

SANTA FE, NEW MEXICO

Land Development Code Assessment Report



September 2023



CITY OF SANTA FE

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LDC Update Assessment Report September 2023

1: Project Overview

The City of Santa Fe has begun a major project to review and rewrite the City's Land Development Code (LDC), which is officially Chapter 14 of the municipal code. The LDC guides how new development and redevelopment may occur in Santa Fe and thus is an important tool for establishing and maintaining the City's physical character. The LDC establishes zoning districts for different areas of the city, identifies allowed land uses within those districts, sets development and design standards to ensure that development is of high quality, and lays out procedures for considering and approving development applications.

The overall goal of this multi-phase project is to prepare and adopt a new LDC that better supports contemporary planning and land use practices through clear and consistent regulations that are easy to understand and simple to administer.

The project will involve a comprehensive review of regulations that have been amended at various times over the past decades. The update will help ensure that future development aligns with the community's needs and desires for future growth. The new LDC also will be an important tool for implementing the Santa Fe General Plan, which will be updated through a separate concurrent project over the next two years.

The City of Santa Fe Land Use Department is leading this multi-phase project, working with Clarion Associates, a Denver-based land-use consulting firm.



Project Phases

The three stages of this project will include:

Phase 1 – LDC Foundations (2023-2024)

The first phase kicked off in February 2023 and will continue through the fall of 2024. This phase (which includes this report) will focus on improving the organization, clarity, and general user-friendliness of the LDC. This phase will result in adoption of a new LDC that carries forward much of the intent of the current document, but in a new format and organization that will be more accessible, easier to understand, and simpler to administer. This phase has been described as “code housekeeping,” as it is intended to focus mostly on non-substantive updates, eliminate inconsistencies and unclear language, and propose a new, more user-friendly organization for the document.

Detailed drafting will begin in the late fall of 2023 following discussion of this report. The new draft LDC will be presented to the general public for review and comment in early 2024. Comments will be collected and addressed, and a revised draft will then be carried into the adoption process for additional review and public comment. Consideration of adoption of the Phase 1 LDC will occur in mid-2024.

Items identified as “Phase 1 issues” in this report may be addressed with non-substantive changes or only modest substantive updates. These edits are primarily aimed at improving the usability of the regulations by restructuring the content into a more logical organization, eliminating inconsistencies and unclear information, adding graphics, charts, and illustrations, and updating some of the standards. A better-organized LDC that is easier to use will be the foundation for more substantial revisions that will take place in Phases 2 and 3.

Phase 2 – Promoting Key Standards (2024-2025)

The second phase will begin in late 2024. Building off the new, reorganized “foundation” LDC adopted in Phase 1, the second phase will focus on more substantive revisions. All parts of the document will be considered for potential updates, including administrative procedures, zoning districts, use regulations, and development standards.

Items identified as “Phase 2 issues” in this report are expected to involve more significant edits and will involve substantial public outreach and discussion before the suggested changes are finalized. While it is possible to anticipate many of the more substantial edits to Chapter 14 in this phase, it is also likely that additional changes will come to light during the Phase 1 work. As such, not every change that will be included in Phase 2 is included in this report, but every proposed substantive change will be subject to public review and the public will be given ample time to review and opportunities for feedback.

Phase 3 – General Plan Implementation (2025-2026)

The third phase will include additional substantive revisions to implement the updated Santa Fe General Plan (particularly the land use and growth goals and policies), which is being prepared as part of a separate, concurrent project. Additional changes to the LDC, beyond those addressed in Phase 2, will be needed to align the LDC with the updated General Plan. For example, it is expected that some changes to Santa Fe’s zoning districts may be necessary to align with updated land use classifications in the General Plan. Such potential changes are classified in this report as Phase 3. As the new General Plan comes closer to completion, there will be additional discussions (likely in the fall of 2024 at the start of Phase 2) to refine and expand the Phase 3 topic list, when it is possible to gain a more defined idea which General Plan policies will require code amendments.

How will the Public Be Involved?

There will be extensive opportunities for public review and discussion of the new LDC, as well as all interim work products, during all three phases of the project. A project website

(<https://www.santafeldcupdate.org/>)

has been established to provide up-to-date information on project status and opportunities for input. In addition, at defined project milestones, the project team will host in-person and online meetings to present draft work products and receive feedback. A Public Participation Plan has been developed to outline the overall approach for fostering community engagement throughout the LDC update project. The Plan is available online at the project website.



General public outreach also will be supplemented by focused meetings with two working groups established by the City:

- A **Technical Advisory Working Group (TAWG)** is comprised of professionals who have experience using Chapter 14. This group of frequent code users such as planners, design professionals, and agents will have varying levels of familiarity with Chapter 14, some with greater exposure to and grasp of detail than others, but all members understand how the LDC impacts key issues related to land development in Santa Fe, including housing, open space, affordability, preservation, and more. The TAWG will be most involved with the Phase 1 housekeeping edits.
- The **Citizen Advisory Working Group (CAWG)** is comprised of community advocates who have interest in and knowledge of Chapter 14, and opinions on how to improve it. This doesn't mean Working Group members are able to cite specific chapters and sections of the LDC, but members all possess an understanding of the key issues regarding land development in Santa Fe. Members of the Working Group have wide-ranging interests and expertise, from housing affordability, to historic preservation, to water conservation, and many other topics.

The role and membership of the working groups is expected to evolve over the three phases of the project. Information about the working groups is available at the project website.



About This Report

This Assessment Report contains recommendations for updates to Santa Fe’s current Land Development Code, Chapter 14. The recommendations come from three sources: input collected in stakeholder interviews and from surveys completed during the project kickoff in spring 2023; feedback from city staff who regularly use the regulations; and review and assessment of Chapter 14 by the consultant team.

Following this Project Overview, this report is organized into two main parts:

- **Key Areas to Improve the LDC.** This section identifies major themes that emerged from the project team’s analysis and their experience with development regulations in communities across the nation. The discussion includes recommendations for how the current LDO might be improved or replaced to best address concerns pertinent to that issue. The discussion is organized into categories that reflect the major parts of the LDC, including Document Clarity, Organization, and Format; Zoning Districts; and Development and Design Standards.
- **Annotated Outline for a New LDC.** This section provides an overview of a proposed structure of a new LDC, assuming the recommendations from this assessment are implemented. This section provides an overview of a proposed structure of a new LDC, assuming the recommendations from this assessment are implemented. This section of the report gives the reader the framework of the new structure and the logical grouping of similar provisions.
- **Detailed Review Tables.** Separate from this report, a detailed table captures specific proposed edits to Chapter 14 that may not rise to the level of major themes discussed in this report. The table is a working document that captures proposed edits noted so far; additional proposed edits may be added to this working table as the drafting continues.



The recommendations in this Assessment Report will be the subject of public meetings that are scheduled to occur in late September of 2023. Specific dates and times will be published on the Santa Fe LDC Update project website: <https://www.santafeldcupdate.org/>

Summary of Recommendations

The table below is organized around the major focus areas in Part 4: Areas for Improvements to Chapter 14, of this report and consolidates the recommendations that appear in the separate subsections of this Assessment.

While it is possible to anticipate that some topics in this table, such as equity and sustainability, will be concerns throughout the duration of the LDC project, in most cases it is difficult to discern what changes will extend onto Phase 3, absent information on the updated policies and objectives of the General Plan. For that reason, classification of Phases in the table is limited to Phases 1 and 2, with Phase 3 additions to follow as the Plan update progresses.

Focus Area	Recommendations	Phase
Equity		
	<ul style="list-style-type: none"> ▪ Emphasize increased equity when reviewing and updating the LDC. ▪ Focus on expanding housing affordability through adjustments to the SFHP, if needed, and other means such as incentives. ▪ Assess equity and inclusivity in development review procedures such as public notice requirements. ▪ To the extent possible, ensure that decision-making bodies reflect the diversity of the population of Santa Fe. 	All phases
Sustainability		
	<ul style="list-style-type: none"> ▪ Incorporate sustainability principles into the baseline standards in all sections of the code. ▪ In the drafting process, evaluate various organizational options for integrating sustainability-focused standards. ▪ Adopt green building standards for private development, or offer a menu of green design options from which developers must incorporate a certain number into their project. 	All phases
Document Clarity, Organization, and Format		
Establish a Clear Organization	<ul style="list-style-type: none"> ▪ Reorganize Chapter 14 as proposed in the Annotated Outline in this report. ▪ Consolidate related information where possible. ▪ Ensure cross-references lead to the exact section or subsection of related information. ▪ Review table notes to remove standards and replace in body of code; reduce number of notes. ▪ Incorporate Appendices into the relevant sections of the body of the code. 	Phase 1 for all
Improve Page Layout	<p>Establish a more attractive and user-friendly page format with:</p> <ul style="list-style-type: none"> ▪ Dynamic headers, showing article, section, and subsection on each page; ▪ Consistent formatting and location of tables and graphics; ▪ Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and ▪ Consistent indentation and nested text. 	Phase 1 for all

Focus Area	Recommendations	Phase
Add Tables, Illustrations, and Other Graphics	<ul style="list-style-type: none"> ▪ Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new LDC. 	Phase 1
Use Clear, Plain Language	<ul style="list-style-type: none"> ▪ Rewrite code using plain, clear, gender-neutral language. 	Phase 1
Zoning Districts		
General Updates for All Districts	<ul style="list-style-type: none"> ▪ Combine purpose statement and dimensional standards for each district in one location. 	Phase 1
	<ul style="list-style-type: none"> ▪ Clarify the relationship between base zoning districts and overlay districts in instances where purposes are similar, or geographical areas overlap. 	Phase 1
Residential Zoning Districts	<ul style="list-style-type: none"> ▪ Ensure there are no conflicting standards in various overlapping base and overlay districts, and seek opportunities to clarify and streamline the regulations in overlapping areas. 	Phase 1
	<ul style="list-style-type: none"> ▪ Combine all district information in one location, so purpose and applicable dimensional standards are in one place for each district. 	Phase 1
	<ul style="list-style-type: none"> ▪ Change allowances so that the higher-density districts allow density greater than 10 dwelling units per acre without the approval of a development plan. 	Phase 1
	<ul style="list-style-type: none"> ▪ Review dimensional standards to identify opportunities for flexibility, or elimination of overlapping standards to projects that make significant contributions to City housing needs. 	Phase 1
	<ul style="list-style-type: none"> ▪ Consider alternatives to the current density-based structure of residential zoning districts. 	Phase 2
Nonresidential Zoning Districts	<ul style="list-style-type: none"> ▪ Update purpose statements of commercial districts to provide a better description of the kind of development that is desired in the different districts. 	Phase 1
	<ul style="list-style-type: none"> ▪ Reorganize information in commercial districts so each district explains applicable standards, rather than referencing users to various other locations to find applicable standards. 	Phase 1
	<ul style="list-style-type: none"> ▪ Create Parks and Open Space District, which includes trails. 	Phase 1
	<ul style="list-style-type: none"> ▪ Improve and expand mixed-use districts, possibly through the creation of districts that are tailored to scale and intensity of mixed-use development. 	Phase 2
	<ul style="list-style-type: none"> ▪ Determine proper location and extent for industrial land, and preserve industrially-zoned land for industrial uses. 	Phase 2
	<ul style="list-style-type: none"> ▪ Assess the need to retain special-purpose base districts such as the HZ Hospital Zone, BIP Business and Industrial Park District, PRC Planned Residential Community District, PRRC Planned Resort-Residential Community District, and SC Planned Shopping Center districts. 	Phase 2
Overlay Districts		
Historic Districts	<ul style="list-style-type: none"> ▪ Reorganize information within a logical hierarchy that progresses from general information to more specific information. 	Phase 1

Focus Area	Recommendations	Phase
	<ul style="list-style-type: none"> ▪ Include maps that depict district boundaries, and photos and illustrations to help users understand design requirements. ▪ Standardize the elements of information that are included in each of the sub-districts. These sub-sections should not repeat generally applicable standards, which will be covered in a section of standards that apply to all historic districts and should only contain subdistrict-specific information and regulations. ▪ Clarify information and codify standard practice for common processes that are not described in the current code. ▪ Review and clarify historic signs regulations. ▪ Update standards and materials requirements to reflect contemporary practice. ▪ Revise procedures, accompanied by review of decision-making authority and H-Board composition and qualifications requirements. 	<p>Phase 1</p> <p>Phase 1</p> <p>Phase 1</p> <p>Phase 1</p> <p>Phase 2</p> <p>Phase 2</p>
Archeological Review Districts	<ul style="list-style-type: none"> ▪ Relocate substantive information from the Review and Approval Procedures Article, in Section 14-3.13, <i>Archaeological Clearance Permits</i>, to Section 14-5.3, <i>Archaeological Review Districts</i>. What remains in Section 14-3.13 should focus on the steps of the review process. ▪ Clarify archaeological subdistrict boundaries with the inclusion of maps that show what areas the subdistricts cover. ▪ Align conflicting state and local regulations and terminology; augment local regulations as warranted by limitations in state requirements. ▪ Adjust Archaeological Clearance Permit to include testing more specific areas of lots to be developed, testing a greater extent of the lots, tying permits to projects rather than locations, and relating findings on adjacent lots to one another. ▪ Review ARC process to ensure emphasis is on preservation of resources, rather than completion of paperwork. 	<p>Phase 1</p> <p>Phase 1</p> <p>Phase 1</p> <p>Phase 2</p> <p>Phase 2</p>
Escarpment Overlay	<ul style="list-style-type: none"> ▪ Revise content to eliminate repetition, use simpler language, and eliminate outdated provisions if applicable. ▪ Simplify method for measuring height. Ensure that the explanation is clear and can be consistently applied throughout the code. ▪ Separate slope screening and revegetation requirements from structure landscaping requirements. 	<p>Phase 1 for all</p>
Other Overlays	<ul style="list-style-type: none"> ▪ Eliminate RS Residential Suite Hotel/Motel Overlay, along with elimination of the base district (Shopping Center) with which it is associated. ▪ Eliminate the Arts and Crafts Overlay district, which is redundant with the Arts and Crafts base zoning district. ▪ Carry forward Midtown Local Innovation Corridor (LINC) Overlay without changes (pending further discussion). 	<p>Phase 1</p> <p>Phase 1</p> <p>Phase 1</p>

Focus Area	Recommendations	Phase
	<ul style="list-style-type: none"> ▪ Revisit the purpose of the highway corridors and assess if they are producing the kind of development the city would like to see within these areas. Revise as warranted. 	Phase 2
Land Uses and Use-Specific Standards		
Table Format Updates	<ul style="list-style-type: none"> ▪ Improve formatting, eliminate table notes to the greatest extent possible in the Table of Allowed Uses, change “special use permit” to “conditional use,” and ensure that links to use-specific standards lead to precise locations, rather than general categories or subcategories. ▪ Include Accessory and Temporary Uses in the master table and ensure that all permissions for these uses are reflected accurately. 	Phase 1 Phase 1
Table of Permitted Uses: Substantive Review/Update	<ul style="list-style-type: none"> ▪ Review existing uses and edit as warranted – recategorize certain uses, consolidate others to streamline table, eliminate obsolete uses. ▪ Review permissions for each use, including whether some uses could be allowed more widely if accompanied by appropriate use-specific standards. ▪ Update existing use-specific standards, including those for ADUs, and include standards to enable particular housing types, such as attached townhomes and duplex/triplex structures. 	Phase 2 Phase 2 Phase 2
Expand Residential Building Types to Promote Housing Diversity	<ul style="list-style-type: none"> ▪ Expand the types of housing types that are allowed and include use-specific standards to facilitate their construction. 	Phase 1
Add New Uses	<ul style="list-style-type: none"> ▪ Add new uses, accompanied by use-specific standards where appropriate. 	Phase 2
Development and Design Quality Standards		
Vehicle Parking	<ul style="list-style-type: none"> ▪ Consolidate Appendix information – especially the parking table – into the body of the code. ▪ Include additional options for allowing flexibility in meeting or reducing on-site parking requirements and add detail to requirements for parking demand studies. ▪ Expand bicycle parking requirements, and “untie” them from the number of car parking spaces that must be provided. ▪ Include requirements for EV parking spaces. ▪ Update the schedule of required parking. 	Phase 1 Phase 1 Phase 1 Phase 1 Phase 2
Landscaping and Tree Preservation	<ul style="list-style-type: none"> ▪ Emphasize the preservation of existing landscaping and mature on-site trees, and offer incentives to encourage it. ▪ Strengthen planting standards through creation of an Approved Plant List (rather than a recommended one), and consider a Prohibited Plant List as well. ▪ Refine interior parking lot landscaping requirements, with emphasis on provision of shade in the parking area. ▪ Clarify and update irrigation standards. ▪ Focus on water conservation in landscaping requirements. Devise an approach on whether potable water use for 	Phase 1 Phase 1 Phase 1 Phase 2 Phase 2

Focus Area	Recommendations	Phase
	landscaping is allowed, and the extent to which gray water is available and may be used.	
Screening and Buffering, Walls and Fences	<ul style="list-style-type: none"> ▪ Clarify issues with combination of fences and retaining walls, measurement of fence height, and consider the inclusion of fence material requirements for areas outside historic districts. 	Phase 1
	<ul style="list-style-type: none"> ▪ Create Residential Adjacency code section that focuses on buffering residential uses from various impacts of more intensive adjacent uses. 	Phase 2
	<ul style="list-style-type: none"> ▪ Tailor buffering requirements based on intensity of adjacent development. 	Phase 2
Building Design	<ul style="list-style-type: none"> ▪ Improve structure of information, add detail and definitions where needed, and simplify language in the section. 	Phase 1
	<ul style="list-style-type: none"> ▪ Determine areas of the city where form-based standards would be appropriate, and draft standards to apply in these areas. 	Phase 2
	<ul style="list-style-type: none"> ▪ Consider how form-based standards intersect with the existing Architectural Style Points System requirements. 	Phase 2
Signs	<ul style="list-style-type: none"> ▪ Review all sign regulations to eliminate content-based regulation. 	Phase 1
	<ul style="list-style-type: none"> ▪ Improve the organizational structure of the section, and include graphics, tables, and illustrations to convey information. 	Phase 1
	<ul style="list-style-type: none"> ▪ Add regulations for new sign types. 	Phase 2
	<ul style="list-style-type: none"> ▪ Compare regulations for signs in the Historic District with regulations on historic signs; eliminate any discrepancies or conflicting information. 	Phase 2
Parks	<ul style="list-style-type: none"> ▪ Review all regulations to update level of service goals and dedication requirements if necessary. 	Phase 2
	<ul style="list-style-type: none"> ▪ Consider allowing fee-in-lieu of parkland dedication, accepted at the City’s discretion, to support maintenance of existing parks, and targeted expansion in areas of the city where more parks are needed. 	Phase 2
Open Space	<ul style="list-style-type: none"> ▪ Add more flexibility in options to meet open space requirements for both residential and non-residential projects. 	Phase 2
	<ul style="list-style-type: none"> ▪ Consider accepting fee-in-lieu, which could support current and future public parks, trails, and open spaces, or accepting alternate amenities that provide community benefit. 	Phase 2
Outdoor Lighting	<ul style="list-style-type: none"> ▪ Add detail to standards, and describe method of measurement. 	Phase 1
	<ul style="list-style-type: none"> ▪ Align lighting regulations with night sky protections enacted by the state or set higher local standards if desired. 	Phase 1
	<ul style="list-style-type: none"> ▪ Consider removing community street lighting from the zoning code. If retained, clarify new street lighting requirements for subdivisions, and add detail on pedestrian-scale lighting for sidewalks and trails. 	Phase 1

Focus Area	Recommendations	Phase
	<ul style="list-style-type: none"> ▪ Update requirements to reflect current best practices regarding elimination of backlight, uplight, and glare (BUG). 	Phase 2
Streets and Sidewalks	<ul style="list-style-type: none"> ▪ Review and standardize requirement for sidewalk width, possibly adapting minimum requirement based on development context. 	Phase 1
Development Water Budgets	<ul style="list-style-type: none"> ▪ Use procedural requirements to improve awareness of development water budget requirements earlier in the review process. ▪ Emphasize water conservation as part of the effort to integrate sustainable development practices into the LDC. ▪ Integrate water-related requirements in Chapter 25 with those in Chapter 14. 	Phase 1 Phase 2 Phase 2
Procedures and Code Administration		
Application Procedures	<ul style="list-style-type: none"> ▪ Review and update common review, application-specific procedures. ▪ Ensure that all steps of the application process are described in the code, including required post-decision actions. 	Phase 1 Phase 1
Approval Criteria	<ul style="list-style-type: none"> ▪ Ensure each procedure has specific, objective approval criteria to define the basis for the decision. ▪ Consider exemption or an expedited review process for projects that meet certain criteria or policy goals of the City Council. 	Phase 1 Phase 2
Decision-Making Authority	<ul style="list-style-type: none"> ▪ Review and potentially raise thresholds that require applications to be elevated to higher-level review. ▪ Consider decisions that can be delegated to professional planning staff, Boards, and Commissions, on the basis of clearer approval criteria. ▪ Draft call-up procedures to allow staff to pass application review to a Board, Commission, or Council, and to allow the Council to call-up applications on their own. 	Phase 1 Phase 2 Phase 2
Application Process	<ul style="list-style-type: none"> ▪ Assess the level of detail that is required in application information, possibly calibrating it to the progress of the review process, with greater detail required later in the review. ▪ Consider whether review for smaller, less impactful requests can be resolved more expeditiously than large projects that must be subject to full review and public hearing. 	Phase 2 Phase 2
ENN / Facilitation Process	<ul style="list-style-type: none"> ▪ Clarify the purpose and potential outcomes of the ENN process. 	Phase 1
Public Notice / Public Hearings	<ul style="list-style-type: none"> ▪ Add detail to the current notification requirements, so it is more clear to applicants what they must do to fulfill the requirements. ▪ Expand explanation of limits on communication with members of the public when the governing body is acting in a quasi-judicial capacity. ▪ Consider expanding the methods for public notice, either officially or as informal best practices. 	Phase 1 Phase 1 Phase 2

Focus Area	Recommendations	Phase
Nonconformities	<ul style="list-style-type: none"> ▪ Clarify terminology used in the section, eliminate inconsistencies between these regulations and other code sections, and establish which regulations take precedence. ▪ Determine overall approach to nonconformities, and whether the objective is to eliminate them, or facilitate their continued operation. 	Phase 1
		Phase 2
Legal Lot of Record	<ul style="list-style-type: none"> ▪ Consider if there is a simpler process that could be implemented in establishing a legal lot of record, in particular, one that does not require an appearance before the Planning Commission. 	Phase 2
Code Enforcement	<ul style="list-style-type: none"> ▪ Ensure that the steps of the enforcement process after issuing a notice of violation are described in the code. ▪ Review enforcement topics in both Chapter 10 and Chapter 14 to see if any topics should be relocated. ▪ Consider expanding the use of fines, rather than taking people to court for non-compliance. 	Phase 1
		Phase 1
		Phase 2
Relocation of Information	<ul style="list-style-type: none"> ▪ Consider locating information that changes frequently or is of a technical nature outside the code. 	All phases
Calculations	<ul style="list-style-type: none"> ▪ Review all calculations to ensure method and application are explained clearly. ▪ Where possible, apply consistent standards to the results, such as always rounding up. 	Phase 1
		Phase 1
Definitions	<ul style="list-style-type: none"> ▪ Review all definitions: add new definitions as needed and clarify existing ones. ▪ Ensure all policies and regulations are clearly explained, and illustrated where that would assist users' understanding. 	Phase 1
		Phase 1

2: Key Areas to Improve the LDC

Overarching Issues

Equity

While zoning has historically been used as a tool for exclusion, more recently an altered perspective has been brought to bear, which seeks instead to use zoning to support and accomplish social equity goals. Efforts to incorporate equity in zoning aim to eliminate zoning laws and regulations that implement and perpetuate inequitable outcomes, and to remedy the adverse impacts of prior barriers inherent in the regulations. Inclusivity is central to these ideas, and often linked to concerns about affordability. Affordability is certainly inextricable from notions of equity, but it is not the whole of it. There are also ways to advance equity in zoning implementation by encouraging inclusive and representative participation in zoning processes, and facilitating more diverse enfranchisement of the individuals who implement the rules.

