



CITY OF SANTA FE

Memorandum

Date: October 8, 2025

To: Planning Commission, Historic Districts Review Board, Archeological Review Committee, Public Works and Utilities Committee, Quality of Life Committee, Finance Committee, and Governing Body

From: Maggie Moore, Assistant Land Use Director

Via: Mark A. Scott, City Manager
Elisa Montoya, Community Development Director
Heather Lamboy, AICP, Planning and Land Use Director

RE: An ordinance to repeal and replace the Land Development Code, (also known as “Chapter 14”) as Phase 1 of the Land Development Code Update, focuses on improving the organization, user-friendliness, and clarity of Chapter 14, as well as certain substantive changes as described in this memo and the Disposition Report.

EXECUTIVE SUMMARY:

The Bill proposes to repeal and replace the Land Development Code (the “LDC”), or Chapter 14 of the Santa Fe City Code of Ordinances, with Phase 1 of 3 of the LDC Update (the “Update”). The Update will improve the organization, clarity, and user-friendliness of the LDC, and create the foundation for subsequent updates anticipated in Phases 2 and 3. The Update provides a code that is accessible to the layperson, easy to understand, and simple to administer, with consistent and transparent regulations. In addition to numerous non-substantive changes aligned with those primary goals, the Update includes certain changes characterized as substantive. These substantive changes are described in detail in this memo and highlighted in the attached Disposition Report (the “Report”). The Report serves as a summary table of all changes proposed in the Update and describes the differences between the current LDC and the Phase 1 Update. This memo provides additional context and rationale for the highlighted substantive changes.

BACKGROUND:

The Planning and Land Use department (the “Department”) is leading two concurrent strategic planning efforts: the update of the LDC and the update of the City’s General Plan (“Santa Fe Forward”). Together, the existing versions of these documents guide planning and development in Santa Fe, but they have not been comprehensively updated since 1987 and 1999, respectively. To address this issue, the Department initiated the multi-phased update of the LDC with consultants Clarion Associates in 2023 and an update of the General Plan with consultants WSP USA in 2024.

The LDC update has three phases:

Phase 1 - LDC Foundations,
Phase 2 – Promoting Key Standards, and
Phase 3 – General Plan Consistency Review.

Phase 1 LDC Foundations identified opportunities to improve the organization, clarity, and user-friendliness of the LDC, creating the foundation for a new LDC that is easy to understand, simple to administer, and that provides consistent and transparent regulations. Through engagement and collaboration with the community and technical working groups, guidance from City staff, and feedback from City leadership, a discrete set of substantive changes are proposed in the Phase 1 Update. These substantive changes are highlighted in the Disposition Report and discussed in detail in this memo.

Completion of Phase 1 of the LDC coincides with the completion of Santa Fe Forward’s first major milestone, the General Plan Assessment Report. The report is a deep dive on existing City projects and programs, demographic trends, and economic analysis. The report’s findings will help to inform the work of Phase 2 of the LDC update.

Phase 2 of the LDC Update, Promoting Key Standards, will officially begin following the adoption of Phase 1. Building on the foundation of the newly reorganized LDC, Phase 2 may propose significant revisions to review and approval procedures, design and dimensional guidelines, infrastructure standards, architectural design guidelines, additional use regulations, and consolidation of existing zoning districts. Phase 2 is also an opportunity to resolve any remaining inconsistencies that were not addressed or missed in Phase 1.

Finally, Phase 3 General Plan Consistency Review will include additional substantive revisions to implement the land use and growth goals and policies of the soon to be adopted Santa Fe Forward General Plan, and involve a comprehensive review of existing code provisions to resolve any conflicts between the LDC and the goals and policies adopted in Santa Fe Forward.

