</td>
</tr>
<tr>
<td>Location</td>
<td>(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</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>(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</td>
<td>20</td>
</tr>
<tr>
<td>Glazing</td>
<td>(A) All glazing is clear or tinted neutral gray</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>(B) Any use of colored glazing</td>
<td>0; 10*</td>
</tr>
<tr>
<td></td>
<td>(C) Any use of mirrored glazing</td>
<td>-10</td>
</tr>
</tbody>
</table>

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
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
budget equal to or greater than ten acre-feet per year shall obtain water through the water rights transfer program;

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

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

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

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

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

(g) Applications for qualifying projects within the Midtown LINC
Overlay District as defined in Subsection 14-5.5(D)(4)(b) shall obtain water though the water rights transfer program or the water conservation credit program or through a combination of both. Water for qualifying projects obtained through the water conservation credit program shall be paid for at the rate of $12,000 per acre-foot.

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

(D) Exemptions, Waivers and Reimbursements

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

(a) alterations of, or additions to, existing residential uses where no additional dwelling units are created;

(b) replacement of a destroyed, partially destroyed or moved residential building or structure with a new building or structure of the same use and the same size and with the same number of dwelling units;

(c) replacement of destroyed, partially destroyed or moved non-residential building or structure with a new building or structure of the same gross floor area and use;

(d) construction permits for new residential units that are part of a master plan, development plan or subdivision plat where land is dedicated to the city to provide park land, as provided in Section 14-
8.15 (Dedication and Development of Land for Parks, Open Space,
Trails and Recreation Facilities), are exempt from park impact fees;
(e) parking garages or parking lots; and
(f) construction permits for qualifying projects within the Midtown
LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b).

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

7-1.10 Application of the International Existing Building Code

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

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

7. Wastewater Utility Expansion Charge (UEC).

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

7.1.1. New customers connecting to the city's wastewater system; and
7.1.2. Existing customers if there is an increase in the number of dwelling units or an
increase in the size of the nonresidential water meter; however, the charge shall reflect only the
increase in the number of dwelling units or the increase in the size of the meter.

7.2. The UEC shall be waived for the following:

A. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1
SFCC 1987;
B. Housing opportunity program home or housing opportunity program rental
unit subject to a valid housing opportunity program agreement;

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

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

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

7.3. The UEC shall be as follows:

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

<table>
<thead>
<tr>
<th>(Heated Living Area)</th>
<th>Charge per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 1,500 Sq. Ft.</td>
<td>$499</td>
</tr>
<tr>
<td>1,501 - 2,000 Sq. Ft.</td>
<td>$735</td>
</tr>
<tr>
<td>2,001 - 2,500 Sq. Ft.</td>
<td>$911</td>
</tr>
<tr>
<td>2,501 - 3,000 Sq. Ft.</td>
<td>$1,052</td>
</tr>
<tr>
<td>3,001 - 3,500 Sq. Ft.</td>
<td>$1,169</td>
</tr>
<tr>
<td>3,501 - 4,000 Sq. Ft.</td>
<td>$1,269</td>
</tr>
<tr>
<td>4,001 - 4,500 Sq. Ft.</td>
<td>$1,357</td>
</tr>
<tr>
<td>4,501 or more Sq. Ft.</td>
<td>$1,435</td>
</tr>
</tbody>
</table>

7.3.2. Multi-Family Dwelling Unit $561 per unit

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

7.3.3. Mobile Home Park Pad $902 per unit

7.3.4. Nonresidential (meter size) Charge per meter

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

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

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

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

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

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

CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT

WATER SERVICES DIVISION

RATE SCHEDULE 8

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

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

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

A. CHARGE:
   1. The Charge for a 5/8" meter service is $2,013.00.
   2. The Charge for a 5/8" meter service for the following is $800.00.
      a. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1 SFCC 1987;
      b. Housing opportunity program home or housing opportunity program rental unit subject to a valid housing opportunity program agreement; or
      c. A low priced dwelling unit as defined in Section 26-2 SFCC 1987.
   3. The Charge for each meter service size shall be determined by multiplying the Charge for a 5/8" meter service by the applicable equivalent meter EQM Factor.
   4. The other meter service sizes are as follows:

<table>
<thead>
<tr>
<th>Meter Service</th>
<th>EQM Factor</th>
<th>UEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>1.5</td>
<td>$ 3,019.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>2.5</td>
<td>5,032.00</td>
</tr>
</tbody>
</table>
B. SPECIAL TAX AND ASSESSMENT CLAUSE: Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

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

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

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

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

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

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

(3) All interest earned from the above.

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

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

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

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

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

   (1) the Midtown LINC Overlay District;

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

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

G. Other funds that may be identified from time to time which are suitable and appropriate for allocation to the AHTF. These may include on-going, dedicated funding sources as well as one-time funding that is specifically approved by the governing body.
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

M/Legislation/Ordinances 2016/2016-39 Midtown LINC Overlay District