As this project progresses, all aspects of the review will be conducted with the objective of improving the equitable outcomes of the regulations and expanding the inclusivity of participation in their implementation. This section looks at a couple of important areas of emphasis that comprise the equity-focused review.

A. Increase Housing Affordability and Reduce Displacement

Santa Fe has an existing inclusionary housing requirement, as described in the Santa Fe Homes Program (SFHP). The program requires 20 percent of all new for-sale development to be priced affordably for purchasers earning 80 percent or less of the Area Median Income. In for-rent projects, 15 percent of rentals must be priced affordably. For both smaller projects (10 or fewer units) and multi-family developments, there is an opportunity to pay a fee-in-lieu, rather than providing units on-site. While the LDC project may involve updating some of the standards or requirements of the SFHP, the fact that the City already has such a program in place is a significant advantage, the more so as the program has been in effect for a number of years already.

Outside of the SFHP, this project can consider other ways of enhancing housing affordability. Approaches that are common in many communities include offering incentives for a project to include a greater number or higher percentage of affordable housing units than the minimum requirement. A common incentive is a density bonus, but other options include reduction of requirements that add time or cost to a project. Reducing parking, open space, or design requirements can reduce cost, while expedited approval of any project below a certain number of units can reduce time until approval. In Phase 2 of this project, we can work with the city and the community to determine what incentives are appropriate in Santa Fe.

B. Assess Equity and Inclusivity in Development Review and Decision-Making

Equity and inclusivity in governance depends on the ability of the public to participate in decision-making. Public notice is one of the most important means cities have to invite inclusive citizen participation in decision-making, and the Procedures section of this report looks at ways to improve the inclusivity of public notice and participation. Though the diversity of decision-makers is, to some extent, beyond the parameters of zoning, there are nevertheless elements that zoning can contribute to improving. It is important for the City's boards, committees, and staff to reflect the diversity of the population they are empowered to represent, and to represent the viewpoints of all constituents, including those who do not routinely participate in traditional public meetings and processes. The

Council is elected, but the numerous City advisory boards and committees should, in their membership, reflect the diversity of the residents of Santa Fe. Professional qualifications are important to be able to serve competently on some boards that require technical expertise, like the Historic Districts Review Board or the Archaeological Review Committee, but that does not preclude considerations of diverse composition in membership. The City already has experience in ensuring representation of diverse voices on account of the historic composition of Santa Fe’s population. This experience can help in ensuring those diverse voices and perspectives are represented in the groups that shape policy and make decisions in Santa Fe.

Equity Recommendations
<ul style="list-style-type: none"> • Emphasize increased equity when reviewing and updating the LDC. • Focus on expanding housing affordability through adjustments to the SFHP, if needed, and other means such as incentives. • Assess equity and inclusivity in development review procedures such as public notice requirements. • To the extent possible, ensure that decision-making bodies reflect the diversity of the population of Santa Fe.

Sustainability

A. Make Sustainable Development Outcomes a Default Setting

Many sustainability goals can be achieved by making climate-resilient development a part of the “core DNA” of the code. This means integrating sustainable development practices into all parts of the underlying foundations of the code. For example, important sustainable outcomes can be well-supported by site layout standards that limit impervious cover, and that require connectivity and promote walkable urbanism in areas such as the downtown, the historic districts, and developing mixed-use centers and corridors, such as the area along South Guadalupe.

The following table offers a framework for thinking about how various sustainable outcomes may be achieved in a zoning code. The left column includes some typical sustainability goals, the middle column identifies development approaches that help achieve those goals, and the third column suggests specific relevant zoning tools. The table is not comprehensive, but merely a way of thinking about how sustainability may be a fundamental consideration in developing all parts of a code.

Sustainable Goal	Development Approach	Zoning Tools
Reduction of Greenhouse Gas Emissions / Healthy Lifestyle Options	<ul style="list-style-type: none"> ▪ Compact, mixed-use development ▪ Connected trails and sidewalks ▪ Limit new auto-oriented development in remote areas ▪ Remove barriers to expanding multi-modal transportation options 	<ul style="list-style-type: none"> ▪ Mixed-use and smaller lot residential zone districts ▪ Mobility and connectivity standards ▪ Bicycle parking requirements ▪ Reduced and better calibrated off-street parking requirements ▪ Streetscape, building form and scale, and other pedestrian-focused design standards, especially in Downtown and community centers

Sustainable Goal	Development Approach	Zoning Tools
Efficient Building and Site Design Practices	<ul style="list-style-type: none"> ▪ Adaptive reuse of existing buildings ▪ Energy efficient buildings ▪ Water conservation and management ▪ Green building materials ▪ Waste reduction and management 	<ul style="list-style-type: none"> ▪ Applicability of development standards scaled to the scale of development and incentives for adaptive reuse of buildings ▪ Incentives or requirements to design buildings using LEED, ENERGY STAR, or other national green building standards ▪ Increased limitation on impervious surfaces ▪ Water-efficient landscaping standards
Renewable and Alternative Energy	<p>Introduce opportunities for solar and other renewable energy sources</p>	<ul style="list-style-type: none"> ▪ Accessory renewable energy facility standards for ground- and roof-mounted solar, wind energy, and geothermal energy equipment ▪ Electric vehicle parking requirements or incentives
Environmentally Sensitive Lands and Natural Resource Protection	<ul style="list-style-type: none"> ▪ Limit impact of development on natural resources and sensitive lands ▪ Incorporate natural environment into the development process 	<ul style="list-style-type: none"> ▪ Comprehensive floodplain, wetlands, stream buffer, wildlife habitat, grading/land disturbance, and other sensitive land protection regulations ▪ Native landscaping standards

As shown in the matrix, some of the basic sustainability work of an updated code can take place in the core zoning district and site layout standards. These standards will encourage compact and walkable development while setting a path for redevelopment that makes the most of existing infrastructure resources and limits residential and commercial encroachment into greenfields and peripheral lands.

Beyond updating basic zoning tools through a sustainability lens, a range of sustainable development topics can be addressed through specific regulations in areas such as stormwater management, green infrastructure, tree protection, community health, local food production, and renewable energy. Some of these topics are already addressed in the body of this report, and others can be included as part of the rewrite if it is determined they are desirable goals to pursue.

B. Consider the Organization of Sustainability Standards

Beyond the content of the standards, discussed above, their organization and placement within the code deserves attention. A frequent issue that comes up in zoning code rewrites is how much of an individual spotlight to shine on sustainability. There are several approaches to consider:

1. Independent “Sustainability” Section

A standalone sustainability section brings sustainability to the forefront, indicating that it is a community priority. This approach can also allow for coordination of all measures that advance sustainability, and

allow more flexibility (e.g., point systems) and incentives (e.g., tying standards to bonuses), which allows for more creativity and getting applicants used to what is wanted. However, because many of the topics tied to sustainability may already be addressed in other dedicated sections of the code (e.g., landscaping, parking, building design standards), a separate sustainability section may result in similar topics being addressed in two places.

2. Integrated Throughout

Most sustainability measures are already tied to topics that are addressed by zoning tools (e.g., landscaping requirements greatly impact water use). Integrating sustainability-related standards throughout the code, rather than consolidating them into a standalone section, can make compliance more straightforward because standards are included alongside similar regulations on a particular topic that an applicant must meet. However, that can also make it harder to build in broad incentives and a more comprehensive approach to sustainability. Having sustainability-related standards located throughout the code reduces their collective emphasis and the sense of community focus on sustainability; this can either make them easier to approve or harder to publicize as a “win,” depending on political realities.

3. Hybrid

Many communities end up with a hybrid approach, that includes some sustainability-oriented standards integrated into baseline code requirements and integrated throughout, alongside a freestanding sustainability section that establishes additional sustainability standards above and beyond the baseline. This can be a useful approach when the community wants to make certain standards mandatory (standards integrated within relevant chapters), while others are incentive-based (standalone section where they may be used by a developer to meet a score or unlock an incentive).

C. Consider Green Building Standard Requirements for Private Development

To help achieve Santa Fe’s climate action goals, the City could consider implementing green building standards in private development, either as a mandatory requirement, or using an incentive-based program. The effectiveness of incentives depends on knowing the strength of demand for development in the city, and making the incentives meaningful in terms of reducing cost or processing time for development applications. Whether incentive-based or mandatory, the regulations could offer a menu of options, and allow the developer to choose a certain number to meet the requirements, as is done with the Architectural Style Points System. There are any number of options such a menu could include, but common ones that have been adopted by other communities include renewable energy requirements for building heating and cooling, cool or green roof requirements, building orientation to maximize solar gain or cooling, building materials certification, and water capture and conservation elements.

The location of green building standards and/or incentives requires discussion and may be appropriate in a separate document outside the zoning code. If incentives to encourage green-building practices are integrally linked to zoning standards (e.g., more building height when a green roof is provided), that would argue for locating such incentives in the code. But, often, green building standards operate independently of zoning standards and are a better fit alongside other technical and structural specifications in the Building Code.

Sustainability Recommendations

- Incorporate sustainability principles into the baseline standards in all sections of the code.
- During drafting, evaluate various organizational options for integrating sustainability-focused standards.
- Adopt green building standards for private development, or offer a menu of green design options from which developers must incorporate a certain number into their project.

Document Clarity, Organization, and Format

The first major area for improving the LDC is the format and organization of the document itself, beyond the substantive issues discussed later in this report. Many stakeholders said they find Santa Fe’s Chapter 14, the LDC, to be difficult to understand and use. Frequent comments noted unclear organization, redundant and occasionally contradictory information, information that is hard to find, and information related to a single topic split across different sections. There are few illustrations, graphics, tables, and images that could help users to visually comprehend many subjects.

These challenges are not unusual in older zoning codes. Many communities find that, as zoning rules are modified and updated over time, they become increasingly complicated and more difficult to navigate and understand. It has been over a decade since the last comprehensive update of the Santa Fe zoning regulations, and during that time many piecemeal code amendments have led to a document with a challenging organization and many redundancies.

A primary objective of Phase 1 of this project is to develop a well-organized, well-illustrated, user-friendly set of regulations for Santa Fe that should be both easier to understand, administer, and enforce. The recommendations in this section describe various ways the update proposes to accomplish that. All topics below will be addressed in Phase 1 of the project.

Establish a Clear Organization

Chapter 14 should be updated and consolidated in a more intuitive, user-friendly manner. The Annotated Outline later in this report suggests an updated organization.

Beyond implementing that outline, other drafting updates can help improve the document’s flow. An important first step in reorganization will be to consolidate related information. For example, the zoning district purpose statements and dimensional standards, which currently are spread across articles 14-4 and 14-7. An example of how this information can be consolidated is shown below in the “Page Layout” discussion. Other examples are noted throughout this report and in the separate detailed review of Chapter 14.

Where related information remains in separate locations, better cross-referencing should be included, with the target heading or subheading spelled out after the reference.

- For example, rather than saying “The review of electrical facilities in historic districts shall be limited as set forth in [Section 14-6.2\(F\)\(10\)](#)” (where only the underlined text is an active link that leads to the beginning of the section), the end of the phrase would be amended to say “... as set forth in [Section 14-6.2\(F\)\(10\)](#), [Application Submittal Requirements](#).” Both of the underlined sections are active links that lead to the exact location of the related information.

Where information in Chapter 14 is presented in tables, these tables often have an extensive list of table notes, in some cases with 15 or more notes attached to a table. This is complicated for users to flip between table content and notes, and also makes important information easy to miss, particularly since some of these table notes are actually standards, as is the case in the Table of Permitted Uses. Standards should be incorporated into the body of the code. While table notes can be useful, Phase 1 of this project will review the current notes with an eye to reducing their use in the updated code.

Finally, we also recommend that all the Appendices be integrated into the body of the code.

Document Clarity, Organization, and Format Recommendations

- Reorganize Chapter 14 as proposed in the Annotated Outline in this report.
- Consolidate related information where possible.
- Ensure cross-references lead to the exact section or subsection of related information.
- Review table notes to remove standards and replace in body of code; reduce number of notes.
- Incorporate Appendices into the relevant sections of the body of the code.

Improve Page Layout

The page layout of the new code should be improved to help users quickly find key information. Several types of revisions are necessary.

First, a new document layout with defined headings and subheadings will help establish a clear hierarchy of provisions and enable code users to understand more quickly where in the document a particular provision is located. This new layout also should include dynamic headers, footers, page numbers, and illustrations with captions to make the code more user-friendly.

The following graphic illustrates a sample improved layout from another code.

District-Specific Development Standards
Town Center Residential District
Subsection 5.3. Site Layout and Building Organization

5.3 Site Layout and Building Organization

A. INTENT

(i) To ensure the layout and organization of infill development is compatible with the varied pattern of established residential development in the Town Center Residential District, and

(ii) To facilitate a range of housing options within walking distance of the Main Street District.

B. CONTEXTUAL FRONT YARD SETBACKS

(i) Town Center Residential development shall comply with standards for Contextual Front Yard Setbacks as contained in Section 3 of this Article. (Figure 18)

(ii) Where an established pattern of setbacks has not been established along the block by three or more homes, front yard setbacks shall be a minimum of:

(1) 10 feet for detached single-family; and

(2) 15 feet for townhomes and multi-family.

Figure 18

SITE LAYOUT AND BUILDING ORIENTATION: TOWN CENTER RESIDENTIAL DISTRICT

Existing Home (1)

Single-Family Infill Development

MIN 10' (2)

Existing Homes (3)

Infill Development (4)

Multi-family buildings with multiple street frontages provide entrances along each street frontage. (5)

1 Contextual front yard setback not applicable where less than three existing homes exist on a block

2 Minimum front yard setback applies

3 Existing homes oriented towards street

4 Orientation of infill development is consistent with existing development

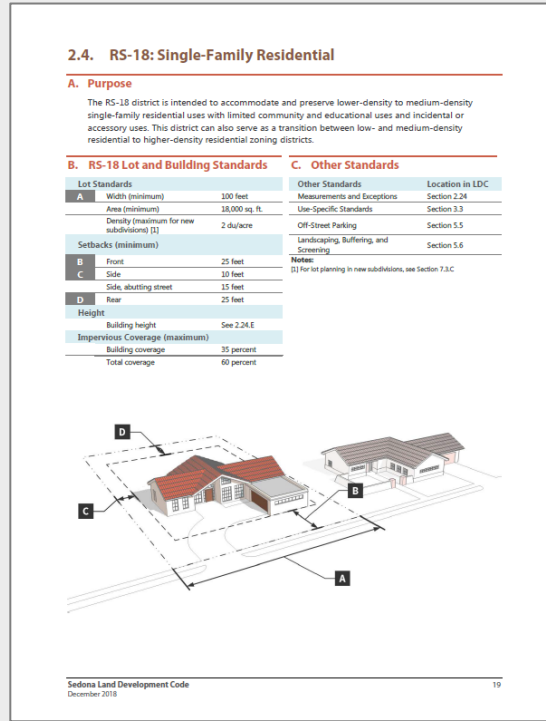
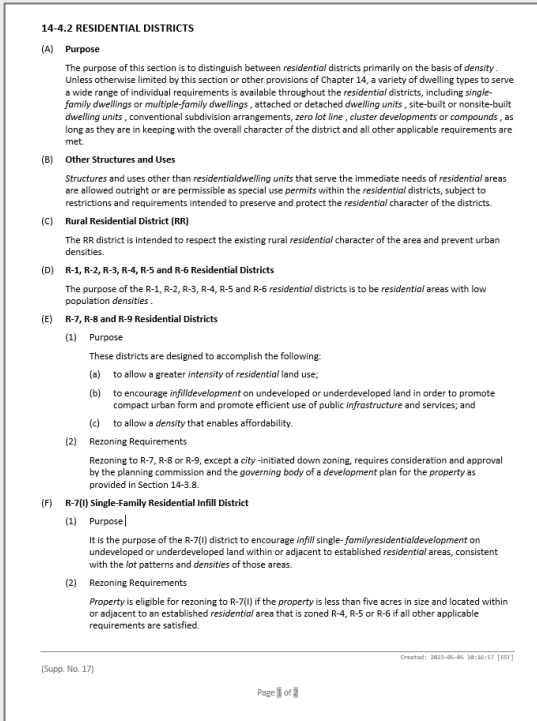
5 Multi-family buildings with multiple street frontages provide entrances along each street frontage.

Morrisville Town Center Code—Final Draft: December 2009 PZB Recommendation Version 49

This sample page layout illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

The current Santa Fe LDC is available via the online platform Municode. In addition to an online version of the code, most planning offices also maintain an editable and formatted digital version, usually as a Microsoft Word or PDF file, accessible via the City’s website. The digital version allows for enhanced formatting and presents information in a more user-friendly format, enhancing the reader’s ability to understand the context for specific provisions. The Word/PDF version also allows staff to keep an internal record of any proposed edits and revisions to the document.

The new LDC will feature a new document layout with dynamic headers (that automatically update) showing section references for that page, footers, page numbers, and illustrations with captions. The following graphic compares a page from the Zoning Districts article in the current Santa Fe LDC to an improved layout from another code Clarion has drafted.



A typical page from the Santa Fe LDC (when downloaded from the online version) is shown on the left. Compare this to the sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

Page Layout Recommendations

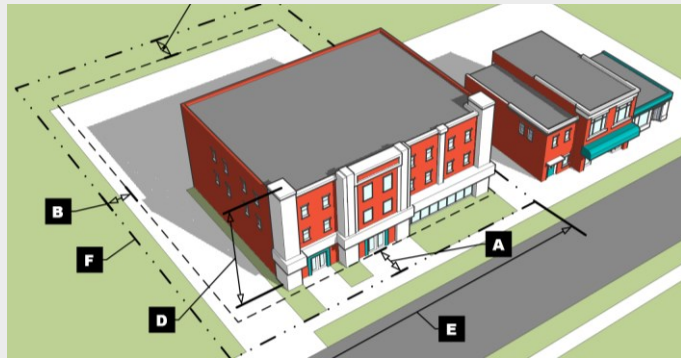
Establish a more attractive and user-friendly page format with:

- Dynamic headers, showing article, section, and subsection on each page;
- Consistent formatting and location of tables and graphics;
- Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and
- Consistent indentation and nested text.

Add Tables, Illustrations, and Other Graphics

Illustrations, graphics, flowcharts, and tables should be used frequently throughout the new LDC to explain standards and to summarize detailed information. Sample graphics from other Clarion codes are shown below. These images, from various communities, show a small range of possible topics and formats that can benefit from illustration. Each community is unique in how extensively they choose to illustrate a code, and the extent of detail that is included in the tables and illustrations. We will work with staff during the drafting process to select a consistent style that works best for Santa Fe.

This illustration shows the desired scale and character of a mixed-use zoning district in another community.



Lot Standards		
A	Width (minimum)	145 feet
	Area (minimum)	35,000 sq. ft.
	Density (maximum for new subdivisions) [1]	1 du/acre
Setbacks (minimum)		
B	Front	40 feet
C	Side	20 feet
D	Rear	40 feet
Height		
	Building height	See 2.24.E
Impervious Coverage (maximum)		
	Building coverage	15 percent
	Total coverage	40 percent

These graphics from another community illustrate some of the basic dimensional requirements for a single-family zoning district in another community. Labels (A through D) correlate to a dimensional table that identifies setbacks, height, and lot requirements.

Graphics like these help users identify which sign types are permitted. Graphics can also be customized to identify specific sign standards, such as area, height, placement, etc.



Graphics and Illustrations Recommendation

- Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new LDC.

Use Clear, Plain Language

The use of clear and precise language is just as important as document organization and format. As part of the rewrite, all content will be reviewed to eliminate unnecessarily complicated and legalistic language, as well as removing gendered language, such as “manmade.” Text will be rewritten as necessary to provide greater clarity.

- For example: “The baseline floor-area ratio shall be two and five-tenths to one.” This can more simply be stated as 2.5 to one or 2 ½ to one. Though this is a small example, the issue is a prominent one throughout the current regulations.

There are many sections where, in the attempt to add detail or precision to an explanation, the content becomes unnecessarily long and complicated, without really adding the desired clarity.

- An example is the description of how building height is to be measured on the escarpment overlay district (Section 14-5.6(F)(5)), with five increasingly detailed and convoluted paragraphs devoted to explaining a simple measurement. The result, according to stakeholders, is that neither staff nor applicants understand how to apply this in practice, and it creates problems and disagreements.

The LDC also contains many instances of vague or subjective language, with qualifiers such as “adequate,” “compatible,” and “appropriate.” These words are not uncommon in codes, but they tend to create uncertainty and time delay by requiring negotiation with applicants on what constitutes meeting the standard, since staff, decision makers, developers, and community members could all interpret the terms differently. This applies equally with architectural design requirements in the case of Santa Fe’s approved building colors, where “earth tones” and “high-intensity colors” can be interpreted differently by different readers. Generally, the code should provide greater certainty by avoiding the use of purely subjective language, disconnected from any measurable criteria.