LDC PHASE 1 PROCESS:

The Phase 1 Update is the culmination of over two years of public engagement, community input, citywide staff review, and direction from City leadership. Public engagement began in the Spring of 2023 with a virtual Open House and an in-person Open House at the Santa Fe Community Convention Center. Following these events, the team solicited input through public surveys, launched the project website, conducted stakeholder interviews, and collected additional contributions from City staff and leadership. The information gathered from these public engagement efforts was documented in the attached LDC Assessment Report, which was released in the summer of 2023. The project team hosted two public engagement events in the Fall of 2023, one at City Hall and one at the Southside Library, to collect feedback from the public on the LDC Assessment Report.

To further support the Update, the project team convened the Citizens Advisory Working Group (CAWG)¹, the Technical Advisory Working Group (TAWG)², a Historic Districts Ordinance Advisory Committee, and met with subcommittees of the Planning Commission, Historic District

¹ The CAWG is composed of Santa Fe residents representing community organizations concerned with land use issues. They provide policy-level feedback on the draft.

² The TAWG is composed of professionals highly familiar with the current LDC. They provide detailed, technical feedback on the draft.

Review Board, and Archaeological Review Committee. Advisory group membership is provided in Tables 1 – 4. With support from the project team, these diverse advisory working groups met regularly to review the LDC Assessment Report and provided valuable direction and feedback throughout the drafting process.

Jamie Cassutt	City Councilor, D4
Liz Camacho	Hispanic Chamber of Commerce
Mori Vorenberg Hensly	Santa Fe Watershed Association
Jessica Lawrence	Planning Commissioner, D1 (former)
Lisa Gavioli/Anthony Guida	Friends of Architecture
Johanna Gilligan	Homewise
Don Miller	Santa Fe Conservation Trust
Adam Fulton Johnson	Old Santa Fe Association/Santa Fe County Commissioner
Mary Ann Maestes	Earth Care New Mexico
Daniel Werwath	Senior Housing Policy Advisor
Donna Reynolds	Santa Fe Association of Realtors, Board of Adjustment
Glen Schiffbauer	Green Chamber of Commerce
Bridget Dixon	Santa Fe Chamber of Commerce

Sheb Mirando	Planning Commissioner, D2, Architect
Miles Conway	formerly of Santa Fe Area Home Builders Association
Brian Nennering	Orion-West
Joe Simmons	AIA, Architect
Noah Berke	Wilson Engineering
Frank Katz	Old Santa Fe Association
Jennifer Beidscheid	Historic District Review Board, Architect
Jennifer Jenkins	JenkinsGavin
Grant Alexander	Board of Adjustment, Architect
Shawn Evans	MASS Design
David Eck	Archaeological Review Committee
Tim Rogers	Santa Fe Conservation Trust
Carlos Gemora	Sites Southwest, Planner
Eric Faust	Licensed Commercial Contractor

Table 3. Planning Commission Subcommittee	
Peter Smith	
Sheb Miranda	
Jessie Lawrence, former Planning Commissioner	

Table 4. Historic Districts Ordinance Subcommittee	
Cecelia Rios	HDRB Chair
Madeline Aguilar- Medrano	HDRB Member
Scott Cherry	AIA Land Use Working Group
David Rasch	Previous City HPD Manager
Frank Katz	Old Santa Fe Association
Nicole Thomas	Wonderstone (Archaeologist)
Richard Martinez	Martinez Architecture Studio
Alexander Dzurec	Autotroph, Architect
Adam Fulton Johnson	Old Santa Fe Association
Gayla Bechtol	GBA, Architect
Anthony Guida	Friends of Architecture
Shawn Evans	MASS Design Group
Joe Simmons	AIA, Architect
Daniel Strongwater	Architect
Aastha Singh	Homewise
Stephanie Beninato	NM Mediate

NON-SUBSTANTIVE UPDATES:

The vast majority of changes proposed in the Update are “non-substantive” in nature, meaning they do not meaningfully change the standards, regulations, or procedures of the LDC, but simply clarify, correct, reorganize, or better illustrate existing language. An example of a significant, but non-substantive, change includes reorganizing the zoning districts to be consolidated into individual pages for each district that include all relevant standards, rather than the current condition where standards are spread across multiple articles in different locations throughout the LDC. The district standards themselves have not changed, but the placement, organization, and presentation of information are new.

Other general improvements include the addition of pictures and illustrations (see Figure 1), approval procedure diagrams, use of terms that are understandable to the lay person, the resolution of inconsistencies between sections, and over 1,000 cross-references that have been reviewed and updated. Furthermore, the processes for Land Use Director and Land Use Board decisions have been outlined to be clearly understandable. A complete summary of all changes is detailed in the attached Disposition Report.



Figure 3.2-3: Moderate-Density Residential Districts

Figure 1. Non-substantive change – district dimensional standard illustrations

SUBSTANTIVE UPDATES:

This memo and the disposition report highlight a number of changes characterized as “*substantive*”. Some of the updates may appear more substantial than others, and specific constituencies may identify certain changes as significant, where other constituencies would not. Each of the recommendations were identified through the public engagement process and staff’s expertise with the code. The updates were vetted by the CAWG, the TAWG, the Historic Districts Ordinance working group and subcommittees of the Planning Commission, Historic District Review Board and Archaeological Review Committee. The substantive changes also support the overall goals of the Phase 1 Update, including creating a more user-friendly, efficient, and easy-to-administer code. The reasoning behind each substantive update varies and is discussed below and summarized in the Disposition Report. The code citations provided below are the new code sections and correspond with column 2 of the Disposition Report. The order of items 1-41 below generally follows the order in which these highlighted items appear in the Disposition Report.

1. Section 14-2.2.D Planning Commission.

The Update proposes removing the Long-Range Planning Subcommittee from the Planning Commission's “Powers and Duties”. The Update retains the “*Ad Hoc Subcommittee*,” which provides flexibility for the Planning Commission to assemble committees for long-range planning or for other matters as the Planning Commission may require. This edit resolves a redundancy while preserving the powers delegated to the Commission to assemble subcommittees on an *ad hoc* basis.

2. 14-2.1.B Common Review Procedures

The Update proposes to limit the requirement for an Early Neighborhood Notification (ENN) meeting for City capital improvement projects to those exceeding \$250,000 in cost; the existing requirement is for any reconstruction or expansion that exceeds \$150,000 in cost. Rising construction costs since the last update necessitate this change, while

preserving the original intent of the requirement. The Update establishes a 6-month expiration date for ENNs. If following an ENN, an application hasn't been submitted within a 6-month timeframe, another ENN would be required. Furthermore, after denial of an application, a one-year limitation will be implemented on resubmitting another application of the same project.

3. Section 14-2.1.D.1 Annexations

The Update adds the requirement for a pre-application conference and an ENN for all Annexations, and if denied the applicant must wait 12 months from the date of denial to resubmit, unless the applicant can show a substantial change in circumstances to justify a resubmittal.

4. Section 14-2.1.F.2 Conditional Use Approval.

The proposed name change from "special" to "conditional" is intended to better align with the purpose and intent of a conditional use approval. A conditional use approval process allows the applicable land use board to impose conditions of approval for certain permitted uses, to allow for certain uses at specific sites throughout the community, while minimizing negative impacts on nearby residential uses. These conditions can include limiting hours of operation, enhanced landscape screening, or additional on-site or off-site improvements, among others.

5. Section 14-4.2.D.4 Archaeological Clearance Permit Required / Utility Mains.

The proposal reduces the length of new construction of sewer and utility mains requiring an archaeological clearance permit from 60 to 50 feet within the Historic Downtown Archaeological Review District; from 550 to 100 feet within the Rivers and Trails Archaeological Review District; and from 550 to 200 feet within the Suburban Archaeological Review District. The proposed change will ensure that more sites are assessed for archaeological resources before any ground-disturbing activities take place, leading to fewer construction delays and greater documentation of archaeological resources.