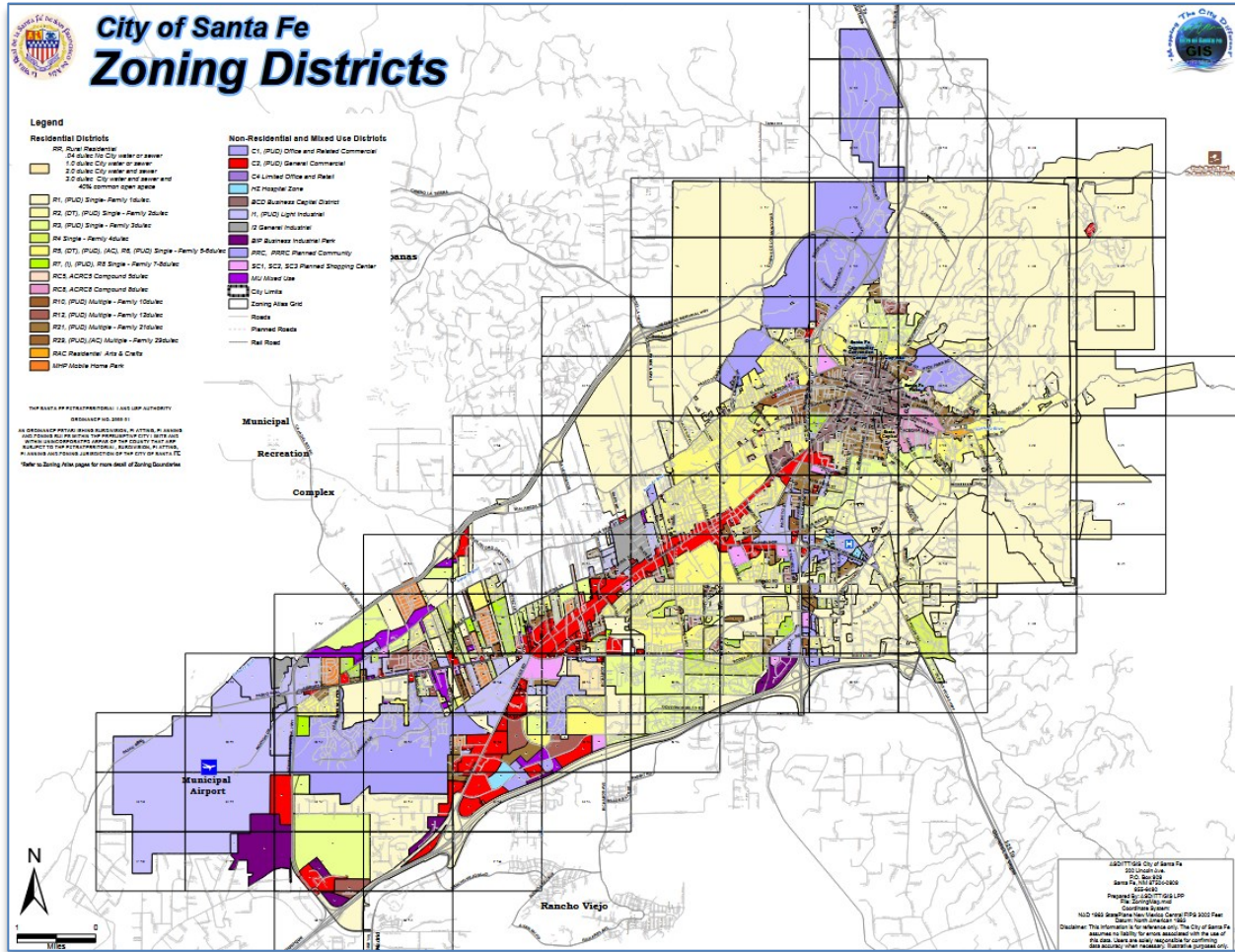
To the greatest extent possible, the rewrite, especially Phase 1, will replace subjective terms that are open to varying interpretation with clear, objective language, and measurable standards where possible. The rewrite also will eliminate duplicated information and reconcile any internal inconsistencies.

Plain Language Recommendation

- Rewrite code using plain, clear, gender-neutral language.

Zoning Districts

The foundation of any zoning ordinance is the collection of zoning districts into which the community is divided, and the land uses allowed within those districts. The current Santa Fe LDC has 31 established base zoning districts and 8 overlay districts.



In evaluating and updating these districts for the new LDC, it will be important to ensure that the revised zoning districts are appropriate to meet the needs of Santa Fe now and in the future. The zoning districts should be cleaned up by removing unnecessary districts and making any necessary adjustments to current district standards. Also, some new zoning districts may be introduced even if they are not immediately applied to the zoning map. The goal should be to broaden Santa Fe’s zoning toolbox, so that more types of projects may be built by-right and fewer projects need to opt for negotiated approvals, and so that additional zoning district options are available for future use as the City updates the General Plan and completes other area-specific planning efforts.

Phase 1 of this project will focus on reorganization and structural improvements (described below) to the existing zoning districts. Substantial changes to existing zoning districts are not contemplated in Phase 1. While some targeted substantive changes may be proposed during Phase 1, they will be clearly highlighted for discussion and will be limited to changes that are considered relatively straightforward

(e.g., the addition of a new Parks and Open Space district).

A more substantive re-evaluation of the districts will occur in Phases 2 and 3. During Phase 2, each zoning district will be evaluated to determine if it is producing the kind of development for which it is intended. If it is not, it may be amended or replaced. Phase 2 will also evaluate the need for new zoning districts, such as a slate of new mixed-use districts to replace the current under-utilized MU district. Phase 3 will involve an additional review of the zoning districts to ensure they are aligned with the updated General Plan, including any updated land use classifications.

The sections below discuss Santa Fe’s current districts in light of the following questions:

- Is the intent of each zoning district clear and does the district name match the intent?
- Is the zoning district currently used? If not, is it unnecessary or obsolete?
- Are any districts so similar in purpose and standards that they overlap and could be consolidated?
- Are new zoning districts needed to accommodate development patterns that are hard to achieve with existing districts?
- Are the dimensional standards for each district (setbacks, density, and height) appropriately tailored to the purpose of the district?

Suggested revisions are noted for all three phases of the LDC update project. General district revisions are noted first, with subsequent sections addressing base residential, base nonresidential, and overlay districts.

General Updates for All Districts

A. Structural Reorganization

As mentioned earlier in the user-friendliness section of this report, the separation of the zoning district purpose statements (Article 14-3) and the respective district dimensional standards (Article 14-7) makes Chapter 14 harder to navigate than it would be if this information were all in one place.

The example at the right shows how a reorganized and reformatted page for a zoning district might look with all information related to a single district in one place. Each district will include a purpose statement, a table with all dimensional standards, and links to other sections with applicable regulations (such as parking requirements or use regulations), and a representative illustration of the kind of development that might occur in the

Chapter 30.02 Zoning Districts
30.02.07 RS3.3: Residential Single-Family 3.3
A Purpose

30.02.07 RS3.3: RESIDENTIAL SINGLE-FAMILY 3.3

A. Purpose
The RS3.3 district is established to accommodate moderate-density, single-family residential developments.

B. Standards

LOT		OTHER STANDARDS	
Lot area, min.	3,300 sf	Overlay Districts	§30.02.26
SETBACK (MIN. FT.)		PRIMARY / ACCESSORY	
A Front	20	Measurement/Exceptions	§30.02.25
B Side interior	5	Use Regulations	Chapter 30.03
Side street	10	Development Standards	Chapter 30.04
C Rear	15 / 5		
Building separation	6		
HEIGHT (MAX. FT.)		PRIMARY / ACCESSORY	
D Structure height	35 / 14		

Figure 30.02-7: RS3.3 District Standards Illustration

district.¹

B. Clarify Relationship Between Base and Overlay Districts

In reviewing the base districts and the overlays, there are in some cases confusing overlaps. For example:

- The Residential Arts and Crafts District, applied on the map along Alto Street, Canyon Road, and the west side of the Old Santa Fe Trail, is separate from the Arts and Crafts Overlay, which appears to be applied to the east side of Old Santa Fe Trail (among other locations). Both are intended to serve similar purposes, so it is hard to discern why the district applies on one side of the road, and the overlay on the other. Regardless of the original reason for this split on the map, it is possible that, going forward, neither the district or the overlay would be necessary if the City has a neighborhood-scale mixed-use district that permits artisanal manufacturing as a use.
- The BCD Business-Capitol District, and its fourteen street-by-street sub-area standards, overlaps with the Historic District, with its various subdistricts, including the Downtown, and other areas that overlap. Some respondents noted conflicts between the various standards that apply in these districts, sub-areas, and overlays.

Phase 1 will ensure there are no explicit conflicts among existing regulations, while the broader assessment in Phase 2 will seek to disentangle these overlapping districts and overlays, possibly combining some of the elements, or eliminating others, in an effort to reduce repetition and overlap, and clarify the standards that are essential to regulating and maintaining the character of the relevant areas.

General Zoning District Recommendations

- Combine purpose statement and dimensional standards for each district in one location.
- Clarify the relationship between base zoning districts and overlay districts in instances where purposes are similar, or geographical areas overlap.

Residential Zoning Districts

Beyond organizational improvements, the LDC rewrite may also consider improvements to residential district standards.

Density. Santa Fe has numerous residential base districts, which should allow for a variety of lot sizes and development types, but the density-based district structure is confusing. While lot sizes in theory can be relatively small at 3,000-4,000 square feet per unit for single-family dwellings, development capacity is driven by density; the name of each district (R-1 through R-29) represents how many dwelling units per acre are allowed. This density-focused structure is likely to become increasingly cumbersome to implement in a city that is approaching build out, and will pose impediments to creating denser development that the city needs to accommodate growth and address the decreasing affordability of housing. The current density-based districts may also act as barriers to infill and redevelopment.

Phase 2 can investigate alternatives to a density-based system. For example, many communities regulate development based on minimum lot size rather than density; such a system can be easier to administer over the long run. However, any changes to district standards would need to be considered carefully and should minimize the creation of nonconformities. As the project progresses into Phase 2, we will have

¹ This format also would have the advantage of eliminating general references that the standards of one district are the same as those in another, as is currently done in Table 14-7.2-1: Table of Dimensional Standards for Residential Districts, when for example districts R-7 through R-9, among others, simply reference "same as R-1 to R-6" for dimensional standards including minimum lot size, height, and others.

further conversations with the community about alternatives to density-based standards to consider.

Setbacks and Building Height. The LDC update can also revisit other residential dimensional standards besides density. While current setback dimensions are relatively standard in comparison with other communities, there may be some contexts in which they could be more tailored to the kind of development that is occurring in the district, perhaps along transit corridors, where denser development should be brought up to the street through smaller minimum setbacks or perhaps maximum setbacks.

Currently, the height limit for *all* residential districts in Santa Fe – including those that would most likely be used for multi-family development – is 24 feet, or two stories. In the R-21 and R-29 districts, a height up to 36 feet (three stories) may be approved as part of a development plan. While these limits reflect the historically low-rise nature of the City’s development, they limit opportunities to consider allowing greater density in certain locations to mitigate housing costs. Many residents expressed general opposition to taller buildings in Santa Fe, and this report does not recommend a unilateral increase to height limits in all districts. However, the rewrite does provide a good opportunity to target certain districts or areas where three-, four- or five-story residential structures may be allowed by right, and ensure that there are districts in place to support that type of development.

Reconsider the Development Plan Requirement. Under Chapter 14’s current regulations, it may be possible to eliminate or amend some dimensional standards with approval of a development plan. While this option offers flexibility to consider alternative standards, it also requires approval by the Planning Commission at a public hearing, which prolongs the review process and creates uncertainty. This adds time and cost to these projects, compromising potential affordability gains from higher densities. Depending upon the alternatives proposed, there could also be time-consuming negotiation over the standards. Because Santa Fe has developed as a low-density town, these densities may not seem to “fit” in existing neighborhoods, and such proposals could generate significant opposition among neighbors. So, while the development plan offers an important avenue for flexibility, neither uncertainty nor prolonged processing time is a positive contributor to the cost or timely delivery of more housing. Other alternatives to allow more housing options should be considered.

The threshold for when a development plan is required should be reconsidered in the higher-density districts: R-12, R-21, and R-29. These districts are now limited to ten dwelling units per acre unless they go through the development plan process. A higher threshold before requiring a development plan would allow more density in these districts by right and help provide more housing options. The development plan requirement might also be eliminated altogether, allowing up to the full capacity that these districts can offer, i.e., 12, 21, and 29 dwellings units per acre. New standards in the LDC could be drafted to help ensure that higher-density development meets certain design quality standards. While most items in this section are Phase 2 tasks, this is an example of a targeted substantive change that might be proposed for consideration in Phase 1.

Impact of Standards on Housing. In residential contexts where the lot size and setbacks seem reasonable, the imposition of additional standards can all conspire to limit the possible type of development that can occur on a lot. It is also true that the combination of requirements that apply to a given lot (minimum lot size, minimum yard requirements, maximum height, and maximum lot coverage) all push development to occur on larger lots, even if smaller lots are permitted. This adds costs to the housing that is created on these larger lots, and can preclude housing types like attached townhomes or duplex/triplex structures. This combination of standards can also make higher-density infill, redevelopment, ADUs, and other more compact housing types challenging or impossible in exactly those areas where they are most desired. To avoid maintaining unnecessary barriers to the creation of more housing options, it may be determined

appropriate in Phase 2 to alter or eliminate some of these standards in certain contexts for projects that make substantial contributions to meeting the City’s diverse housing needs.

Residential Zoning District Recommendations

- Ensure there are no conflicting standards in various overlapping base and overlay districts, and seek opportunities to clarify and streamline the regulations in overlapping areas.
- Combine all district information in one location, so purpose and applicable dimensional standards are in one place for each district.
- Consider alternatives to the current density-based structure of residential zoning districts.
- Change allowances so that the higher-density districts allow density greater than 10 dwelling units per acre without the approval of a development plan.
- Review dimensional standards to identify opportunities for flexibility, or elimination of overlapping standards to projects that make significant contributions to City housing needs.

Nonresidential Zoning Districts

A. Commercial Districts

Interviewees and survey respondents offered few comments on Santa Fe’s existing commercial districts. One stakeholder mentioned that C-2 is often used for multi-family residential, rather than actual residential and mixed-use districts, because it offers more flexibility. Another noted that the C-2 standards are contradictory, though did not offer further detail. Our review focuses on Phase 1 organizational improvements and looks ahead to larger possible changes on Phase 2.

1. Improve Purpose Statements

The purpose statements for these districts should be updated in Phase 1 to provide a clearer idea of the kind of development that is appropriate in each district. The current purpose statements are not consistent in style or level of detail. For example:

- The C-1 purpose statement offers a list of allowed uses.
- The C-2 statement describes the kind of development that is not wanted in the district (strip malls) and that it should “preserve the carrying capacity of the streets and . . . provide for off-street parking and loading.”
- It is not clear from the C-4 purpose statement how the district differs from C-1, except in its focus on “protect[ing] residential property owners who are adversely affected by heavily trafficked city roads.”

These statements should be updated to indicate the scale and intensity of appropriate development, though not particular uses, and can describe the level of road classifications that normally serve them; for example, “C-2 is typically located along collector and arterial streets to accommodate the amount of traffic generated by larger-scale commercial uses permitted in the district.”

2. Clarify Dimensional Standards

Table 14-7.3-1 (Dimensional Standards for Nonresidential Districts) does not make it easy to understand the applicable dimensional standards for the districts. For example:

- To understand the minimum lot size in C-1, the table says: “Same as R-21 district including residential density and open space requirements.” It is unclear if this means the standard ten dwelling units per acre, or the 21 that could be allowed with a development plan (and also whether this applies to commercial development).
- The lot sizes specified in R-21 are 3,000 sq ft for single-family dwellings, or 2,000 square feet with common open space. Does this mean a minimum lot in C-1 can be 3,000 square feet? Or less depending on open space provided? Upon referring to the open space standards in Section 14-7.5, the user finds that there are

different open space standards for commercial versus residential development. At this point, a user has looked in three locations to find one applicable dimensional standard for the C-1 district, and it still not clear how the residential dimensions tie to the commercial open space standards to yield a minimum lot size in C-1.

This sort of multiple cross-referencing that nevertheless does not yield clear information is easy to clear up. As mentioned above for residential districts, each district should have its own one-page description of dimensional and other applicable standards. Even if the standards for a given district are the same as those in several other districts, this is an instance where repeating the information as many times as necessary is preferable to cross-referencing material elsewhere.

B. Mixed-Use Districts

The need for mixed-use development came up frequently in interviews and survey responses. Respondents cited the need to improve the mixed-use district, which has not been particularly successful in allowing such development, with applicants turning instead to C-2 General Commercial.

There are several initial Phase 1 recommendations to make in support of expanding mixed-use development in Santa Fe.

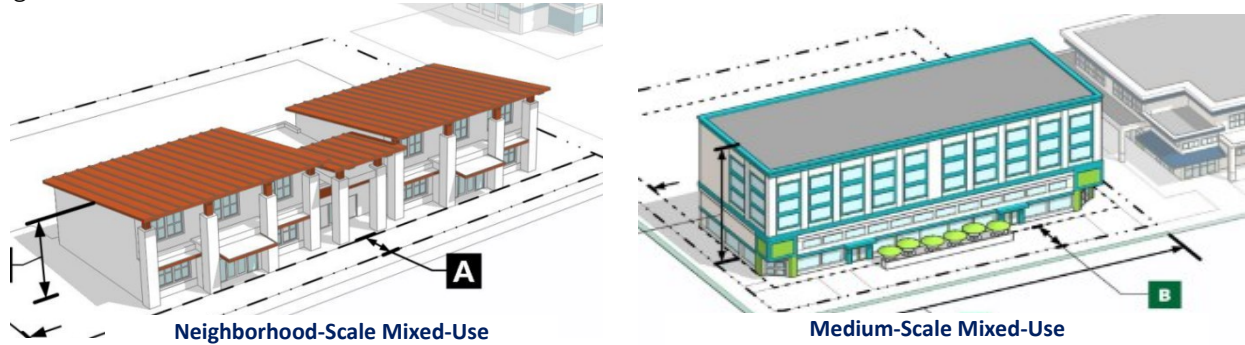
- Amend the purpose statement for the existing district², which currently places too much emphasis on mixed-use being infill. Some mixed-use projects will no doubt be infill, but others could be redevelopment, and new greenfield development as well. The important components are the mix of uses, and the creation of compact, walkable, pedestrian-oriented places.
- Eliminate restrictions on Building Tenant Space as described in Section 14-7.3(B)(1)(c), and the floor area and density restrictions applicable to the residential component, as described in (B)(1)(d). The Tenant Space limitation of 20,000 square feet seems like an arbitrary threshold, and would prevent, for example, living units built atop a grocery store, the average size of which is normally closer to 40,000 square feet. Specifying percent requirement of residential development always has a constraining effect on mixed-use development, since a fixed percentage rarely aligns with market demand in various contexts and locations throughout a city. We recommend instead creating more tailored districts (see below), and letting development professionals decide what the market will bear.
- Eliminate the density limitations of 12 dwelling units per acre in buildings of up to 25 feet, and 14 dwelling units per acre in buildings of 25-35 feet. With the exception of the percent residential requirement, all of these requirements appear designed to limit the scale of mixed-use. We suggest that a more effective way to do that is to create districts that reflect the desired scale in relation to context (see below).

In Phases 2 and 3, new mixed-use districts should be considered that calibrate scale to context. While mixed-use development is not appropriate everywhere, it does have advantages that make it a good option for Santa Fe to consider closely in the code update. The mixed-use zones may not be immediately necessary, but they could help provide the tools to encourage further redevelopment consistent with the General Plan. For example, mixed-use zones may be appropriate to help redevelop shopping centers and other secondary centers identified in the plan at nodes where redevelopment and additional density are desired.

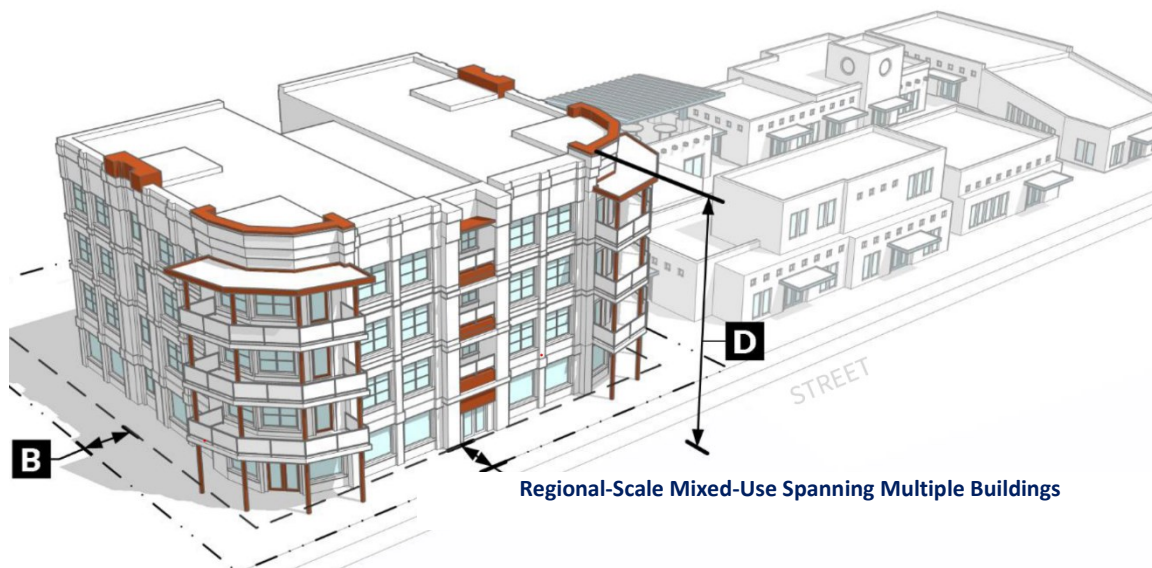
Many communities often start with, for discussion, three levels of mixed-use districts: neighborhood, medium, and regional scales. Neighborhood-scale mixed use (i.e., smaller areas of five to 10 acres) could be in local commercial nodes and offer small-scale retail and services with some attached residential units, such as one or two living units atop a commercial storefront. This could be appropriate for allowing

² Section 14-4.3(L).

the “corner-store” type development we heard is desired in some of the newer large Santa Fe neighborhoods.



The medium-scale district (i.e., 10 to 30 acres) could allow several stories of dwellings atop a commercial base (which would likely require adjustments to allowed height in Santa Fe). Both are illustrated above. Regional-scale developments could allow even greater height and may have separate structures that may or may not mix development types in individual buildings. This scale of development may not fit in Santa Fe, but it is illustrated below to provide an option for discussion.



All mixed-use districts should be designed to emphasize pedestrian-scale development and the relationship of buildings to the streetscape, and to minimize the presence of off-street parking along street frontages. The focus of these districts should be more on the particular urban form desired, rather than the uses allowed within the districts. Standards should bring buildings to the street, require parking to be located to the side or rear of buildings, and require building designs that support a walkable, pedestrian-friendly streetscape. Illustrations and graphics will help convey the intended character of the districts.

C. Industrial Districts

The general consensus during initial stakeholder interviews was that some industrial land should be maintained in Santa Fe to serve local employment needs and to maintain a diverse economy, though industrial uses are not predominant in the city. Given the acute pressure for residential land development

in Santa Fe, ensuring that industrial lands are protected from alternate development through careful consideration of allowed uses should be one focus area for the rewrite in Phase 2. A second, larger issue is what extent of land should be preserved. As the General Plan progresses, it can provide direction on the extent and location of lands reserved for industrial and other employment uses, and the code can be tailored to support these policies accordingly.

D. Special-Purpose Base Districts

For discussion, this category includes the HZ Hospital Zone, SC Planned Shopping Center, BIP Business and Industrial Park, PRC Planned Residential Community, and PRRC Planned Resort-Residential Community districts. The primary question related to all these districts is: are they still needed?

It is unusual to see zoning districts created for specific uses, such as a hospital or shopping center. While the districts may have been created on account of other available commercial districts being insufficiently flexible to accommodate these uses, a new set of updated districts and use classifications in the new LDC may suffice to accommodate such uses in the future, without the need of specific zoning districts devoted to them.

Given that the PRC and PRRC districts both require a minimum of 160 acres, and Santa Fe does not have vast acreage of unbuilt land within city limits, is it likely that future requests for these districts will come in? For projects like the ones these districts are designed to facilitate, it may be possible to use the existing Planned Unit Development Overlay described in Section 14-5.7, rather than maintaining these districts.

Business and Industrial Park (BIP) districts are becoming less common, as communities recognize they tend to create isolated campuses on the periphery that generate traffic on account of being inaccessible by any other means. Such campuses contribute to a sprawling development pattern, at a time when most communities are switching their focus to encouraging more compact, dense, and walkable development. In lieu of these single-purpose districts, it is possible instead to adapt both light industrial and/or heavy commercial districts to allow the combination of offices, light industrial, and supporting uses that these BIP districts were created to accommodate.

E. Parkland and Open Space District

There is currently no zone for parkland and open space. By default, such lands are zoned R1 Residential, which raises concerns about the potential for development in parks, given the purpose and permitted uses of the R1 district. A new zoning district that can be applied to existing and future parks and open space can be created in Phase 1 to address this concern.

Nonresidential Zoning District Recommendations

- Update purpose statements of commercial districts to provide a better description of the kind of development that is desired in the different districts.
- Reorganize information in commercial districts so each district explains applicable standards, rather than referencing users to various other locations to find applicable standards.
- Improve and expand mixed-use districts, possibly through the creation of districts that are tailored to scale and intensity of mixed-use development.
- Determine proper location and extent for industrial land, and preserve industrially-zoned land for industrial uses.
- Assess the need to retain special-purpose base districts such as the HZ Hospital Zone, BIP Business and Industrial Park District, PRC Planned Residential Community District, PRRC Planned Resort-Residential Community District, and SC Planned Shopping Center districts.
- Create Parks and Open Space District, which includes trails.

Overlay Districts

Overlay districts apply special standards to particular areas, in addition to base zoning standards. They can be important tools to protect unique resources or to allow flexibility in certain areas and development contexts. However, the additional level of regulation they provide can be challenging to administer and enforce, and for the public to understand. Many communities look to fine-tune their overlay districts during code update projects. They update standards to reflect current conditions, and they also investigate whether older overlays can potentially be streamlined or eliminated through updated base zone districts or development standards.

Santa Fe has nearly a dozen overlay districts. While some of these, such as the Historic Districts and the Archaeological Review Overlay, are central to the history and character of the city and will need to be carried forward (with edits), it is possible that others could be eliminated with the application of more flexible, updated base zoning districts. Phase 1 of this project will focus on necessary content reorganization and updates to the existing overlay districts, while Phase 2 will examine broader issues, including whether some existing overlays could be eliminated.

The sections below discuss the overlays that received the most discussion during initial project meetings and stakeholder feedback. The overlays not specifically mentioned here (Planned Unit Development District, Ecological Resource Protection Overlay, Neighborhood Conservation Overlay, and West Santa Fe River Corridor Overlay) will nevertheless be reviewed and updated as part of the overall rewrite, most likely during Phase 2.

A. Historic Districts

In Section 14-5.2, *Historic Districts*, subsections (A) through (D) apply to all historic districts, while subsections I through (I) apply to particular subdistricts. Subsections (J) through (N) are also related to historic districts, but cover various related topics, such as historic compounds, the creation of historic districts, designation of landmarks, plus state and county projects (such as public schools). According to stakeholders, these sections are challenging to navigate and understand. It is not clear how the general requirements in subsections A-D (*General Provisions*, *Minimum Maintenance Requirements*, *Regulation of Significant and Contributing Structures in Historic Districts*, and particularly *General Design Standards for All H Districts*) relate to or are superseded by the standards in the individual subsections. Also, the organizational structure for the different subsections is not standard, so that the same information is not necessarily included in each overlay. These issues of structural reorganization, content consistency, elimination of repetition, and other changes for clarity and usability will be addressed in Phase 1 of the rewrite project.

Reorganize Information. Information should be organized from general to specific, and should generally follow the sequencing of activities subject to regulation. Thus, information on creating districts and designating landmarks will precede information on the standards that apply in the districts so created and to the landmarked structures. This will be followed by the standards that apply in all districts, such as the General Design Standards for All H Districts, with the explanation that all standards in this section apply to every subdistrict, and that any additional, district-specific standards are described in the particular district subsection. Finally, information that is currently repeated (though with slightly different variation on phrasing) in various subsections, such as standards regarding solar installations and screening requirements for mechanical equipment, will be relocated to the general standards, to eliminate repetition.

Include Maps, Photos, and Illustrations. As with all parts of Chapter 14, a lack of effective graphics makes understanding of the overlay district regulations challenging. Examples of where text could be conveyed far more effectively through the use of photos, illustrations, or other graphics include:

- A boundary map is missing of the historic district and subdistricts. Currently, Section 14-5.2(A)(3), *Boundaries*, simply says “The boundaries for the historic district are as shown on the map attached hereto and incorporated herein to the historic district ordinance, and as shown on the official map, located in the city planning and land use department.” There is an editor’s note that the boundary is shown on the official zoning map, though no indication of how a user would access that. The specific subdistricts such as Don Gaspar or Downtown and Eastside do not even have this level of explanation about the areas they encompass. A map should be included for each district and subdistrict. While this may not be practical for historic compounds, it could be done for districts with defined boundaries that are not frequently subject to change. Boundary maps also can be especially helpful in illustrating where more than one overlay applies, such as the BCD, historic, and downtown overlays.
- The acceptable color palette could be depicted with actual colors (and associated RGB values), rather than the vague text description that colors can be “brown, tan, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso).
- Illustrations of what “wall dominated” design, and other design features such as allowed extent of fenestration on a façade, should look like.
- The description of the characteristics that distinguish the Old Santa Fe Style from the Recent Santa Fe Style in the Downtown and Eastside Design Standards would benefit enormously from photos that show and contrast the design features the section describes.

Standardize Information. The information included for each of the sub-districts varies, which is confusing for users who have a difficult time finding all relevant information. This issue is partially because of successive insertions of information into the code that have happened over time, with the result that like information is not grouped together, and there is no standard for what information should be included in each section. This can be standardized as part of Phase 1. One example of a district that can be improved through standardization is the Downtown and Eastside. Unlike other subdistricts, the Downtown and Eastside overlay does define the development characteristics that distinguish it, through definition of Old Santa Fe Style, and Recent Santa Fe Style. It is not clear, however, how much of this is just descriptive content, and how much of it is mandatory standards.

This could be clearer if such information were presented in a standard fashion, as described below. Each of the subdistricts should include:

- **Purpose Statement.** While there is a general purpose statement for the historic districts, each subdistrict should have an explanation of the distinguishing features or characteristics that the overlay aims to protect. For example, what makes Don Gaspar different from Downtown, to which it is proximate?
- **Boundary.** A map that shows the extent of the overlay should be included for each subdistrict.
- **Applicability.** This should explain how the regulations apply to structures within the district. In particular, there is currently no explanation of whether standards apply to non-contributing structures within a subdistrict, or if different standards apply to contributing structures versus significant or landmarked structures.
- **What Activity is Regulated.** Generally, this will explain that the standards apply in cases of construction or alteration. Since demolition is not subject to the standards, it should be addressed separately.
- **Standards.** This section should explain what is regulated (windows, doors, height, materials, etc.) in the given district. Standards included are specific to the subdistrict, and not a repeat of generally applicable standards, such as regulations for greenhouses, solar installations, screening requirements for mechanical

equipment, as is currently the case in Chapter 14. Instead, users will be directed to find this information in the general standards that apply to all districts.

Clarify Vague or Confusing Provisions. Interviewees and survey respondents indicated that certain information is unclear in the code, or not included at all, and is applied case-by-case on the basis of staff knowledge. We will work with staff to identify practices where this is the case, and update the code to reflect the practice.

- An example is the designation of “primary façade,” which is implemented through practice rather than regulation, and it proves problematic for the designation of contributing buildings. Although the definition of the term does specify it can apply to “One or more principal faces or elevations of a building with features that define the character of the building’s architecture,” the phrase itself seems to imply to opposite, leading to confusion. The terminology could be amended to eliminate the word “primary,” but what constitutes a primary façade, the basis for this determination, and the regulations that apply as a result, needs to be in the code.
- “Non-contributing structure” is a defined term in the code; however, the districts currently do not explain if or how the standards they describe apply to non-contributing structures within a district.
- There are also opportunities for clarification in situations where the code describes actions that will be taken, like determination of the list of eligible historic compounds, or recommendation of a map that designates structures for the purpose of regulating landmark structures. There is no indication of whether these actions have been accomplished. If so, these sections can be eliminated, or replaced with the information resources they created.
- There was also mention among stakeholders of the need to clarify regulations for height and height step backs (both issues that apply generally in the code, and not limited to historic districts). Height regulation is one of the central components in the historic districts, so it is important that its measurement and application be clearly described. Step backs are also mentioned, but need to have specific detail or standards included.
- The Downtown and Eastside Overlay defines both “Old Santa Fe Style” and “Recent Santa Fe Style.” It does not include any other information that would be helpful to users trying to understand where and how the old or recent styles apply. This section could benefit from clarification regarding timing or eras when the style was prevalent, as in “Old Santa Fe styles dates from 1600 to 1850, while New Santa Fe style emerged after 1925...” and any explanation of areas where one of the styles is predominant over the other. It would also help to explain when the requirements apply – in the case of construction or alteration, as in the other subsections? Some of this clarification will be provided through the inclusion of standardized information in each of the sections, but in other cases such as this one, additional information may need to be included to make the standards clearer.

These are some examples of information that need to be expanded and clarified. As the review and update proceeds, other items will be added to this list as they become apparent. As many clarifications as possible will be included in Phase 1, but this aspect of the update will likely extend beyond into Phase 2 as well.

Update Standards for Materials and Practice. Interviews and surveys made several mentions of the fact that the code is out-of-date and not kept pace with modern preservation guidelines, such as ADA compliance requirements and allowance for solar installation. Stakeholders also indicated that materials standards should be updated so they are no longer referencing materials common in previous eras and instead reflect contemporary best practice. The need to update materials was accompanied by the suggestion to be more specific about what materials are acceptable (stucco? Or cementitious stucco?), in the hope that more detailed guidelines will be helpful in producing intended development outcomes, and reduce instances of superficial guidelines allowing project design that is more focused on cost than quality.

Revise Procedures. Several aspects of procedures were mentioned as being in need of revision. First, there was a suggestion to revise the designation process. Clarifying the use of historic exceptions – should these be common? Or hard to obtain? – was also mentioned numerous times, as was the possibility of not allowing variances in the historic district (or other overlays either). We propose to undertake these items as part of Phase 2, as we believe it is important to establish clear regulations prior to trying to devise appropriate procedures – and approval criteria – that implement them. It is also possible that improvements to the base regulations may reduce the need to seek exceptions or variances.

Review H-Board Authority and Composition. Concurrent with revising the procedures themselves is the assessment of what decisions the Historic Districts Review Board (H-Board) can make, and what decisions could be delegated to staff, assigned to a Hearing Officer, or reserved for the governing body. This assessment can be part of the larger review described in the Procedures section of this report, where improved approval criteria may lead to delegation of authority, because the clearer standards can produce predictable decisions. As with the revision of the procedures themselves, this assessment is proposed as part of Phase 2 of this project.

If there is support for reviewing the requirements regarding the composition of the board, associated membership qualifications, or reconsidering certain decisions that may be beyond the typical authority of such boards (such as appeals of final actions of the land use director interpreting or applying historic district regulations), we suggest those be undertaken in Phase 2 as well. During that phase, suggestions such as imposing term limits for Board members, inviting more organizations to make recommendations for board members, and revising required professional qualifications so the Board’s composition is more representative of the City’s population, can be undertaken at that time.

Clarify Historic Sign Regulations. Clarifications on historic sign regulations will be included in the Phase 1 review of the Historic Overlay. Examples of clarifications needed include: how to deal with a sign once it becomes historic, and whether black and white should count among the three colors permitted for historic signs.

Historic District Overlay Recommendations

- Reorganize information within a logical hierarchy that progresses from general information to more specific information.
- Include maps that depict district boundaries, and photos and illustrations to help users understand design requirements.
- Standardize the elements of information that are included in each of the sub-districts. These sub sections should not repeat generally applicable standards, which will be covered in a section of standards that apply to all historic districts and should only contain subdistrict-specific information and regulations.
- Clarify information and codify standard practice for common processes that are not described in the current code.
- Update standards and materials requirements to reflect contemporary practice.
- Revise procedures, accompanied by review of decision-making authority and H-Board composition and qualifications requirements.
- Review and clarify historic signs regulations.

B. Archaeological Review Districts

Improve Organization. Section 14-5.3, *Archaeological Review Districts*, actually contains little information about the overlay districts. The majority of information pertinent to this overlay is located in the Review

and Approval Procedures Article, in Section 14-3.13, *Archaeological Clearance Permits*. While information specific to the procedure should remain in that section, a majority of the content should be relocated to the overlay in Section 14-5.3. This includes all of Section 14-3.13 (B), Applicability; information related to treatment in each of the three archaeological review districts; and the information in Section 14-3.13 (D), *Other General Provisions*. That would separate the steps of the review process from the substantial regulatory content that applies in the overlay.

Clarify Subdistrict Boundaries. Similar to the historic subdistricts, there is a need to clarify what the boundaries of the three archaeological subdistricts are. Currently, very general descriptions (e.g., “the center of Santa Fe since 1610” and land along “the primary transportation routes important to the settlement of Santa Fe”) are insufficient in defining the parameters where the subdistricts apply. This section does not even include the explanation that boundaries can be seen on a map in the planning office or on the zoning map. While maps with the boundaries should be available in both of those places, they should also be included in this subsection of the code.

Align Conflicting State and Local Regulations and Terminology. Workers in Archaeological Review Districts are required to follow state law, yet the local code is not always in alignment with those regulations. One example is that using a backhoe is in direct conflict with state regulations, where use of power equipment is prohibited, yet is being allowed in Santa Fe. Even if the state does not always enforce this requirement, it would be beneficial to do so locally. In this as in other instances, interviewees suggested that, at a minimum, the local regulations should align with what the state does, and then where those requirements are judged insufficient, the local regulations can supplement with additional regulation. While this reconciliation will begin in Phase 1 of the project, and include reconciliation of terms to align with state and federal terminology, decisions on shortcomings of state regulations and the need to augment local requirements as a result would likely be part of Phase 2.

Re-Examine Clearance Permit Requirements. Stakeholders noted a variety of suggested improvements to the Clearance Permit requirements, listed below. We believe all of these can be proposed in Phase 1 .

In the Historic Downtown Review District, there is a requirement for a test of two percent of the lot area to be done by hand. The rest is allowed to be done by “mechanical equipment.” Stakeholders suggested reexamination of this requirement suggested two possibilities for improvement. The first is to require that the test be conducted within the area of the lot where the development is proposed, not just anywhere on the lot. The second suggested improvement is to require that more than two percent of the lot be tested, either a greater expanse in one location (five-ten percent) or that multiple tests be conducted at various locations.

Another suggested improvement to the permit process include tying an Archaeological Clearance Permit to a specific project. Currently, Santa Fe allows the property, once cleared, to go ahead with any kind of development, because the clearance extends in time beyond the specific project. An alternative link the permit to the project, not the piece of land. If a project does not come to fruition, future development proposals for the same piece of property would need to secure a new permit.

It would also be an improvement, in the estimation of the Archaeological Review Committee, to relate findings on adjacent lots to one another, rather than considering them in isolation. This could lead to a requirement that, if remains have been found on a property adjacent to the one where development is being proposed, the test on that property would need to be conducted in a location proximate to where remains were found on the adjacent lot.

Finally, conditions of approval associated with a permit are often not clear, with the result that work is not

being done in compliance with approvals. There is currently no enforcement process for ARC clearance permits, but the presence of a professional archaeologist on staff could help with interpretation and compliance with conditions, and also with compliance issues, should they arise.

Refocus Emphasis on Preservation not Process. In revisiting the process by which ARC permits are issued, Phase 2 of this project can attempt to streamline the procedures. The focus of a review would be to minimize the Committee’s burden of reports and paperwork, instead allowing it to focus more of its attention on determining if a site has archaeological resources significant enough to warrant protection. The current procedural emphasis reportedly focuses on bureaucratic aspects of preservation, rather than verifying the presence and preservation of unprotected resources.

Archeological Review District Overlay Recommendations

- Relocate substantive information from the Review and Approval Procedures Article, in Section 14-3.13, *Archaeological Clearance Permits*, to Section 14-5.3, *Archaeological Review Districts*. What remains in Section 14-3.13 should focus on the steps of the review process.
- Clarify archaeological subdistrict boundaries with the inclusion of maps that show what areas the subdistricts cover.
- Align conflicting state and local regulations and terminology; augment local regulations as warranted by limitations in state requirements.
- Adjust Archaeological Clearance Permit to include testing more specific areas of lots to be developed, testing a greater extent of the lots, tying permits to projects rather than locations, and relating findings on adjacent lots to one another.
- Review ARC process to ensure emphasis is on preservation of resources, rather than completion of paperwork.

C. Escarpment Overlay

Streamline and Clarify. A significant amount of the material in this overlay, including three subsections devoted to purpose and intent, one to district boundaries, and the provisions related to location of structures and buildable sites, is unnecessarily long and repetitive. As one interviewee observed, “The policy is simple: we don’t want to see your house on the mountain.” These sections can be more concise in conveying that essential point. Example clarifications include:

- In Section 14-5.6(D)(1)-(3), the extensive repetition makes these provisions longer than they need to be, when all they are effectively saying is: Development rights granted prior to 2/26/92 are more permissive in the overlay than those granted after; and, buildable sites should be outside ridgetop area. An alternative location on a lot may be approved by staff as the buildable site if the visual impact is the same or less than the original buildable area. (“Ridgetop” and “foothills” are shown on the Escarpment Overlay map, but neither term is defined. “View line” is defined, though by reference to these two undefined terms.)
- Section 14-5.6(D)(4) relates to procedures and should be relocated to that section. We note that the requirement for notice to be posted with a building permit application is unusual. While there may be value in informing neighbors of impending construction, this should be balanced against the potential frustration that there is not really any venue for neighbors to respond to this information. There is no public hearing, and while neighbors can contact staff if they have concerns, it is unlikely their concerns will change building plans or permit approvals. We would like feedback on whether there is value in this notification, and if staff believe the procedure should continue.

Revise Description for How to Measure Height. Few issues surfaced related to the Architectural Standards of the overlay, but Site Standards – height, in particular – was the most frequently cited difficulty in implementing the escarpment overlay regulations. The method for measuring height is described in

Section 14-5.6(F)(4) and (5). This section is complicated, without being precise or comprehensible. The instructions in these sections will be revised for clarity, but an equally important addition will be illustrations, augmented with explanatory captions, that will help to show users how height measurements are applied from differing grades.

Landscaping and Screening Requirements. Most of the information contained in Section 14-5.6(G), Landscaping actually has to do with screening and revegetation for disturbed slopes. It should be labelled as such, with the two provisions that deal with landscaping for structures (provisions (6) and (7)) separated in their own subsection. It is also worth noting that provision (5) of this subsection, exempts “Slopes screened from view from any adjacent public street , way, or place by buildings , walls , or fences are exempt from the provisions of Subsections (2) and (3).” Subsections (2) and (3) are the substantial standards that apply to disturbed slopes. We recommend that these provisions should apply whether the slope is visible or not: the required screening is in some measure related to aesthetics, but a more important consideration would be stabilization and erosion control, which should apply regardless of whether a slope is visible from the right-of-way.

Escarpment Overlay Recommendations

- Revise content to eliminate repetition, use simpler language, and eliminate outdated provisions if applicable.
- Simplify method for measuring height. Ensure that the explanation is clear and can be consistently applied throughout the code.
- Separate slope screening and revegetation requirements from structure landscaping requirements.

D. Other Overlays

1. RS Residential Suite Hotel/Motel Overlay District

With the elimination of the SC Planned Shopping Center district, this associated overlay would also be eliminated. Requests for residential suite hotels can be accommodated in base districts, with associated use-specific standards to mitigate impacts related to scale, location, or traffic generation, as warranted.

RS Residential Suite Hotel/Motel Overlay District Recommendation

- Eliminate this overlay, along with elimination of the base district (Shopping Center) with which it is associated.

2. Arts and Crafts District

This overlay is likely one that can be eliminated with improvements to the base code. The uses allowed in the overlay can either be accommodated through the application of a small-scale neighborhood mixed-use district, permission for certain artisanal manufacturing or “maker” uses in districts where Arts and Crafts are desirable, or expanded allowances and permissions for home occupations. It does not seem that an overlay is necessary to allow or encourage this kind of development.

Arts and Craft District Overlay Recommendation

- Eliminate the Arts and Crafts overlay district.

3. Highway Corridor Protection Districts/Airport Road Overlay

Some of the highway corridor protection overlays came up in stakeholder interviews or survey responses, while others did not. However, in our review, they appear to promote a kind of auto-oriented development that the City does not want to see, particularly in areas closer to downtown, where more walkable, transit-oriented development is desired. Prior to any changes to these overlays in Phase 2, further discussion is necessary on what elements of these overlays and subdistricts that should be retained, and whether some could be replaced by base zoning districts that achieve the same goals the overlay aims to accomplish, or amended to promote denser, more walkable development.