6. Section 14-3.2 and 14-3.3 Residential Districts and Mixed-Use and Nonresidential Districts Height Increases.

An increase in the maximum height in residential districts (from 24 to 26 feet) and mixed-use districts (from 35 or 36 to 38 feet) is needed to accommodate modern "green building" practices. As the climate of Santa Fe warms, the need for HVAC systems and other green building measures, such as higher ceilings and improved insulation, has increased. The proposed height increase will make it easier to meet the standards of the soon-to-be-adopted Green Building Code, which requires extra insulation, ductwork, and other measures, such as rooftop solar panels, which can nominally increase the overall height of structures. Additionally, the increased height will allow more flexibility for screening of rooftop appurtenances (solar panels and HVAC systems) and accommodate rooftop shade structures that can provide for additional outdoor living spaces. The height increase would accommodate 9- and 10-foot ceiling heights, which allow for more passive solar features and are standard in new construction but difficult to achieve under Santa Fe's current height standards. This measure may reduce housing costs by adding flexibility to the design and construction processes. The proposed height increase does *not* supersede additional, more restrictive regulations on height maximums, such as those in the historic districts.

7. Section 14-3.3C Parks and Open Space Zoning District.

The Update creates a new Parks and Open Space zoning district, intended to accommodate new and existing parks, trails, and open spaces. Parks and open spaces are currently zoned R-1 (Residential). The new Parks and Open Space Zoning District has not been assigned specific standards or applied to the zoning map as part of Phase 1. The new district will be further developed as part of Phases 2 and 3 of the LDC update project after additional public engagement on the topic is conducted. While the creation of the new district does not rezone existing park properties, it lays the foundation for this change in subsequent phases of the LDC Update to protect and provide stewardship of these valuable community resources.

8. Section 14-4 Elimination of Unused Overlay Districts.

As part of the effort to reduce unused overlay districts in the LDC, the Update proposes the elimination of the “RS Residential Suite Hotel/Motel Overlay” and “Ecological Resource Protection District.” Neither of these overlays are currently applied to any properties on the zoning map. The RS Residential Suite Hotel/Motel Overlay adds a layer of complexity for a specific use. Generally, use-specific regulations are more effectively applied at the base-zoning level rather than through an overlay district.

9. Section 14-4.6 Historic District Overlay.

The Update amends the subdistrict regulations in the Historic District Overlay to focus on defined qualities such as materials, massing, and architectural features, rather than “styles” that are subject to broad interpretation. In 2004, Clarion Associates drafted a rewrite of the Historic code, but the project was never completed. The Historic District Subcommittee determined that some of the Subdistrict Regulations created in the 2004 draft addressed the lack of well-defined regulations in the Historic Districts Ordinance and therefore recommended that they be adopted as part of Phase 1 of this project. The content in specific historic districts has been reorganized to follow a more consistent structure, with each district having the same headings and subheadings. The detailed changes are summarized in items 10-15 of this memo and highlighted in the Disposition Report.

10. Section 14-4.6E General Design Standards for All Historic Districts.

The Update adds clarification in several areas of the General Design Standards for all Historic Districts Section 14-4.6E. One example is added clarification that existing porches and portals on significant or landmark structures, and those on the primary façades of contributing structures, shall not be enclosed. It is not the intent for this standard to apply to non-contributing buildings. The current language simply states, “*Existing porches or portals shall not be enclosed.*” This new language clarifies the applicability of this important standard. Consistent with the existing practice for significant structures, language has been added to specify that all facades of significant structures are considered “*primary*” facades. A new provision is proposed to require that window depth and other characteristics of window and door fenestration be preserved. Definitions for *facade* and *elevation* have been updated to provide greater detail.

11. Section 14-4.6G.2 Downtown and Eastside Design Standards.

The Update adds Provisions I and II to the design standards for the Downtown and Eastside Historic District. Provision I describes the “architectural character” of the district and Provision II requires that new construction and modifications or alterations to existing

buildings in the district are generally required to be in the Pueblo-Spanish Revival, Territorial-Revival, or Northern New Mexico Vernacular sub-types of the “Santa Fe Style”. The descriptions of “old” and “recent” Santa Fe style are removed and replaced with physical categories, including walls, roof, building materials, etc. This section is re-written, including specific permissions and limits such as height limits for fences, 80 percent coverage for plaster, and a requirement for tree preservation.

12. Section 14-4.6G.3 Historic Review District.

The Update proposes edits to Provision II.a 3 to clarify the permitted stucco colors to brown, tan, yeso or local earth tones. Provision II.b.2 modifies requirements to solid wall space; II.c.1, restricts the increase of parapet to two feet to screen solar equipment, II.d adds restrictions on cantilevers to beams, plates, or other projection from a wall.

13. Section 14-4.6G.4 Historic Transition District.

The Update adds a description of the “architectural character” of the district and requires new buildings and alterations to be in the bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the “Santa Fe Style”. Provision III changes standards to apply to all buildings, not just publicly visible portions of structures, and removes provisions regarding “size, map, and shape”.

Provision II.a.1 allows walls to be more than 80 percent wood; II.d limits fence and wall height; and II.f makes changes to permitted colors, removing the exclusion of chocolate brown and yeso.

14. Section 14-4.6G.1 Don Gaspar Area Historic District.

The Update adds a description of the “architectural character” for the district, describing the state of the district in 2025 and specifies that new construction is required to be in Bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the “Santa Fe Style”. New language states that walls may no longer be made of slump block and adds a description of permitted colors for walls. Roofs of new buildings must be consistent in shape with fifty percent of existing buildings in the streetscape. Roof colors and finishes are specified as earth-tone colors, including grays, browns, and reds; wood shingle, asphalt, true standing-seam (non-reflective), and red clay tile roofs, while enamelled metal roofs are limited to non-contributing buildings, so long as the roof profile is that of a standing-seam roof and is non-reflective. The Update proposes to limit the increase to parapets to screen appurtenances, including solar, to two feet, and specifies new height limitations for yard walls and fences. A requirement has been added to retain certain trees and alleys. While the standards permit additional roof styles, the height ordinance will control the placement of the different roof styles based on the height ordinance’s streetscape analysis.

15. Section 14-4.6G.5 Westside Guadalupe Historic District.

The Update adds a description of “architectural character” as observed in 2025; limits yard wall materials to publicly-visible walls and fences rather than all walls and fences; prohibits unstuccoed concrete block, chain-link, metal wire, or similar materials” in front yards, rather than when not in the “street frontage;” limits wall and fence heights and colors; removes public view limitation on application of standards in the district; and prohibits parking in required front yards.

16. Section 14-4.2 Archaeological Review Districts.

The threshold for applicability has universally been reduced from 75 to 50 years of age at the request of the Archaeological Review Committee in order to be consistent with the Historic Districts Review Board's practice. A new requirement for an Archaeological Clearance Permit has been added if there is ground disturbance within 25 feet of a known archaeological site. As noted above in item 5, the length of disturbance of utility main construction requiring an archaeological clearance permit has been reduced in each archaeological subdistrict.

17. Section 14-4.5A Removal of Alcohol-Related Regulations in the Airport Rd Overlay District.

The Update removes all regulations related to the sale of alcohol in this overlay. While well-intentioned, the regulations have had the unintended deterrent effect on some desirable uses such as grocery stores and restaurants, which thereby creates less walkability to services and entertainment. Additionally, content-based regulations related to the advertisement of alcohol are unenforceable restrictions. Further, these regulations are staff-intensive and difficult to monitor, track, and enforce. Finally, the provision that bans the sale of individual "mini" alcohol products has since been adopted state-wide.

18. Section 14-5 Use Regulations, Residential Housing Types.

Several housing types have been added to Table 51, the Summary Table of Allowed Uses, including Compound Development, Live-Work Dwellings, Duplexes, Townhomes, Triplexes, and Quadplexes. These housing types are already allowed under the current code but were not previously included under Residential Uses in the Summary Table. This addition also lays the foundation to establish design standards for each typology in Phase 2 of the Update.