In the Airport Road Overlay in particular, there is an unusual amount of regulation dedicated to Alcoholic Beverage Sales Activities. Some standards seem like they would be laborious to enforce, such as requirements related to how alcoholic beverages should be displayed, and how employees should access these products. Because these prohibitions as written could be preventing desirable uses along this corridor, such as grocery stores or certain restaurants, they will be eliminated in Phase 1.

Finally, beyond alcoholic beverage regulations, some of the other development requirements are unusually prescriptive. Describing what site furnishings must be provided, and where, as is required in provision (9), is an unusually detailed level of regulation, which may not even serve to accomplish the stated purpose of the Overlay (let alone be enforceable by city staff). The requirement to place a bench along the street frontage of a traffic corridor does not “establish an attractive, street-oriented character,” by failing to address whether there is anything sufficiently inviting -- or whether sitting adjacent to traffic feels sufficiently safe -- to encourage the use of such a fixture once provided.

Highway Corridor Protection Districts Recommendation

- Revisit the purpose of the highway corridors and assess if they are producing the kind of development the city would like to see within these areas. Revise as warranted.

4. Midtown Local Innovation Corridor (LINC) Overlay

This is one of the City’s newest overlays, created as a result of the extensive engagement that went into the creation of the Midtown Master Plan effort. Stakeholders made few comments on, or suggestions for immediate revision to, the overlay beyond some proposals to extend it to other areas of the city, particularly those where redevelopment is desired, or the possibility of converting the overlay into a base district for the area where it applies. We propose to carry forward this overlay with no changes to content in Phase 1, but possible expansions and updates will be considered in Phase 2..

Midtown Local Innovation Corridor (LINC) Overlay Recommendation

- Carry forward LINC overlay without changes (pending further Phase 2 discussion).

Land Uses and Use-Specific Standards

Table of Permitted Uses

A central feature of Article 14-6, Permitted Uses and Use Regulations, is the Table of Permitted Uses (Table 14-6.1-1). While we do recommend changes to the content of the Table (described below), the structure is good, with uses grouped in categories (Residential) and subcategories (Household Living). The table structure will be carried forward in Phase 1, though reformatted to improve usability. Here is a sample from another Clarion code, illustrating how a formatted use table might look.

Table 3.1
Table of Allowed Uses
P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

	Residential									Non-Residential					Other			Use-Specific Standards	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS		OC
RESIDENTIAL																			
Household Living																			
Dwelling, Co-Housing							P	P	C	P								P	3.3.A(1)
Dwelling, Duplex							P	P	C	P	P							P	
Dwelling, Live/Work										P	C	P	C	C	C			P	3.3.A(2)
Dwelling, Multifamily							P	P	P	P	P	P	P	P				P	3.3.A(3)
Dwelling, Single-Family Attached							P	P	C	P	P		C		C			P	3.3.A(4)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	C	C								P	3.3.A(5)
Manufactured Home					P	P	C	C	C										3.3.A(6)
Group Living																			
Assisted Living Facility										P	P	P	P		P	P			
Dormitory							C	C	C	C	P	P	C						

A. Table Format Updates

The Phase 1 review will focus on the following format/organization revisions to the table (substantive edits are discussed in the following section).

Special Use Permit. In Phase 1, the name for this procedure will be changed to Conditional Use. This change in terminology recognizes that the procedure and associated approval is not as simple as, for example, review and approval of a building permit. Instead, the procedure considers the appropriateness of a use in a given location, and may require associated conditions of approval to mitigate impacts of the use if it is approved. The name change will be applied in Phase 1, but whether the allowance for such a request changes will be part of the Review of Use Permissions described below, that will be part of Phase 2.

Table Notes. Here as elsewhere, minimizing table notes will be a focus. While including table notes is sometimes useful, the greater the number of them, the easier it is for a user to miss important information. For this use table in particular, these notes should not be used to convey use-specific

standards, as many of them do. For example, Note 2, pertaining to various uses in the mixed-use district, states: “Hours of operation limited to 7 a.m. to 10 p.m.” This should be a use-specific standard for each of the uses to which it applies.

Use-Specific Standards. In the far-right column, the current use table contains a cross reference for applicable use-specific standards. This is a good practice. While some of the references in this column are live links in Chapter 14, others are not, or the link only leads to a section, but not a subsection or the specific relevant content. In the updated table, where use-specific standards apply, each of these references will be a live link that takes a user to the exact location of the pertinent use standards.

Accessory Uses. Chapter 14 does have a section dedicated to Accessory Uses, though some of the content in Section 14-6.3(B)(2) does not match the permissions shown in the Use Table (private barbecue pits and private swimming pools are one example). This content should be consistent, or if there is a reason for the difference, that should be explained. The update will reconcile such discrepancies, or add an explanation for them. The update can also consider whether Accessory Uses should be treated in a separate section or integrated into the other categories and subcategories of the table. Such integration can make it easier for users to understand when a use that can be either primary or accessory (outdoor storage) is permitted, and where.

Temporary Uses. There is a code section on Temporary Uses in 14-6.4, but this content does not appear in the table. Generally, these uses should appear in the Table, with common temporary uses added in this category. Common temporary uses often include: special events, seasonal sales, temporary on-site construction buildings, leasing offices, storage pods, and itinerant vendors. If these are not inclusive of all the temporary uses that occur in Santa Fe, we will work with staff to identify any others that need to be included.

Table Format Update Recommendations

- Improve formatting, eliminate table notes to the greatest extent possible in the Table of Allowed Uses, change “special use permit” to “conditional use,” and ensure that links to use-specific standards lead to precise locations, rather than general categories or subcategories.
- Include Accessory and Temporary Uses in the master table and ensure that all permissions for these uses are reflected accurately.

B. Table of Permitted Uses: Substantive Review/Update

The Phase 2 substantive review of table content will have three components.

Review Existing Uses. First, a review of existing uses to determine if new uses need to be added (more on this below) or obsolete uses removed. This step will also include determination on whether any of the existing uses should be moved to a different category or subcategory.

- An example of a possible change in use category is the classification of Personal care facilities for the elderly, which is currently listed as a Service Establishment, along with dry cleaners and hair salons. This use likely would be more appropriately categorized as either Group Living, or Hospitals and Extended Care Facilities.

As a final element of this first component of review, we will look for opportunities to streamline the permitted uses, making for a shorter, more usable table.

- The various Retail uses are a good example where the numerous separate varieties of retail use – antique stores, bookshops, furniture stores, grocery stores, etc. – can be collapsed into fewer separate uses. In most cases, what is being sold, is secondary to how large the establishment is, which has a greater bearing on the

impact of the use than whether a book or a shirt is being sold. As such, with the exception of cannabis-related uses, we propose regulation of retail on the basis of the size of the establishment.

Review of Use Permissions. The second review component in Phase 2 will involve reviewing the permissions for all the existing uses. Are there certain uses that should be permitted more widely? Are there some uses that, with the appropriate use-specific standards, could be allowed by right, rather than requiring a special use review? Getting use permissions right can help speed up appropriate development by relying less on individual review, interpretation, and public decision-making.

Revisit Use-Specific Standards. The last element in the Phase 2 review of existing uses is to revisit use-specific standards. As mentioned above, some uses could be allowed by right with the addition of appropriate standards. Others could benefit from updates to the applicable use-specific standards. Here a number of examples where that applies:

- **Short-Term Rentals.** How to properly regulate short-term rentals is a hot topic in many communities, and particularly those like Santa Fe that have a strong tourism element to their economy. It is an area of regulation that is frequently evolving, and this review can take into account the city’s policy approach to short-term rentals and align the regulations accordingly. Here are some elements the review can address:
 - The limit of 1,000 permits for STRs in residential zones may face legal challenge as an arbitrary limit.
 - The limitation on more than 12 STRs in multi-family structures eliminates the possibility of a new type of short-term rental that is becoming increasingly common, where a multi-family structure is professionally managed as STRs. Because the units are professionally managed with dedicated staff on-site, some neighbors find these kinds of rentals more desirable than an absentee corporate landlord renting units in a multi-family structure (regardless of number).
 - Some regulations seem unenforceable, such as the total number of guests that may occupy a short-term rental unit is twice the number of bedrooms, which further does not take into account living areas that may be converted to sleeping areas at night. The host platform regulations also seem like they might be difficult of enforcement. What happens if the host platforms don’t comply?
 - The regulation that an owner or operator shall not allow guests to park recreational vehicles on site or on the street could be tailored to allow instances where on a large lot, it may be fine to park on RV on-site.
- **Telecommunications / Wireless.** The city’s existing standards will be reviewed and updated to comply with federal standards for regulating this use.
 - **Accessory Dwelling Units.** ADUs can be an important component in a strategy to expand more diverse, lesser cost housing in the city, and our review indicates that the city has adopted a permissive set of standards that should be helpful in promoting the creation of ADUs. It is a good practice that ADUs do not count towards the zoning district’s permitted maximum density, so they are essentially allowed on every conforming lot. It is also a good practice that they can be the same size as the principal dwelling unit, or 1,500 square feet (whichever is less), as this can enable up to two bedrooms. Many communities have much lower maximum floor area limits, which limits who may be able to live in such units. It is also a good practice to allow on-street parking to count as a required parking space (if that parking is available without restriction). However, the city could revisit the requirement that ADUs have to provide dedicated parking. Currently, projects over 1,000 square feet must provide two spaces for the unit. If both spaces must be provided on the lot, in combination with lot coverage limits and open space requirements, larger floor area ADU projects could be rendered impossible. While the definition for ADUs will be updated as part of Phase 1, along with a clarification of how allowable square footage is measured, other potential changes to applicable ADU standards will be considered as part of Phase 2 of this project.

Use Permissions and Use-Specific Standards Recommendations

- Review existing uses and edit as warranted – recategorize certain uses, consolidate others to streamline table, eliminate obsolete uses.
- Review permissions for each use, including whether some uses could be allowed more widely if accompanied by appropriate use-specific standards.
- Update existing use-specific standards, including those for ADUs, and include standards to enable particular housing types, such as attached townhomes and duplex/triplex structures.

Expand Residential Building Types to Promote Housing Diversity

The increasing lack of affordability of housing arose numerous times as a critical concern in Santa Fe. While the city is unusual in, theoretically, allowing multi-family in all residential districts where single-family dwellings are allowed (except R-7(l)), the density limitations built into the districts actually prevents this in most instances. The regulations also mention a very limited number of housing typologies:

Multiple-Family, Single-Family, Manufactured Home, Mobile Home, and Short-Term Rental. A manufactured home is a single-family dwelling, and does not need to be listed separately, as long as the definition of single-family dwelling is updated accordingly, and a short-term rental is closer to commercial lodging than housing. This leaves three types of housing, one of which (mobile home) is only allowed with a special use approval.

According to stakeholder feedback, the city should promote construction of a greater diversity of housing types, both in support of enhanced affordability, and to support varying household types (single-person households, housing for aging/elderly residents, intergenerational families) through different housing products. At a minimum, new housing types should be included in the Table of Allowed Uses, including: attached townhomes, 2-4 unit structures (duplex, triplex, and quadplex), tiny homes, and live-work units.³ While the current code does not preclude these housing types, stakeholders mentioned that the lack of specific standards to enable them makes them particularly hard to build under current regulations.

While merely permitting different housing types will not on its own cause more of them to be built, if there are established permissions and standards for these housing types they will become less risky and time-consuming for developers to propose to build. Over time, the city is likely to see more of them, and with incentives, the expansion of these housing types – all of which are less expensive than single-family homes, and which generate less opposition than large apartment complexes – can occur more rapidly. Standards that are encouraging for smaller apartment structures of 5-10 units are also important. All these housing types make up the “missing middle” that is needed in Santa Fe to expand the options for more affordable housing than detached single family homes. Some examples of this kind of housing already exist as part of Santa Fe’s traditional urban pattern, through residential compounds and condos, which fit within the existing character of the city, while allowing added density. Another important consideration is that, because of their modest scale, these types of structures can often be integrated into the existing fabric of neighborhoods and communities without disruption. In communities like Santa Fe that will be seeing an increasing amount of infill, rather than greenfield construction, in the future, making sure somewhat more dense new housing options can fit within the existing fabric if the community is critical.

³ STAFF: Phase 1 or 2?

Another popular missing-middle housing option the is accessory dwelling unit, discussed above in the use-specific standards section. These are permitted in Santa Fe the city has adopted a permissive set of standards that should be helpful in promoting the creation of ADUs.

Housing Diversity Recommendation

- Expand the types of housing types that are allowed and include use-specific standards to facilitate their construction.

Add Other New Uses

The allowed uses in a modern city are always evolving, with the expansion of previously uncommon businesses (doggie day care), the disappearance of obsolete businesses (video rental stores), and various shifting trends related to technology and demographics. The new LDC should address land uses and use-specific standards for new uses that are increasingly common but are not addressed in Santa Fe’s current regulations. Such uses might include:

A. Artisan Manufacturing

These “maker” uses are usually a hybrid between small-scale light industrial, office, and retail uses. For example, an artisan who owns a small welding business where they fabricate metal artwork and sell the products in a retail space, or an artist who fabricates ceramics and sells the products direct to consumers. Some communities establish clear size thresholds for production and manufacturing and prohibit or limit distribution, warehousing, and/or wholesaling.

These “maker” uses are not dissimilar to those that Santa Fe’s Arts and Crafts overlay intends to accommodate. Given the products that are created; however, they may be of an intensity that does not work in residential areas. Instead, they might fit better in mixed-use or commercial districts, rather than being relegated to industrial zones. For example, a small-scale distillery would likely not make a good residential neighbor, but also does not need to be confined to industrial zones. In considering these uses, it is important to establish clear size thresholds for production and manufacturing and prohibit or limit distribution, warehousing, and/or wholesaling.

B. Private Art and Event Spaces

Expansion of uses similar to Meow Wolf that combine private arts-based community spaces and event centers are expanding in the community. These uses combine aspects of a museum with an event center, and may require a new use classification and permissions.

C. Conversion of Roadside Motels to Housing

Open space, parking, and kitchen requirements can be impediments to this use. To the extent the city wishes to promote these conversions as a source of affordable housing or transitional housing for previously homeless individuals, standards can be tailored to facilitate this use.

D. Outdoor Dining, Mobile Food Trucks and Food Courts, or other Itinerant Vending

Another area where regulation is evolving to reflect frequently changing business practices, staff have mentioned the need for updated, post-COVID standards for outdoor dining. Standards for similar or related uses, such as mobile food trucks and temporary, fixed-location food courts, can be added as needed, depending on the demand for these uses in Santa Fe.

E. Doggie Day Care

This is a rapidly proliferating use that often does not require the same strict regulation that 24-hour kennels or boarding operations do.

F. Fulfilment Centers and Data Centers

Because of the size of these facilities and their impacts in terms of traffic, and energy/ water use, many communities are adopting design standards, along with more strict regulation on size and operations.

G. New Cannabis Uses

Communities are beginning to regulate for cannabis uses aside from production facilities or retail storefronts. A common concern is the proper allowance and regulation for consumption facilities, such as hookah lounges.

H. Special Events

As a community with many special events occurring year-round, it is reasonable to consider how best to handle the implications of these events on nearby properties.

New Use Recommendation
<ul style="list-style-type: none">• Add new uses, accompanied by use-specific standards where appropriate.

Development and Design Quality Standards

Setting a high bar for development aesthetics and quality is important for Santa Fe to protect its neighborhoods and sensitive resources, maintain its cultural, historical, and tourism attractions, and simultaneously allow areas for growth and change. A decades-long tradition of maintaining high standards for the appearance of new development has led to Santa Fe being seen as a positive model of attractive site and building design that sets the city apart from any other community in the state or country.

The LDC's standards regarding development quality range from the broad array of site and building design standards in the historic districts overlay, to freestanding articles that focus on specific topics like grading and drainage. The challenge moving forward will be to take the adopted standards to the next level by:

- Providing more certainty—specifically, by removing vague language and rewriting ambiguous standards, and by clarifying the distinction between standards and guidelines;
- Ensuring that all standards work together, by eliminating repetition and clarifying which standards control in case of conflict; and
- Providing greater flexibility (through menus and options) to achieve compliance with the LDC while still not restricting creativity.

The following sections discuss the major issues that surfaced during stakeholder interviews and our background analysis. Further details are included in the detailed review of current regulations table that accompanies this report.

Vehicle Parking

Parking requirements were mentioned frequently during interviews and in survey responses. Most commenters agreed that a reduction in requirements should be considered, though some thought it should be limited to certain locations, such as those served by transit. In Phase 1, we will undertake a rewrite of the parking standards to enhance clarity and to allow more flexibility in meeting (or reducing) requirements. The opportunities for reduced parking may be narrowly targeted in this phase, applying to on-site ADU parking requirements, or for existing residential units in buildings downtown.

The larger question of whether the city should be requiring parking with development at all can be examined in Phase 2. A growing trend in many locations is to eliminate minimum parking requirements, reasoning that the market and developers will provide parking in an amount that will meet the needs of the project they are developing. Other communities are taking a somewhat more measured approach,

pursuing targeted elimination of parking requirements in downtowns or along high-frequency transit corridors.

A. Consolidate Parking Standards and Update Parking Schedule

In Phase 1, all parking-related information should be consolidated in the main body of the LDC rather than spread across multiple appendices, where it can be difficult to find. Appendices A through D should



be integrated into the main code; they cover parking requirements, parking space standard dimensions, required bicycle parking, and bike rack standards and dimensions.

Phase 2 will include a review of all current parking requirements to compare the current requirements to national standards, similar communities, and our experience in other communities to determine where the current standards may be requiring too many (or too few) spaces. We will then recommend increases or decreases to required parking for each use. The national trend is to move to lower required parking standards since many communities in the past have required an excessive amount of parking. We also recommend consideration of adopting parking maximums, in addition to parking minimums.

B. Offer Options for Flexibility in Meeting Requirements

Another trend nationwide is to provide more flexibility in parking standards and how parking is provided. Santa Fe currently offers limited options for reducing the amount of parking that must be provided on-site. There is a combined use option, where a mixed-use project, for example, can receive a reduction if a parking demand study demonstrates that peak demand for different uses occurs at opposite hours. Reductions are also possible in the BCD and LINC overlay, dependent upon a parking demand study showing lesser parking demand. There is also a possibility for reduction if a property owner grants the right for the City to use a portion of their property for a transit facility.

These are good options and should be maintained. Additional tools for flexibility are proposed below. Parking could be reduced in these pre-defined instances subject to administrative review:

- **On-Street Parking.** Section 14-8.6(b)(2)(b) specifies that “no required off-street parking space shall be located within the right-of-way...” There is a limited exception to this prohibition in the LINC overlay, but we recommend allowing this more widely. Provided that the on-street spaces are neither metered, time-restricted, or subject to residential parking permit restrictions, on-street parking adjacent to a given use should be allowed to count towards required on-site spaces. While allowing on-street spaces within a

certain proximity to count for required spaces is becoming common practice, it is generally not an option extended to residential development (aside from ADUs).

- **Off-Site / Public Parking.** Where there is surface or structured parking within a defined proximity of a use, on-site parking requirements can be reduced by a certain percentage.
- **Proximity to Transit/Multimodal Trail Network.** If there is high-frequency transit within a certain proximity of a use, or if a location is well-connected to the multimodal trail network, the on-site parking required may be reduced by some percentage of the total requirement. Depending on frequency and extent of transit network or proximity to the trail network, some locations eliminate parking requirements altogether along the transit/trail corridor and within a specified distance beyond the transit/trail corridor (extending one or two blocks to adjacent, parallel streets).
- **Reduction for Car Share Vehicle Spaces/ Enhanced Bicycle Infrastructure.** Where one or more car share spaces are provided on-site, or where accommodation for bicycles is provided beyond the base requirements, these may be counted as a “credit” allowing the reduction of other required vehicle spaces by a defined quantity.

Parking reduction approval is often tied to a parking demand study that demonstrates that fewer parking spaces are needed to meet demand than normally would be required. Santa Fe allows such studies already, but stakeholders indicated the need for improvements; there are not clear definitions or parameters for what information must be included. Many communities require that these studies be prepared by transportation engineers or similarly certified professionals. There is a cost to this requirement, though it is often offset by the reduced cost of providing less on-site parking. Other communities simply require that an applicant who submits a study compile the information based on reliable, recognized sources, such as the Institute of Traffic Engineers (ITE) Parking Demand Calculations. The LDC should identify the situations when parking demand studies can be submitted, by whom they should be prepared, and who is the appropriate decision-making authority to review and approve such requests when they are received.

C. Expand Bike Parking Requirements

Santa Fe has bicycle parking requirements in the current code, but there are opportunities to add detail and strengthen them.

- **Standalone Bike Space Requirement.** A best practice is to “untie” the number of bicycle spaces required from the number of automobile parking spaces required, as is done in Table 14-8.6-3, General Off-Street Bicycle Parking, where, for example, four bike spaces are required for every 0-5 auto spaces. Because the updated code will likely include reduced base parking requirements, along with various opportunities to request further reduction in required spaces, this prevents the number of bike spaces being reduced when the number of car spaces is reduced. It also avoids complications for any areas, such as the BCD, where the City may decide no parking is required. While the City could specify that reduction in car spaces does not allow reduction in bicycle spaces, we recommend instead requiring bicycle spaces based on square meters of floor area, in the same manner that car space requirements are determined.
- **Revisit Base Requirement.** The LDC update should take the opportunity to increase the number of bike spaces required to reflect increasing bike usage. Using the current table, a multi-family development with 100 parking spaces would only need to provide 12 bicycle spaces. One approach could tailor the number of bicycle spaces to context, where fewer bike spaces are required in more auto-dependent areas and more in central, bike-accessible areas.
- **Differentiate Between Short- and Long-Term Spaces.** Most communities differentiate between short-term bicycle spaces, which are generally outdoors, and long-term spaces, which are indoors, or enclosed and secured. Provision of an adequate number of long-term spaces is particularly important in multi-family developments, and also workplaces, so employees who ride to work have a secure place to store their bike.

- **Bicycle Space Location and Design.** In addition to specifying how many spaces must be provided, the code should require that they be visible and well-lighted, describe how close the bicycle spaces must be to a building entrance and possibly the preferred design (such as a bicycle corral in a parking lot in place of a car space), and require a defined connecting path from the bike racks to the entrance, especially if crossing parking areas or drive aisles. It may also be helpful to specify approved designs for racks to be installed, to reduce the possibility of theft from outdoor, unsecured racks.
- **Reduction of Car Spaces.** Many communities choose to allow a reduction in the number of car spaces required in exchange for provision of bicycle facilities beyond the minimum. In many cases, this involves not just the number of bike spaces, but that they be long-term, and that supportive facilities (showers, changing rooms) are provided.

D. Include Electric Vehicle (EV) Requirements

With the growing number of electric vehicles available, it has become increasingly common to include standards for provision of EV infrastructure in zoning codes. Many communities start with relatively modest requirements for parking spaces that include full charging infrastructure (“EV-Installed”), but are more aggressive in requiring spaces to be provided with conduits that allow for charging infrastructure to be installed in the future (“EV-Capable”). Below is an example from another community for how EV requirements were included in the code.

Table 30.04-5: EV Charging Requirements by Land Use

Use	Number ^[1]	Applicability
Single-Family Dwelling	1 Level 2 outlet (240 volt)	N/A
Multi-Family Dwelling	25% EV-Capable, 3% EV-Installed	25 parking spaces or more
Nonresidential – Retail and Services	10% EV-Capable, 3% EV-Installed	100 parking spaces or more
Nonresidential – Resort Hotel, Hotel or Motel, School, Convention Facility, Group Assembly ^[2] , and Recreational or Entertainment Facilities	25% EV-Capable, 3% EV-Installed	50 parking spaces or more
Nonresidential – Warehouse and Distribution, and Manufacturing	5% EV-Capable, 3% EV-Installed	100 parking spaces or more

[1] Based on the required parking spaces for the use, as specified in Table 30.04-2.

While we generally recommend inclusion of EV requirements into the updated code, further consideration will be needed to determine what kind of development will be required to provide the infrastructure (residential, commercial, public facilities), along with the extent required (e.g., 10% EV-Installed for lots of 100 or more parking spaces).

Vehicle Parking Recommendations
<ul style="list-style-type: none"> • Consolidate Appendix information – especially the parking table – into the body of the code. • Update the schedule of required parking. • Include additional options for allowing flexibility in meeting or reducing on-site parking requirements and add detail to requirements for parking demand studies. • Expand bicycle parking requirements, and “untie” them from the number of car parking spaces that must be provided. • Include requirements for EV parking spaces.

Landscaping and Tree Preservation

In interviews and surveys, one of the main concerns about landscaping was water consumption. This rewrite offers an opportunity to better align water conservation goals and LDC standards. In this section of the report, a main focus is therefore centered on ways to preserve existing mature plantings, and reduce water use overall in landscaping. The majority of items in this section will be addressed in Phase 1, with the possible exceptions of mandatory tree preservation with incentives, development of an Approved Plant List, and changes to the irrigation requirements of the code.



A. Preserve Existing Landscaping

The purpose statement for the landscaping section of the LDC mentions preserving existing, healthy vegetation: “It is also the purpose and intent of this Section 14-8.4 to preserve existing healthy vegetation to the greatest extent possible as an important cultural, environmental and economic resource.” We recommend greater emphasis be placed on preservation of desirable plant species in the updated LDC. Some native plants can establish quickly in the desert environment, but many other plants grow slowly, so the time it takes for new landscaping to become established and offer the same benefits as established plants can be significant.

Section 14-8.4(F)(5), *Preservation of Existing Vegetation*, allows the Land Use Director to require preservation of significant trees (defined as deciduous trees of six inches in caliper or greater, or an evergreen tree eight feet in height or taller). This is a good practice, though it would mainly apply when a proposal for new development or redevelopment comes forward. We suggest that the extent of what is required to be preserved should be expanded, subject either to the decision of the Land Use Director, or adjudication by the Municipal Tree Board. Any request to remove a significant tree could require an assessment by an arborist. If the arborist finds the significant tree is healthy and viable, then removal could be a recommended action by the Tree Board. In addition to preventing significant trees being cut down on a site, preservation requirements could specify that any pruning or trimming of significant trees

requires prior review from staff. If a significant tree is to be replaced, the replacement tree should be a larger caliper than standard planting requirements, and the replacement could be accompanied by a financial guarantee that remains in place during the tree’s establishment period, in case the replacement tree dies or becomes diseased, so another tree can be planted if needed.

Preservation could also be extended to include not just smaller caliper or shorter trees, but established drought-tolerant species, and also any significant plantings of established vegetation on a site, including shrubs and native grasses, provided the plants are not invasive or undesirable species. How “significant plantings” is to be defined can be discussed further as the rewrite progresses, but at a minimum, we suggest focusing on mature plants that provide shade and cooling, habitat for native species, or other environmental benefits.

Finally, provision (F)(5)(b) in the preservation section mentions the incentive that preserved pinon trees count for two trees that would otherwise be required on a site. Offering this kind of incentive is a good practice, particularly if the requirements for preservation of vegetation are to be expanded. We suggest expanding the use of such incentives as part of a more formal tree preservation component of the rewrite. Such a program can more actively encourage removal of noxious weeds and undesirable plant species, and can include replacement requirements as well, e.g., if one 12-inch diameter tree is removed, it must be replaced by three 2-inch diameter trees. The example below shows the credit Sedona AZ offers for preserving mature trees against the requirements for new on-site planting. This is a good starting point, but recently more communities, recognizing the numerous benefits of established trees, have increased the credit offered for their preservation.

5. Trees shall be credited according to the following criteria in the quantities shown in Table 5.5.

Table 5.5 Credits for Preserving Trees

Diameter at 4 feet 5 inches above ground	Number of Trees Credited
25 inches or greater	6
13 to 24.5 inches	4
8 to 12.5 inches	3
4 to 7.5 inches	2
2 to 3.5 inches	1

B. Potable Water and Irrigation

Section 14-8.4(C)(E) suggests the use of potable water for irrigation “shall be used only as a back-up or temporary irrigation water source to the greatest extent possible.” This is a good practice; however, because we understand that the state of New Mexico, the City, and the Water Department would like to prioritize water conservation and reduce outdoor water usage, the City may want to consider stronger regulation. The City could consider prohibiting the use of potable water for outdoor watering, setting limits for the amount of water that can be used for outdoor watering regardless of the source, and including standards in the code for the use of water catchment and the maintenance of catchment systems. If stricter limitations are imposed, the allowed plant list should reflect these limitations, with increased emphasis on the possibility for xeriscaping or alternative compliance.

The City may also wish to consider stronger language regarding irrigation systems, since one of the most effective ways to reduce water consumption in landscaping is to mandate irrigation drip systems. Currently, the Irrigation Standards in Section 14-8.4(E)(4) “encourage” irrigation designers and installers to use the City Landscape Irrigation System Standards “as a guide to minimum specification for irrigation

systems.” These standards could become mandatory, rather than encouraged. The City could also consider a requirement for irrigation designers to be certified, in recognition of that fact that technical knowledge and a basic irrigation plumbing background is necessary to the design of an efficient system.

C. Prohibit or Limit Turf and High Water-Use Plants

Many desert communities are reconsidering allowing turf grass and plants that are not drought tolerant. Clark County, Nevada, bans the use of turf altogether, except in cemeteries, parks, and schools. Existing facilities, such as golf courses, that have extensive areas of turf may maintain them, but no new facilities with this reliance on turf may be constructed. Sedona, Arizona, limits turf to ten percent of a project site, while Tucson only allows non-drought tolerant plants in “oasis areas,” which are generally limited to five percent of multi-family sites, and two-point-five percent of other sites.

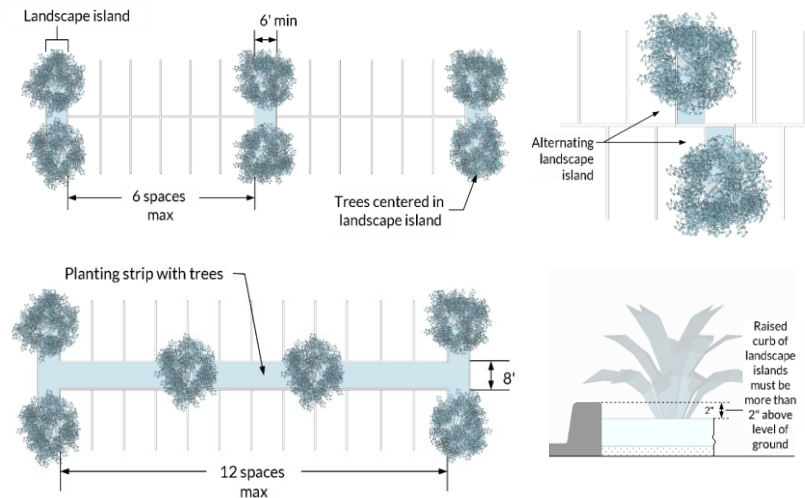
We propose prohibiting future installation of turf in Santa Fe, except in public parks and school or publicly accessible playing fields. A less-stringent alternative would be to ban cool-season grasses, while allowing warm-season grasses for large open space and retention ponds utilizing temporary irrigation, while imposing area limits on how much turf can be installed. Commercial and industrial uses should not be installing any extent of turf to fulfill their open space requirements. Finally, high water use plant species should have limited use in satisfying the requirements of the landscaping section, where they are only included strategically as focal points in landscape areas. Conversely, the rewrite can expand emphasis on xeriscaping (see below, Approved Plant List), which is now only mentioned once in the landscaping section (14-8.4(E), *Water Harvesting and Irrigation Standards*).

D. Approved Plant List

The city has a recommended plant list, but not an approved one that would *require* development to comply rather than recommending it. Given concerns with water usage, it is important to create an Approved Plant List, where the species allowed are primarily low- or very-low-water, drought-tolerant plants that are native to the region, or non-native, non-invasive species that are demonstrably suited to thrive there. The Approved Plant List should include plants that support the possibility of using xeriscaping to meet landscaping requirements, while the code can specify when this option is acceptable to meet those requirements. This list, once created, may be housed outside the code, in recognition of the need to make changes due to the changing environment and global warming. Keeping the list outside the code allows for it to be updated more easily than would be case if a code amendment were needed for each amendment. Secondary to water concerns is availability; the list should take into consideration the kinds of plants that are readily available in area nurseries.

E. Parking Lot Landscaping

Because parking lots are powerful heat generators and contributors to heat island effects, the trend in many communities is to focus on reducing the size of lots, and particularly expanses of unshaded asphalt or concrete (parking lot design and acceptable materials are included in the Vehicle Parking section of this report). We therefore begin by recommending that the requirements for interior parking lot landscaping should be lowered significantly from lots of 40 or more spaces. Many places apply these requirements starting at 10 spaces. Santa Fe currently requires parking lot landscaping using a ratio of 10 square feet of landscape area per parking space, with a minimum of one tree per 90 square feet of landscape area. This is a complicated method for determining how much landscaping must be provided, and the requirement that landscaping shall be “distributed throughout the lot” is vague. In Phase 1, we recommend a change to base landscape island requirements on a certain number of spaces, e.g., one island every 12 spaces, plus islands at the start and end of each row. The illustration below is from another community that adopted similar standards for interior parking lot landscaping requirements.



Further, it is simpler for users to understand and staff to implement when the minimum space for a landscape island is the described in absolute terms (e.g., a minimum of six feet wide, and the length of the adjacent parking space), rather than as square footage.

The emphasis on planting in landscape islands should focus solely on trees and accompanying ground cover, since shrubs and other plantings will not provide shade, even at maturity. The minimum caliper of tree at planting should be specified, along with a requirement that the tree species be selected from the Approved Plant List. As with other landscaping provisions, there should be requirements for maintaining plantings in good condition, and replacing plants that do not survive. To support use of stormwater as an irrigation source for parking lot planting, the section should include low impact development standards. Tree protection standards or screening requirements can be included to prevent landscape island trees from being irreparably damaged by car bumpers. Finally, it is becoming increasingly common to allow the provision of covered parking (either with canopies, or with solar panels) and covered walkways through parking lots to be allowed in lieu of parking lot landscaping, or to be granted some reduction in the live planting requirements. This may be a good alternative to encourage in Santa Fe, where plantings can take a long time to reach a level of growth that would provide sufficient shade.

The improvements above will be part of Phase 1 of the rewrite, along with two items that were mentioned

by stakeholders. One is to clarify whether parking lots adjacent to freeways need to be screened in the same manner as lots along other roadways. The second is to clarify the extent of parking lot buffer required when the lot is set back a significant distance from the roadway.

F. Irrigation and Water Use

While the recommendations of this section focus on using less water in landscaping, there will nevertheless still be instances when irrigation for landscaping is still necessary. Stakeholders had several suggestions for improving the irrigation requirements in the code. One respondent indicated that the irrigation code is written so that it seems acceptable to put trees and shrubs on the same lines, but the City requires the trees and shrubs to be on separate zones. It also requires separation of zones based on water use for each plant type listed; this needs to be clear in the code rules. Another suggested reconciling the inconsistency between landscaping irrigation requirement and the erosion control section: the landscaping section says that irrigation is only needed on seeded areas if the seed mix includes annuals, but the erosion control section says all seed must be irrigated. If the City’s pilot projects to establish seed without water continues, this should also be included in the code.

Landscaping and Tree Preservation Recommendations

- Emphasize the preservation of existing landscaping and mature on-site trees, and offer incentives to encourage it.
- Focus on water conservation in landscaping requirements. Devise an approach on whether potable water use for landscaping is allowed, and the extent to which gray water is available and may be used.
- Strengthen planting standards through creation of an Approved Plant List (rather than a recommended one), and consider a Prohibited Plant List as well.
- Refine interior parking lot landscaping requirements, with emphasis on provision of shade in the parking area.
- Clarify and update irrigation standards.

Screening and Buffering, Walls, and Fences

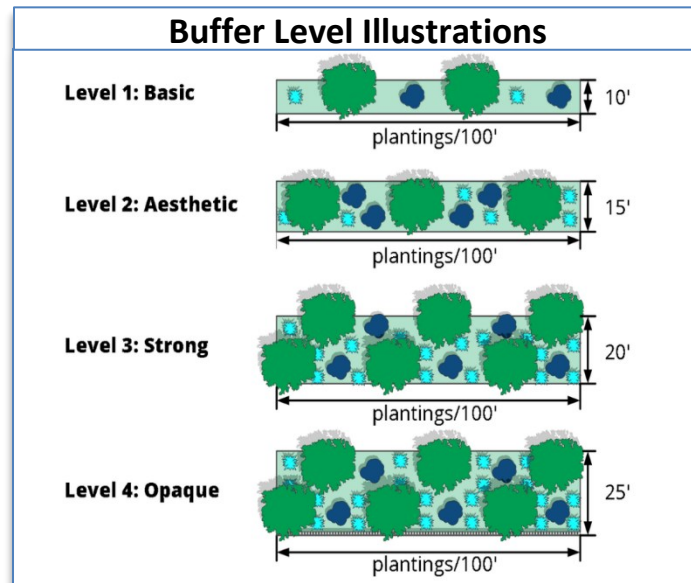
A. Create New Residential Adjacency Section

Screening, buffering, walls, and fences are frequently (though not exclusively) required when more intensive uses share property lines with residential development. To address the issues that such adjacent development can bring, we recommend the creation of a new “Residential Adjacency” section in the new LDC, which would allow a more user-friendly consolidation of this related material. While separate Screening/Buffering and Walls/Fences sections will still exist, any content specifically related to residential adjacency will be relocated into the new section.

For example, Section 14-8.4(J)(3), *Buffer for Non-residential Development Abutting Residential Development*, would be relocated, along with standards applicable in other situations, such as adjacency of uses with drive-throughs, public address systems, or outdoor music; stepback requirements for taller buildings; location of trash and recycling receptacles (Section 14-8.4(J)(4)); signage, noise, and lighting limitations; and other situations that commonly arise.

B. Adopt More Tailored Buffer Options

The existing residential adjacency buffer requirement in Section 14-8.4(J)(3) of 15 feet wide with plantings as required in open space standards (one tree and two shrubs for every 500 square feet) may be adequate for certain adjacent uses, but it may not suffice for others. We recommend a more tailored approach to residential adjacency buffers, such as in example below.



In this example, the intensity of the non-residential use determines the extent of buffering required. A Basic buffer may be required if a residence is converted to a small office, but the neighboring properties remain residential. An Opaque buffer could be required for something like a distribution center, with 24-hour operations, heavy truck traffic, and a lot of loading/unloading activity.

C. Walls and Fences

Few respondents expressed issues with Section 14-8.5, *Walls and Fences*. Further input is needed on what specific changes may be required; however one issue that will be addressed in Phase 1 is a standard method for measuring fence height, accompanied by illustrations. Another possibility is to add information on permitted or prohibited fence materials, which are common in most codes. Including this information could help to address frequent questions on whether and where chain link, barbed wire, or electric fences are permitted in the City. Historic district regulations do specify what materials can be used for fences, but if similar standards would be helpful outside those districts, they can be added in Phase 1.



Screening and Buffering, Walls, and Fences Recommendations

- Create Residential Adjacency code section that focuses on buffering residential uses from various impacts of more intensive adjacent uses.
- Tailor buffering requirements based on intensity of adjacent development.
- Clarify issues with combination of fences and retaining walls, measurement of fence height, and consider the inclusion of fence material requirements for areas outside historic districts.

Building Design

The distinctive architectural character of Santa Fe’s downtown and surrounding neighborhoods is one of the city’s main attractions, a primary element that makes the “City Different.” The LDC’s tools for regulating building design, including both the architectural points system and the Historic Overlay standards, have long been important tools for maintaining the City’s distinctive character.

The initial survey for the LDC update project generated many comments on such tools. Some stakeholders suggested that all new development and growth should reflect the historic character of Santa Fe. Others emphasized that a variety of architectural styles may be appropriate in different areas, such as the area encompassed by the LINC overlay, where contemporary and mid-century styles should be encouraged.

Some comments specifically focused on the current points system for regulating design, saying it is arbitrary and that any points system is inevitably a “blunt instrument,” with superficial descriptions of requirements, that allows bad buildings to be built when they comply, and ultimately is not producing the intended outcomes.

How to approach architectural style requirements outside of Santa Fe’s historic districts is likely to be one



of the central focus topics that both the LDC update and also the General Plan rewrite seek to address. Any substantial changes to the existing points system, or introduction of new design standards, should be considered during Phase 2 or 3.

A. Phase 1 Refinements to Architectural Style Point System

There are, however, improvements that can be included in Phase 1 of the LDC rewrite. There are opportunities to clarify information in the section by using simpler language, or adding detail or clearer description in others. One example of vague language is in Section 14-8.7©(2)(d), regarding additions to nonconforming buildings, which states that the points system does not apply to “buildings of unique architectural merit” without any definition or accompanying explanation of what might constitute such a building.

Many improvements can be made to the content, from breaking up long paragraphs of text, to reformatting Table 14-8.7-2 so that LINC requirements are easier to discern by being separated into their own table column. The content in the table would be easier to understand through the addition of photos or illustrations, while definitions for architectural terms of art (articulated lintels, glazing, mullions) should be included to help users understand these terms.

B. Implement Hybrid Form-Based Code

A frequent refrain during stakeholder interviews was that more formally applying form-based standards in certain areas of Santa Fe should be part of the code update. Subject to further discussion on where such form-based controls should apply, and what elements of development they should regulate, these standards can be included in Phase 2 of the project. The incorporation of such standards may supplement or replace reliance on the architectural style points system, or that system could continue to apply in areas that are not regulated by form-based standards.

A more form-based approach would not be entirely new. Numerous sections of the current LDC rely on form-based standards to guide the kind of development that is appropriate in a given area. And many of the historic district overlays reference some standards that are form-based, even if they are mostly rendered through textual descriptions in the code.

Building Design Recommendations

- Phase 1: Improve structure of information, add detail and definitions where needed, and simplify language in the section.
- Phase 2: Determine areas of the city where form-based standards would be appropriate, and draft standards to apply in these areas.
- Consider how form-based standards intersect with the existing Architectural Style Points System requirements.

Signs

A. Remove Content-Based Regulation

A Phase 1 task will be to review for and eliminate content-based regulation that has been rendered illegal by the Reed decision. Since the 2015 U.S. Supreme Court case of *Reed v. City of Gilbert*, nearly every community in the nation has had to evaluate their sign regulations.

Generally, a simple test for content-based regulation is that if someone must read the sign to know if it complies, it is content-based. A review of the City’s current regulations, which mostly date to 2001, indicates at least a couple of instances where this would apply. Subsection (G)(28)(e) and (f) refer to Price

Reduction signs and Distress Merchandise Sale signs. Both of these are content-based regulation – one would only know the sign regulates price reduction or going-out-of-business by reading it. These kinds of regulations will be amended or edited to comply with First Amendment requirements.

What sign regulations can still address are the following aspects: where a sign can be (e.g., what zoning district), what type of sign is allowed, how many per lot, and how large it can be, as well as any kind of illumination that is allowed.

Most communities continue to regulate permanent and temporary signs (both on- and off-premises) without reference to their content, in the absence of further decisions limiting such regulations. This is the strategy our review will follow, while also addressing the following issues.

B. Improve Organization and Add Illustrations

The current sign regulation section is quite long, in some part owing to the repetition of information, and also due to the lack of tables, graphics, and illustrations that can better convey the regulations of this section than long blocks of text. The information in the sign regulations should be organized by major topics that make subsections of specific information easier to locate. Information can be conveyed in a consolidated table for each sign type, similar to the example below from another community, rather than relying on text.

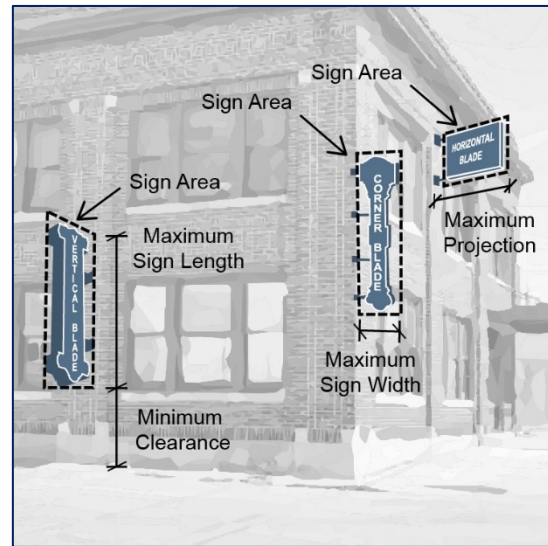
F. Electronic Sign: Animation																							
Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF	
Animation																P							P
P=PERMITTED BLANK=PROHIBITED																							
Standards																							
Maximum Area	Shall not exceed 25% of the sign area																						
Maximum Number	1 per site																						
Maximum Height	If wall sign: Shall not extend above the top of the wall where installed If freestanding sign: Same as underlying zoning district																						
Illumination	Yes																						
Other requirements	Allowed only in conjunction with a resort hotel. Allowed in conjunction with freestanding, supergraphic, or wall signs.																						

Also, illustrations can be effective tools for explaining sign regulations, often more so than text. While some text is still necessary, it can be augmented and improved through use of graphics like the one below.

Zoning Code Text

“Projecting sign” means a sign, other than a fascia or canopy sign, the exposed face or faces of which are not necessarily parallel to a wall and which is attached to a building and extends as a projection of a line of that building or beyond the surface of that portion of the building to which it is attached.

Graphic Depiction



C. Include New Sign Types

The current regulations do allow for electronic messaging signs (though the standards for what is allowed are in the “Prohibited Signs” section), but many other newer sign types are not addressed in the code. Whether the decision is to allow or prohibit them, the update should include new types of signs that are becoming more common, such as supergraphics, projected light displays, animated and video displays, inflated or wind-driven signs, and mobile signs.

D. Signs in the Historic District & Historic Signs

Section 14-8.10(H) describes “Special Sign Regulations in the H Districts.” The regulations here are not the same as those that regulate historic signs. This caused some issues and confusion for stakeholders, leading to the following recommendations. While keeping the regulations in the respective sections is preferable to repeating information in two places, these sections should nevertheless reference each other, particularly if overlapping standards apply. The two sections should be compared as part of Phase 1 to ensure there is no contradictory content, and if any is identified, it should be reconciled.

Signs Recommendations

- Review all sign regulations to eliminate content-based regulation.
- Improve the organizational structure of the section, and include graphics, tables, and illustrations to convey information.
- Add regulations for new sign types.
- Compare regulations for signs in the Historic District with regulations on historic signs; eliminate any discrepancies or conflicting information.

Parks

As mentioned in the Zoning Districts section of this report, Phase 1 will include the creation of a Parks and Open Space District, to replace R-1 being applied to the city’s parks and trails. Phase 1 can also include any needed updates to “standards based on the average number of persons per housing unit according

to Census 2000, which is two persons per unit for Santa Fe,” as stated in the Purpose statement (Section 14-8.15(A)(3)). Level of service goals included in Section 14-8.15(A)(4) and (5) specify three acres per one thousand persons or per five hundred housing units for neighborhood parks, and 12 acres per one thousand persons or per five hundred housing units for regional parks, community parks, open space and trails. Phase 2 can examine whether there is a need to update these dedication requirements.

During interviews, stakeholders indicated that the Parks Department is asking not to assume any more public lands, and instead allowing private parks to be created. There are issues with these parks not being publicly accessible, and also with the quality of the spaces that are being created. While the current regulations allow for the city to determine that impact fees may be submitted instead of parkland if no suitable land is available in a development (Section 14-8.15(C)(2)), perhaps allowing for a development proposal to offer fee-in-lieu of parkland, subject to approval and acceptance by the city, should be considered. These fees could be used to support maintenance and operations of existing parks, and redress the imbalance of park locations, where there are more parks on the north and east side, but not on south and west sides where they are needed.

Parks Recommendations

- Review all regulations to update level of service goals and dedication requirements if necessary.
- Consider allowing fee-in-lieu of parkland dedication, accepted at the City’s discretion, to support maintenance of existing parks, and targeted expansion in areas of the city where more parks are needed.

Open Space

Few stakeholders mentioned the open space requirements in interviews or survey responses, except to say that meeting such requirements can be hard for a change of use, such a motel conversion, and that the amount of open space required for multi-family development should be increased, at the same time as features like retention ponds should no longer be allowed to count in satisfying this requirement. An alternative that is becoming increasingly common in many communities is to define a list of amenities that can be provided in a multi-family residential project that can be provided as part of/instead of open space. Such amenities include swimming pools, child playground areas, grilling and outdoor dining areas, indoor or outdoor fitness facilities, and more. The possibility of expanding the options to meet open space requirements for residential development can be reviewed in Phase 2 of the update.

We would also seek input to better understand if the open space requirement as applied to non-residential development is working for the city, and providing useful, usable space in these contexts. It is possible that as vacant, buildable land becomes scarcer, and the price of land increases accordingly, there need to be more options for how a project might comply with the open space requirement. This is another area where the City could consider accepting a fee-in-lieu of on-site open space in commercial development, and devoting the funds to creating and maintaining new parks in areas where they are needed. The LDC update could also consider whether alternate amenities that provide community benefits – public art, space for on-site childcare, fitness facilities for building tenants, publicly accessible plazas or gardens, to name a few -- could be accepted instead of cash or open space.

Open Space Recommendations

- Add more flexibility in options to meet open space requirements for both residential and non-residential projects.
- Consider accepting fee-in-lieu, which could support current and future public parks, trails, and open spaces, or accepting alternate amenities that provide community benefit.

Outdoor Lighting

The city's current outdoor lighting standards are relatively brief, and unusual in including requirements for street lighting, as well as those for private development. Community street lighting provided in the right-of-way is generally regulated outside of the zoning code, which more typically only regulates private property. If street lighting requirements are retained in the zoning code, clarification of new street lighting requirements for subdivisions can be addressed in Phase 1 of the update, along with additional detail on requirements for pedestrian scale lighting along sidewalks and trails.

The current standards will be updated to distinguish standards for types of lighting fixtures, shielding requirements, the illuminance levels of lighting (and how it is measured), glare standards, parking lot lighting, building lighting, and pedestrian lighting. Generally, the lighting standards should reinforce CPTED principles (Crime Prevention Through Environmental Design) and ensure safety for owners and users of the property while minimizing negative impacts associated with spillover lighting. The updated requirements can be drafted to align with the state of New Mexico's Night Sky Protection Act (N.M. Stat. Ann. §§74-12-1 et seq), or exceed those standards if desired.

Outdoor Lighting Recommendations

- Consider removing community street lighting from the zoning code. If retained, clarify new street lighting requirements for subdivisions, and add detail on pedestrian-scale lighting for sidewalks and trails.
- Update requirements to reflect current best practices regarding elimination of backlight, uplight, and glare (BUG).
- Add detail to standards, and describe method of measurement.
- Align lighting regulations with night sky protections enacted by the state or set higher local standards if desired.

Streets and Sidewalks

Staff have indicated that a separate project to address street typology and design in Santa Fe is about to get underway, so this report does not review the current regulations. The Street Design Guide project will take place concurrently with the LDC Update, but because it is of a shorter duration, the results of that project can be incorporated into the LDC update during Phase 2 or 3 of this project.

While the Street Design Guide will also include a Bicycle and Pedestrian Design chapter, Phase 1 of this project will still include a review and standardization of sidewalk width requirements, though this width may not be universal, instead varying according to the development context. The determination of consistent standards may help with consistent implementation of the regulations, which was mentioned as an issue during stakeholder interviews.



Streets and Sidewalks Recommendation

- Review and standardize requirement for sidewalk width, possibly adapting minimum requirement based on development context.

Development Water Budgets

Many conversations centered on the importance of water conservation in Santa Fe, and the need to have stronger links between land use planning and water planning in general, and the code sections that regulate them in particular (Chapters 14 and 25). Discussion of development water budgets had two areas of focus: developers' lack of understanding about water rights, and a lack of awareness of the requirements related to development water budgets until quite late in the development review process, where a project can get the whole way to permitting in compliance with Chapter 14, but then an applicant discovers another set of requirements in Chapter 25 that they had not known or been told about. The LDC update can look at ways to integrate these two components as part of a procedural review, and staff can advise if there is also a need to change what the requirements for water budgets are as part of the review. At a higher level, efforts to emphasize sustainable development in the code can focus on water conservation by rewarding projects that preserve and protect water, and reduce outdoor water use in particular.

Development Water Budget Recommendations

- Integrate water-related requirements in Chapter 25 with those in Chapter 14.
- Use procedural requirements to improve awareness of development water budget requirements earlier in the review process.
- Emphasize water conservation as part of the effort to integrate sustainable development practices into the LDC.

Procedures and Code Administration

Development regulations should clearly describe the procedures by which new development applications are accepted, considered, and acted upon by local officials. A well-written code makes it easy for staff, the development community, and local officials to know exactly what is required for project approval and helps ensure consistent administration over time.

The sections below discuss a variety of recommended strategies and tools that could help improve Santa Fe's zoning procedures to provide more clarity, transparency, and consistency, which stakeholders identified as potential areas of improvement.

Update Common Review Procedures, Application-Specific Procedures

Santa Fe's development regulations call for a number of different permits and approvals, such as rezonings, variances, subdivision plats, and special use permits. The general procedural steps for each of these application types are outlined in a set of common review procedures, described in Section 14-3.1E through 14-3.1(M). This organizational framework will be thoroughly reviewed as part of Phase 1, to ensure it is accurate and completely describes how the application process is conducted in Santa Fe.

The Phase 1 review will seek to clarify procedures that are not adequately clear and detailed, which contributes to the public's perspective of a lack of transparency and the perception that the process is not

consistent and fair. Clarification will also aim to address developers’ concerns that unclear procedural steps contribute to inconsistent interpretations, prolonged processes, and unpredictable outcomes.

The graphic below from another community illustrates how these procedural steps can be rendered visually, and it is generally included in each section describing specific application types to help users understand which steps among the common review procedures apply. In the example below, where an item is greyed out, that means it does not apply to a particular procedure. The steps that do apply have links to the section of the common review procedures that describe that step in the application process.



One component of the application process that came up frequently in survey responses and interviews was a lack of clarity around post-decision actions. Though these are mentioned in the common review procedures, they are not explained in any of the application-specific information. What is required is a matter of staff knowledge, and because the steps are not outlined anywhere, applicants had the perception the requirements were inconsistent. Some of the specific post-decision actions that were unclear or caused confusion include Action Letters for special use approvals, steps for recording post-approval, and problems with infrastructure verification, where clarification is needed regarding what documents the infrastructure is being inspected against. As part of Phase 1 of the LDC Update, we will work with staff to understand what these post-decision action steps are, and ensure they are codified.

Application Procedures Recommendations

- Review and update common review, application-specific procedures.
- Ensure that all steps of the application process are described in the code, including required post-decision actions.

Refine Approval Criteria

Conformity with approval criteria is the basis on which an application is reviewed, then approved or denied. Specific and objective approval criteria are important since they are not only the basis on which staff and the governing body base their decisions, but clear and objective standards also enhance predictability and transparency for applicants. Currently in Santa Fe, approval criteria, and where applicable, potential conditions, are included with each particular application type. In some cases, the approval criteria are overly general, which can render an approval subjective.

- An example is the approval criteria for a Special Use Permit, among which are: “that granting the special use permit does not adversely affect the public interest,” and “that the use and any associated buildings are compatible with ... the abutting property and other properties in the vicinity of the premises under

consideration.” Both “compatibility” and “adverse effect on the public interest” are subjective judgements that may be construed very differently by different people. A way to improve these criteria is to make them more specific, for example, compatibility may be judged on the basis of the scale and characteristics of a use – is any proposed building a similar size to those surrounding it? Are the hours of operation likely to cause disruption for neighbors? Adverse effects similarly can be assessed more precisely – will the potential use generate noise, or traffic, that is disruptive to the surrounding area?

This is one example of the way approval criteria can be refined to be more specific and predictable as the basis for decision-making. The LDC project will review and update all such criteria as part of Phase 1 of the update.

In Phase 2, the rewrite also can evaluate the feasibility of exempting desirable projects, such as housing proposals up to a certain scale of development, such as five or ten units, from certain requirements or establishing an expedited review process with automatic approval if they comply with the approval criteria.

Approval Criteria Recommendations

- Ensure each procedure has specific, objective approval criteria to define the basis for the decision.
- Consider exemption or an expedited review process for projects that meet certain criteria or policy goals of the City Council.

Delegate Decision-Making Authority to Staff, Boards, and Commissions

With less subjective approval criteria established in Phase 1, Phase 2 can investigate opportunities to delegate certain decisions to administrative approval, or approval by a Board or Commission, without the need for governing body review and public hearings. Site plans, and possibly development plans, are examples that could be staff-level decisions, once approval criteria clearly circumscribe an objective basis for approval or denial. Where it is possible to have administrative decisions based on clearly defined approval criteria, it benefits applicants by adding predictability to the decision-making process, and speeding up the application process. When changes such as these are made, they are normally accompanied by a “call-up” procedure, so that staff have the option of referring any application to a high-level decision-making body, or that body may on their own call-up a given application for decision. Some communities allow this call-up to be at the request of the applicant, while others that do not offer this opportunity nevertheless have appeal procedures in the event that an applicant disagrees with a staff decision.

It may also be possible as part of the Phase 1 update effort to increase the thresholds that elevate review of site plans to a higher decision level: currently, the thresholds are low, at three residential units, and 10,000 square feet. As recommended above, housing proposals up to five or ten units could be automatic administrative approval if they comply with approval criteria. For other projects, the 10,000 square foot threshold could be increased to a higher level.

Decision-Making Authority Recommendations

- Consider decisions that can be delegated to professional planning staff, Boards, and Commissions, on the basis of clearer approval criteria.
- Draft call-up procedures to allow staff to pass application review to a Board, Commission, or Council, and to allow the Council to call-up applications on their own.
- Review and potentially raise thresholds that require applications to be elevated to higher-level review.

Clarify and Streamline Processes

A more in-depth reconsideration of the approval process will take place in Phase 2, including an assessment of what information should be required at different steps of the review process.

Particularly with respect to Development Plans, stakeholders believe that too much detail is required too early in the process, requiring significant expenditure by an applicant before they had any idea whether a proposal could be approved or not. This is a common issue in many communities, where the review process tends to be “front-loaded” with a great amount of detail required up front. A possible solution is to divide review according to a concept plan, which has the basic general information about a project, sufficient to enable a judgement that the project can comply with all applicable regulations to secure approval. Then, at a later stage in the process, detailed plans are submitted for review prior to issuance of any required permits. Though there is a risk to the applicant that their detailed plans or studies surface problems that did not arise in the concept plans, many applicants still prefer this kind of two-step process. The onus of ensuring that detailed plans conform to information in concept plans, and can be approved according to regulations, rests with the applicant. This review can also address perceptions of redundancy, and possibly reduce the amount of time that is required for simple reviews.

A second element to Phase 2 updates will focus on calibrating the level of review to the complexity of the request. In some cases, smaller-scale projects can be handled more expeditiously than larger-scale projects that require review by various departments prior to a public hearing process. Multiple layers of review can extend timelines and may be able to be reduced for simpler permit requests, like sign reviews, approvals for accessory structures like a shed, or roofing approvals.

Application Process Recommendations

- Assess the level of detail that is required in application information, possibly calibrating it to the progress of the review process, with greater detail required later in the review.
- Consider whether review for smaller, less impactful requests can be resolved more expeditiously than large projects that must be subject to full review and public hearing.

ENN / Facilitation Process

The city is currently working to revise the Early Neighborhood Notification Process. It will be important to include a clear explanation of any changes to this process in the rewrite. While the option to use a mediator or facilitation services may be one change to the process, another important element should focus on helping the public to understand the purpose of the process, and what expectations of outcomes they should have for it. This clarification can help the developers who conduct the meetings understand what is expected of them as well. The most important element to address here is the extent to which developers are required to respond to residents’ input on a project. If there are any requirements or expectations that developers make changes to their proposals to respond to public comments received as part of this process, those requirements should be defined. The lack of clarity on aspects of the process raises false expectations among participants regarding what changes may occur as a result of their input, and also contributes to disillusionment when residents feel their concerns have not been addressed. Clearer delineation of the purpose and expected outcomes of the ENN process can also contribute to less contention as projects proceed through the public hearing process.

ENN/Facilitation Process Recommendation

- Clarify the purpose and potential outcomes of the ENN process.

Public Notice and Public Hearings

A. Public Notice

A respondent in stakeholder interviews stated that the onus for public notice is placed upon the applicant, but the code does not have enough description for what they are required to do. The code specifies that public notice is required typically 15 days prior to a public hearing or ENN meeting, using the following methods:

- Publication in a “local daily newspaper of general circulation”
- Posting the meeting agenda at City Hall
- Emailing neighborhood associations
- Posting signs at the development site, and
- Sending mailed notice within a specified radius (300 feet) of the proposed development.

Phase 1 of the rewrite will add detail and clarify the public notice requirements, and consider the possibility of expanding them, to try to improve the possibility for equitable and inclusive public participation in city decision-making processes. Since equitable public participation depends upon distribution of information and citizen awareness of what decisions are about to be made, notice that limits the distribution of this information can have negative implications for equity and inclusivity in public participation. Most of these suggestions can be implemented as part of Phase 1; however, the possibility of expansion of requirements is likely to extend into Phase 2 of the project as well.

Some areas where additional detail in the requirements could be helpful in expanding the possibility for public participation is to ensure that notice is in both English and Spanish for mailed, posted, and published notification. Posted signs are an especially effective means of notice to reach anyone in proximity to a development location, and the requirements for posted signs should specify not only where and how long the signs must be posted, but also their minimum size, requirement for bilingual information, the necessity of using plain language on the posters, and the possibility of including QR codes that will link to additional information about the development proposal.

The mailed notice requirement specifies that if the property owner’s address is different from the physical address of a property within the notification radius, a notice will be mailed to the physical address as well. This is a good practice, as it can potentially notify tenants in proximity to the proposed development, as opposed to just property owners. However, in the case of a multi-unit commercial or residential structure, where a single notice to a physical address would not suffice to notify all tenants or occupants, many communities are deciding to go one step further with mailing requirements, specifying that each individual unit or tenant must receive mailed notice as well. Adopting this requirement does entail additional work in generating mailing lists and sending additional pieces of mail, but it is important in helping to ensure that renters have the same opportunity as property owners to receive notice and participate in the public process. We recommend that Santa Fe more explicitly include this recommendation in the updated LDC.

Recognizing that US mail and newspaper notice may no longer be sufficient as modern means of communication proliferate, communities are also codifying other methods of communication as official and required means of notice. Many of these rely on staff, rather than applicants, so we propose them as

good practice, with the understanding that their codification and implementation depends on staff capacity to consistently ensure they are accomplished. In addition to “traditional” notice, some cities now require:

- Applications and staff reports posted to City website prior to public hearing (sometimes with capacity for community members to submit official comments on the project online)
- Social media announcements on the City’s official accounts
- Physical posting information in city building(s)
- Email notification to individuals and groups who request it (beyond homeowners associations)

If staff capacity limits the possibility of making these official methods of notification, they could also be implemented as best practices, pursued outside formal codification, to the extent that staff capacity allows.

B. Public Hearings

A frequent refrain from stakeholders and the public during kickoff interviews related to the public’s lack of understanding of the quasi-judicial role of decision-makers when application is in the midst of public process. Though there is an explanation of this in Section 14-2.8(G), *Communication with Members Prohibited*, constituents do not understand that members of the governing body cannot discuss applications that are in the middle of the decision process. This causes problems between elected officials and constituents, and can contribute to public distrust of elected officials, when constituents feel their concerns are not being heard.

In recognition of this issue, a ballot measure related to the topic will appear before voters on the November 2023 ballot. If passed, the measure would require that decision-making bodies must implement “procedural rules stating that they must adhere to established principles of procedural due process and fundamental fairness when functioning in a quasi-judicial role.” The ballot measure would not change limitations on the governing body’s ability to communicate with the public on development applications when that body is acting in a quasi-judicial capacity, but what the measure could accomplish is to raise citizen awareness of these strictures, and require written explanation of what they are, i.e., when a decision is quasi-judicial, and what the limitations on communication to and from the governing body are in this situation.

The code’s current explanation of this limitation can be relocated to a more prominent location in the updated LDC, and if the ballot measure passes, the content can be augmented in support of the decision. Information related to quasi-judicial communication limitations could be included in any required notice that is distributed to members of the public, included on posted signs, or discussed as a requirement at ENN meetings.

The ballot measure may suffice as a means to raise awareness of the quasi-judicial nature of governing body’s responsibility during hearings, while the LDC can define what that means in practice for members of the public, and the governing body.

Public Notice / Public Hearing Recommendations

- Add detail to the current notification requirements, so it is more clear to applicants what they must do to fulfill the requirements.
- Consider expanding the methods for public notice, either officially or as informal best practices.
- Expand explanation of limits on communication with members of the public when the governing body is acting in a quasi-judicial capacity.

Nonconformities

Phase 1 of the project can ensure that terms used in the section are defined (for example, “intensification” is not defined, but should be if it is the basis for limiting expansion or eliminating nonconforming uses), and that there are no inconsistencies between this section and the rest of the code. Stakeholders suggested that this section needs to be better integrated with the historic districts, so the two sets of standards aren’t contradictory. Currently, properties in Historic Districts must conform with underlying zoning, but none of the nonconformities in the district are required to comply, so this creates tension over which requirements apply, or which takes precedence in the event of conflicting information.

As a larger question related to nonconformities that this project can investigate in Phase 2, the objective of the section can be clarified. Currently, users feel it is not clear whether the point of this section is to allow nonconformities to be maintained, continue operating, and possibly expand, or whether the objective is to apply stricter limits that can reduce and eliminate them over time. The approach decided in this Phase will have implications for how long-duration nonconformities are treated. Some stakeholders suggested an “amnesty” for long-term nonconforming uses that could be approved administratively, instead of requiring a variance or special use approval.

Nonconformities Recommendations

- Clarify terminology used in the section, eliminate inconsistencies between these regulations and other code sections, and establish which regulations take precedence.
- Determine overall approach to nonconformities, and whether the objective is to eliminate them, or facilitate their continued operation.

Establishing Legal Lot of Record

There is a process for establishing legal lots of record, though stakeholders described it as being complicated. They noted that, in many cases, these lots that have been in existence for years, with all services, but with no legal status. In Phase 2, the project can look at whether there is some possibility to be flexible in establishing legal lot status, without the time and expense of going to the Planning Commission, particularly if the lot owner has been paying taxes for years.

Legal Lot of Record Recommendation

- Consider if there is a simpler process that could be implemented in establishing a legal lot of record, in particular, one that does not require an appearance before the Planning Commission.

Code Enforcement

Code enforcement discussions had two areas of emphasis: compliance issues and procedural issues. Because there are two code articles that address compliance – Chapter 10 and Chapter 14 – there was some discussion of whether compliance issues were addressed in the right article, or if some topics should be relocated. Weeds and junk vehicles, for example, were mentioned as topics that might be relocated to Chapter 14.

There was also a discussion of penalties and remedies. Fines can be issued for any enforcement topic that is covered in Chapter 14, but that is not true for Chapter 10 topics, which must go through a court procedure. Since a court procedure is more time consuming and slower of resolution than issuing a fine, there was an inclination to rely more on fines as a remedy if possible. There is also the possibility for the

City to apply liens, though there is no real process or method for liens. The LDC review can assess what penalties should be applicable in different circumstances, as well as the procedure by which these remedies should be applied, since stakeholders mentioned that there is no description of the procedure for what happens once a notice of violation has been issued.

Code Enforcement Recommendations

- Review enforcement topics in both Chapter 10 and Chapter 14 to see if any topics should be relocated.
- Consider expanding the use of fines, rather than taking people to court for non-compliance.
- Ensure that the steps of the enforcement process after issuing a notice of violation are described in the code.

Relocate Supporting/Technical Information Outside the Code

The current development regulations contain information that is either technical in nature or otherwise not necessary to carry forward into the new LDC. Examples include application submittal requirements, plan content requirements, and certificates for plats. This information should live outside the LDC in some sort of an administrative manual, guidebook, or dedicated webpage on the city's website. During the drafting process, the consulting team will maintain a separate document including content from the current development regulations that should be considered for relocation. This will make the LDC shorter and more user-friendly, while also allowing staff to update the technical and administrative content over time without requiring a formal code amendment by City Council.

Supporting Information Recommendation

- Consider locating information that changes frequently or is of a technical nature outside the code.

Clarify Methods of Calculation and Definitions

Various issues related to calculations, definitions, and measurements came up during interviews, and in survey responses. Many of these small details, occurring frequently throughout the length of the current code, contribute to perceptions of the regulations being complicated, unclear, and in some cases contradictory. Adding clarity and consistency for all these items will be addressed in Phase 1.

A. Calculations

Users felt that calculations required in the code are explained in ambiguous terms, while at the same time, having explanations that are overly complicated. Each example of a required calculation will be reviewed, with an eye to explaining carefully and in a straightforward manner how the calculation is to be performed and applied. It will also be helpful to have standard approaches for all calculations, such as consistently rounding up the result of any calculation that results in a fraction or decimal.

Recommendations

- Review all calculations to ensure method and application are explained clearly.
- Where possible, apply consistent standards to the results, such as always rounding up.

B. Definitions

The review and updating of definitions will focus on ensuring that definitions exist for all terms and phrases that are used in the code, and that there are no contradictions between defined terms. The updated definitions will be as clear and as specific as possible, so they are not subject to being misconstrued, or in need of interpretation. New definitions will be added as needed. There are, for example, a number of terms of art in the historic preservation section that are unlikely to be familiar to non-professional users of that section, ranging from defining a trombe wall to explaining what slump block is.

Interviewees mentioned several other areas where clarification or addition of definitions is needed. Those include:

1. Terms that are defined by reference to another definition should be clarified. This is true for the definition of building, which mainly relies on the definition of “structure.”
2. Public right-of-way as opposed to private property is not defined.
3. There is no definition for notice of violation.
4. Accessory dwelling units need a better definition.
5. Streets and roads are used interchangeably, but each should be clearly defined.
6. In the context of “family transfer,” the definition of family may need to be expanded.
7. Cluster housing has no definition.

The updates to definitions will be conducted along with reviews to determine where policies or regulations need greater explanation or clarification. One example is setback policy, where definition of how setbacks apply and are measured will be included, accompanied with illustrations to help explain the requirements. Interviewees and stakeholders also mentioned the need for clarification on measuring building height (particularly in the Escarpment Overlay), and fence height. Section 14-8.5(A)(2) in Fences and Walls does specify that fence height is to be measured “from the finished grade at the base of the fence, excluding the height of any retaining wall upon which it is built,” though it does not specify whether this measurement should be taken from interior or exterior grade, if there is a difference.

Recommendations

- Review all definitions: add new definitions as needed and clarify existing ones.
- Ensure all policies and regulations are clearly explained, and illustrated where that would assist users’ understanding.

3: Annotated Outline of the Updated LDC

This part of the report provides an overview of what the proposed structure and general content of a new LDC for Santa Fe will look like if the recommendations in the second part of this report are implemented. This outline is structured as a new Chapter 14 in the Municipal Code of Ordinances. It is intended as a starting point for discussion.

The proposed new articles are below. Each proposed article indicates (with blue shading) which articles and sections from the current Code of Ordinances would be folded into the proposed LDC.

Article 14-1: General Provisions

This article will include provisions that are applicable to the LDC as a whole, including:

Title, Effective Date, and Mapping

This section will establish the title of the LDC, its effective date, and describe how the official zoning map and district boundaries are maintained.

Purpose and Intent

This section will describe generally why the LDC is important to the City of Santa Fe and how it regulates land development to protect the public health, safety, and welfare of residents of the city.

Authority, Applicability, and Jurisdiction

This section will describe the LDC's applicability to development or redevelopment (unless otherwise exempted), the LDC's application to governmental agencies, how internal code conflicts are resolved, and a statement on the LDC's relationship to the extraterritorial areas (ETJ) and private covenants.

Transition from Prior Regulations

This section will describe how prior building permits, violations, nonconformities, and development approvals will be processed under the new LDC. It could also include an option for pending applications to be reviewed and decided either under the current regulations or the new LDC for a defined period of time, typically during the period after adoption, but prior to the designated effective date of the new code.

Nonconformities

This section will describe how legal nonconformities are administered and enforced, along with standards for nonconforming uses, nonconforming structures, nonconforming lots, nonconforming signs, and nonconforming site features.

Enforcement

This section will describe how Santa Fe enforces the LDC, including standards for violations, penalties and remedies. As with other sections in the LDC, we recommend relocating specific information that may change frequently outside the code, such as dollar amounts for fees and penalties.

Severability

This section will clarify that any specific standard in the LDC that is invalidated by a court shall not affect the application or validity of any other standard in the LDC not included by that court's judgment.

Current Sections

The following sections of Chapter 14 will be integrated into the new General Provisions article:

Article 14-1 - GENERAL PROVISIONS

14-1.1 TITLE

14-1.2 - AUTHORITY

14-1.3 - GENERAL PURPOSES

- 14-1.4 - MINIMUM REQUIREMENTS; UNIFORM APPLICATION
- 14-1.5 - GENERAL PLAN
- 14-1.6 - JURISDICTION AND APPLICABILITY
- 14-1.7 - CONFLICTING PROVISIONS
- 14-1.8 - TRANSITIONAL RULES
- 14-1.9 - GENERAL RULES OF CONSTRUCTION
- 14-1.10 - INTERPRETATIONS
- 14-1.11 - APPLICABILITY TO OWNERS, OCCUPANTS AND PREMISES

Article 14-10 - NONCONFORMITIES

- 14-10.1 - GENERAL PROVISIONS
- 14-10.2 - LEGAL NONCONFORMING USES
- 14-10.3 - LEGAL NONCONFORMING STRUCTURES
- 14-10.4 - LEGAL NONCONFORMING LOTS OF RECORD
- 14-10.5 - LEGAL NONCONFORMING STRUCTURES IN SPECIAL FLOOD HAZARD AREAS
- 14-10.6 - NONCONFORMING RESIDENTIAL CONDOMINIUMS

Article 14-11 - ENFORCEMENT

- 14-11.1 - COMPLIANCE WITH CHAPTER; QUESTIONS
- 14-11.2 - ENFORCEMENT OFFICER
- 14-11.3 - ENFORCEMENT PROCEDURES
- 14-11.4 - REMEDIES AND PENALTIES
- 14-11.5 - ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE CITY LIMITS

Article 14-2: Administration and Procedures

This article will describe the review and approval procedures for the various types of development applications, with revisions to the current standards as described earlier in this assessment. This article will address the concerns we heard related to procedures, including codifying current review practices (especially post-approval actions), incorporating more objective approval criteria, re-assessing the level of decision-making authority, and streamlining procedures.

Summary Table of Development Review Procedures

The review and approval procedures summary table in Article 14-2 should be enhanced to provide a better overview of all procedures in the LDC and include more detail, such as public notice requirements. An example from another community is shown below. This table includes the name of each procedure; what forms of public notice are required, and applicable decision-making bodies. The table also shows whether the decision-making bodies are responsible for review or final decision, and if that decision is made at a public hearing. Finally, the column immediately to the right of the procedure name, highlighted in grey, is the active link that takes the user directly to all application-specific information related to that specific procedure.

Table 8.1
Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = Required <> =Public Hearing Required

Procedure	Code Reference	Notice			Pre-Application Conference	Review and Decision-Making Bodies				
		Published	Written	Posted		Staff	Historic Prsvtn Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment
Development Permits										
Development Review	Minor	8.4			✓	D [1]		< A >		
	Major	8.4	✓	✓	✓	R	< R > [3]	< D >	< A >	
Conditional Use Permit		8.4.B	✓	✓	✓	R	< R > [3]	< D >	< A >	
Single-Family Residential Review		8.4.C				D				< A >
Temporary Use Permit		8.4.D			✓ [2]	D				< A >
Subdivision Procedures										
Preliminary Plat		8.5.A	✓	✓	✓	R		< R >	< D >	
Final Plat		8.5.B				R			< D >	
Land Division or Combination		8.5.C				D				< A >
Reversion to Acreage		8.5.E	✓	✓	✓	R		< R >	< D >	
Ordinance Amendments										
Rezoning		8.6.A	✓	✓	✓	R	< R > [3]	< R >	< D >	
Rezoning to Planned Development (PD)		8.6.B	✓	✓	✓	R		< R >	< D >	
Code Amendment (Text)		8.6.C	✓			✓ [4]	R	< R >	< D >	

Common Review Procedures

Common review procedures identify and describe the steps of the procedures that apply to most development applications, similar to the content included in Sections 14-3.1(A) through (M) in the current code. Any step of an application procedure described in the current code, such as application submittal requirements, public noticing procedures, and hearing procedures, that is generally applicable to many application types will be described once in this section rather being repeated for each application type.

Specific Development Application Types

This section will include any review and approval information that is specific to a given application type, and not covered in the Common Procedures section, including rezonings, text amendments, amendments to the general plan, specific use permits, variances, historic exceptions, and appeals. The section does cross-reference common review procedures, but includes application-specific information such as materials that must be submitted, as well as the approval criteria. In the current code, there are several instances of information that is included in the procedures section that would better be included in the section related to that topic elsewhere in the code. One example is the extensive description for Archaeological Clearance Permits that is part of the procedures section. Much of the information that describes the purpose of this procedure and the sub-districts should be in the Overlay section of the code.

Review and Decision-Making Bodies

This final section will incorporate the information that is now included in Article 14-2, Review and Decision-Making Bodies, into this chapter. Article 14-2 describes the powers and duties, membership, and basic meeting procedures for the various review and decision-making authorities for development applications.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

ARTICLE 14-2 - REVIEW AND DECISION-MAKING BODIES

- 14-2.1 - SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES
- 14-2.2 - GOVERNING BODY
- 14-2.3 - PLANNING COMMISSION
- 14-2.4 - BOARD OF ADJUSTMENT
- 14-2.5 - BUSINESS-CAPITOL DISTRICT DESIGN REVIEW COMMITTEE
- 14-2.6 - HISTORIC DISTRICTS REVIEW BOARD
- 14-2.7 - ARCHAEOLOGICAL REVIEW COMMITTEE
- 14-2.8 - ADDITIONAL PROCEDURES OF LAND USE BOARDS
- 14-2.9 - SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY
- 14-2.10 - SANTA FE EXTRATERRITORIAL LAND USE COMMISSION
- 14-2.11 - LAND USE DIRECTOR
- 14-2.12 - FLOODPLAIN ADMINISTRATOR

ARTICLE 14-3 - REVIEW AND APPROVAL PROCEDURES

- 14-3.1 - GENERAL PROVISIONS
- 14-3.2 - AMENDMENTS TO THE GENERAL PLAN
- 14-3.3 - AMENDMENTS TO TEXT OF CHAPTER 14
- 14-3.4 - ANNEXATIONS
- 14-3.5 - REZONINGS
- 14-3.6 - SPECIAL USE PERMITS
- 14-3.7 - SUBDIVISIONS OF LAND modified
- 14-3.8 - DEVELOPMENT PLANS
- 14-3.9 - MASTER PLANS
- 14-3.10 - DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS
- 14-3.11 - CONSTRUCTION PERMITS
- 14-3.12 - CERTIFICATES OF OCCUPANCY
- 14-3.13 - ARCHAEOLOGICAL CLEARANCE PERMITS
- 14-3.14 - DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE
- 14-3.15 - MINOR MODIFICATIONS
- 14-3.16 - VARIANCES
- 14-3.17 - APPEALS
- 14-3.18 - UTILITY CONFORMITY REVIEWS
- 14-3.19 - EXPIRATION, EXTENSION AND AMENDMENT OF DEVELOPMENT APPROVALS
- 14-3.20 - RESIDENTIAL CONDOMINIUMS

Article 14-3: Zoning Districts

The zoning districts article establishes the base zoning districts and overlay districts, and describes the features and standards for each, and explains how the districts and overlays relate to one another.

Zoning Districts Established

This section will summarize the current list of zoning districts, with a summary table similar to the one excerpted below.

Table 30.02-1: Districts Established

District	Section
RESIDENTIAL DISTRICTS	
RS80	Residential Single-Family 80
RS40	Residential Single-Family 40
RS20	Residential Single-Family 20
RS10	Residential Single-Family 10
RS5.2	Residential Single-Family 5.2
RS3.3	Residential Single-Family 3.3
RS2	Residential Single-Family 2
RM18	Residential Multi-Family 18
RM25	Residential Multi-Family 25
RM50	Residential Multi-Family 50
COMMERCIAL DISTRICTS	
CN	Commercial Neighborhood
CP	Commercial Professional
CG	Commercial General
CC	Commercial Core
CU	Commercial Urban
CR	Commercial Resort

Residential Districts

Each residential district will be described in this section, including a purpose statement, a summary table of dimensional standards (height, setbacks, lot area requirements, etc.), and any other standards applicable to that specific district. We recommend including graphics similar to the ones shown earlier in this report to illustrate the dimensional standards for each district. Some communities also supplement their zoning districts with photographs depicting typical development in each district. This section will also reference residential design standards.

Mixed-Use and Non-residential Districts

This section will include zoning district information for all mixed-use districts and non-residential districts, including commercial, industrial, and parks and open space districts. The same structure and organization as that recommended in residential districts would also apply here. Each district would have its own section describing purpose, dimensional standards, district-specific standards, graphics, and references to design standards and other applicable standards such as parking, landscaping, open space, etc.

Overlay Districts

This section will describe how new overlay districts are created and applied (for example, designation of a new Neighborhood Conservation Overlay or creation of a new Planned Unit Development). It will also carry forward all of the existing overlays that are to be maintained in the LDC, including the accompanying standards and requirements, subject to edits and amendments as determined in the rewrite process.

Measurements and Exceptions

This section describes both methods of measurement – for example, how building height is measured – along with any exceptions to such standards. The exceptions include any structures, building elements, or site features that are not subject to or are exempt from complying with dimensional standards (such as uncovered porches or shade structures), or may encroach into required areas (such as spires, chimneys, and bay windows).

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-4 - ZONING DISTRICTS

- 14-4.1 - GENERAL PROVISIONS
- 14-4.2 - RESIDENTIAL DISTRICTS
- 14-4.3 – NON-RESIDENTIAL AND MIXED-USE DISTRICTS

Article 14-5 - OVERLAY ZONING DISTRICTS

- 14-5.1 - GENERAL PURPOSE; RELATIONSHIP TO GENERAL USE ZONING DISTRICTS
- 14-5.2 - HISTORIC DISTRICTS
- 14-5.3 - ARCHAEOLOGICAL REVIEW DISTRICTS
- 14-5.4 - ARTS AND CRAFTS DISTRICT (if retained)
- 14-5.5 - HIGHWAY CORRIDOR PROTECTION DISTRICTS modified (if retained)
- 14-5.6 - ESCARPMENT OVERLAY DISTRICT
- 14-5.7 - PUD PLANNED UNIT DEVELOPMENT DISTRICT
- 14-5.8 - RS RESIDENTIAL SUITE HOTEL/MOTEL OVERLAY DISTRICT (if retained)
- 14-5.9 - ER ECOLOGICAL RESOURCE PROTECTION OVERLAY DISTRICT
- 14-5.10 - NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS
- 14-5.11 - WEST SANTA FE RIVER CORRIDOR OVERLAY ZONING DISTRICT
- Appendix, Exhibit E - Midtown Local Innovation Corridor (LINC) District Boundary

Article 14-7 - BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS

- 14-7.1 - GENERAL RULES OF MEASUREMENT AND EXCEPTIONS
- 14-7.2 - RESIDENTIAL DISTRICTS
- 14-7.3 – NON-RESIDENTIAL AND MIXED-USE DISTRICTS
- 14-7.4 - BUSINESS-CAPITOL DISTRICT

Article 14-4: Use Regulations

This article will contain all of the standards applicable to specific land uses.

Summary Table of Allowed Uses

Similar to Table 14-6.1-1, the summary table of allowed uses will summarize allowable uses by zoning district or sub-district, indicating the level of approval required (by-right, special use permit, or not permitted), and where additional standards apply to a particular use, one column of the table will include a cross-references that leads to those standards. As discussed previously in this assessment, the current list of categories and uses will be reviewed and amended as part of the rewrite.

Use-Specific Standards

This section will incorporate standards that apply to specific land uses, such as telecommunications, home occupations, drive-throughs, outdoor storage, and other uses that have unique impacts or standards associated with them. As described above, use-specific standards will be cross-referenced in the summary table of allowed uses to provide quick access to additional standards for any given land use. As the rewrite proceeds, additional use-specific standards will be added as necessary to address concerns about the impacts of uses in certain locations as these concerns come to light.

Accessory and Temporary Uses and Structures

This section will describe the standards for accessory uses (such as home day care facilities), accessory structures (such as detached garages), temporary uses (such as seasonal sales), and temporary structures (such as produce stands). Accessory uses will be shown in the table of allowed uses, likely marked with an “A,” or at the end of the table in its own category of uses. Temporary uses will likely be included at the end

of the allowed uses table marked with a “T.” As with primary uses, use-specific standards will apply to accessory and temporary uses where necessary.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-6 - PERMITTED USES AND USE REGULATIONS

14-6.1 - LAND USE CATEGORIES; TABLE OF PERMITTED USES

14-6.2 - USE-SPECIFIC STANDARDS

14-6.3 - MULTIPLE PRINCIPAL USES; ACCESSORY USES OR STRUCTURES

14-6.4 - TEMPORARY STRUCTURES OR USES

Article 14-5: Development and Design Standards

Development standards incorporate site layout, building design, and requirements for site features. While the districts and uses articles focus on what a property owner can do with their property, and where they can do it, development standards regulate elements related to how that development should look. These are the standards that make Santa Fe look like Santa Fe.

Site Layout

This section will describe the standards for site layout features, including but not limited to:

- Terrain management and stormwater drainage;
- Infrastructure requirements;
- Access, circulation, and connectivity;
- Open space requirements;
- Landscaping and tree preservation;
- Screening and buffering, and walls and fences; and
- Parking, loading, and stacking.

Each of these components is important to how the physical site is laid out for development, and will be organized in the LDC “from the ground up.”

Architecture and Building Design

The section will include building design standards, and the architectural points system, in whatever form the edited program is carried forward. If the City proceeds with form-based standards that apply in more than one district or overlay, those standards will be part of this section, rather than being repeated in each of the individual areas where the form-based standards apply.

Residential Adjacency

This section will consolidate all standards related to residential adjacency that are scattered throughout the current code, and locate them in this one section. These standards will help to address development and redevelopment near existing low-density residential districts, ensuring adequate mitigation of potential impacts. These standards could include building “stepbacks,” reductions of light pole height, increased setbacks, additional buffering or screening requirements, and further controls on storage areas or drive-throughs.

Requirements for Site Features

This section will include standards for various elements related to site development, such as landscaping, off-street parking, lighting, and screening and fencing. Performance standards that are more specific to nuisance regulations, such as the noise ordinance, will remain in Chapter 10, Environmental Regulations, though further discussion may cause some sections of that Chapter (weeds, junk vehicles) to be moved over to be regulated in Chapter 14.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-7 – BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS

14-7.5 – OPEN SPACE STANDARDS

Article 14-8 – DEVELOPMENT AND DESIGN STANDARDS

14-8.1 – GENERAL PROVISIONS

14-8.2 – TERRAIN AND STORMWATER MANAGEMENT

14-8.3 – FLOOD REGULATIONS

14-8.4 – LANDSCAPE AND SITE DESIGN

14-8.5 – WALLS AND FENCES

14-8.6 – OFF-STREET PARKING AND LOADING

Appendix, Exhibit A – Table 14-8.6-1 Parking and Loading Requirements

Appendix, Exhibit B – Illustrations of Parking Space Layout and Dimensional Standards

Appendix, Exhibit C – Off-Street Bicycle Parking Tables 14-8.6-3, 14-8.6-4, 14-8.6-5, 14-8.6-6

Appendix, Exhibit D – Bicycle Rack Standards and Dimensions

14-8.7 – ARCHITECTURAL DESIGN REVIEW

14-8.8 – SUPPLEMENTARY REGULATIONS FOR RETAIL STRUCTURES 30,000 SQ FT GFA OR LARGER

14-8.9 – OUTDOOR LIGHTING

14-8.10 – SIGNS

14-8.11 – SANTA FE HOMES PROGRAM (SFHP)

14-8.12 – RELOCATION OF GUNNISON'S PRAIRIE DOGS

14-8.13 – DEVELOPMENT WATER BUDGETS

14-8.14 – IMPACT FEES

14-8.15 – DEDICATION AND DEVELOPMENT OF LAND FOR PARKS, OPEN SPACE...

14-8.16 – SCHOOL REQUIREMENTS

Article 14-9 – INFRASTRUCTURE DESIGN, IMPROVEMENT AND DEDICATION STANDARDS

14-9.1 – GENERAL PURPOSE AND APPLICABILITY

14-9.2 – STREET IMPROVEMENT AND DESIGN STANDARDS

14-9.3 – BLOCK AND LOT AND DESIGN STANDARDS

14-9.4 – UTILITY AND STORM DRAINAGE IMPROVEMENT AND DESIGN STANDARDS

14-9.5 – INFRASTRUCTURE DEDICATION, COMPLETION AND GUARANTEES

14-9.6 – STANDARDS FOR INHERITANCE OR FAMILY TRANSFER SUBDIVISIONS

Article 14-6: Rules of Construction and Definitions

Rules of Construction

This section will describe how specific terms are interpreted throughout the LDC, such as lists and examples, computation of time, public officials mentioned in the LDC, and mandatory vs. discretionary.

Definitions

This section will include definitions for all terms in the LDC, including definitions for use categories (e.g., group living, agricultural, utilities), definitions for uses included in the Table of Allowed Uses, acronyms, terms of measurement, procedural terms, and development standards and design terms.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-12 - DEFINITIONS

14-12.1 – DEFINITIONS