19. Section 14-5.2B Review and Approval of Unlisted Uses.

This is a new section replaces a blanket prohibition on unlisted uses, and allows a review and approval process for uses that are not specifically listed in Table 51: Summary Table of Allowed Uses. This new process is needed due to the constantly evolving business and residential uses that arise within the community.

20. Section 14-5.2D Summary Table of Allowed Uses.

Thirty years ago, the use categories of outdoor dining, urban farm, tiny homes, breweries, doggy daycare, film production, and mobile food truck courts were not nearly as ubiquitous as they are today. The Update proposes adding several new use categories to Table 51, the Summary Table of Allowed Uses (formerly the Table of Permitted Uses), that have become quite common throughout the community. Adding these "new" uses to Table 51 will set the stage for additional use-specific standards in Phase 2 and provide for predictable development standards. Several existing uses have been reorganized, consolidated, and redefined.

21. 14-5.3B Residential Uses.

The Update removes the unenforceable prohibitions on residential parking, including the prohibitions on parking any vehicle in the front yard setback within three feet from the front property line or blocking or partially or fully obstructing any sidewalk, public street, or other public right-of-way; and parking any vehicle on the side or back yard without being screened from view from the public right-of-way, such as by a wall or solid fence.

The Update also adds a prohibition on the use of any vehicle as a receptacle for the storage of litter or refuse.

22. 14-5.3C Household Living.

The Update adds a requirement for a person who conducts a home occupation and applies for a construction permit to demonstrate that the proposed construction does not violate any provisions of this subsection.

23. Section 14-5.3C.2 Accessory Dwelling Unit.

Accessory Dwelling Units (ADUs) currently cannot exceed the height of the primary structure. The proposed Update aims to remove this restriction, allowing ADUs to reach a maximum height of 26 feet outside of the historic districts. This change will allow for greater design flexibility and encourage the construction of ADUs, such as on top of garage structures. The maximum square footage of an ADU will remain at 1,500 square feet. The Update removes an outdated provision which states, *“nothing herein is intended to supersede private covenants or other restrictions.”*

24. Section 14-5.3C.3 Compound Development.

New design standards are proposed to clarify and support the development of compound style residential developments.

25. 14-5.3C.11 Private Swimming Pool.

This new section creates a requirement for fencing and establishes other standards for in-ground and above-ground pools with a depth of two feet or greater.

26. Section 14-5.3G Commercial Uses.

Several new subcategories have been included to better organize uses. The Update adds a section regulating outdoor dining.

27. Section 14-5.3I.3 Telecommunication Facilities.

Significant changes have been made to this section for consistency with current federal requirements regarding the review timeframes for telecommunications facilities. Only requests for new facilities are subject to public hearings. All other requests are administrative decisions to be rendered within the 30-, 60-, or 90-day allowance, depending on the type of request. Definitions have been added for new terminology such as “collocation” and “shot clock” and the section has been reorganized for clarity and conformity with federal regulations.

28. Section 14-5.3E Agricultural Uses.

Regulations are added for workers, structures, signs, and parking for agricultural home occupations.

29. Section 14-3.2F High-Density Residential Districts, By-Right High-Density.

The Update removes the requirement to submit a development plan to Planning Commission for a proposed density over 10-units per acre in the R-12 through R-29 districts (high-density residential). Currently, applicants in high-density residential districts are required to submit a development plan to propose densities over 10-units per acre, despite their zoning district designation of R-12, R-21 or R-29. This requirement adds

uncertainty and significant cost and time constraints on development in these districts, especially for small, infill projects, which are prioritized in the General Plan. The requirement is only applied to the high-density districts while other districts can achieve their density designation “by-right” (e.g., R-5, R-7, and R-9). One example of how the requirement for a development plan for higher density affects development is a recent development application that proposed five (5) affordable homes on a City-owned vacant lot at 635 Alto Street. Despite being zoned R-21, which would allow five units on the approximately 0.25-acre lot, the current code requires the applicant to submit a development plan for approval by the Planning Commission. The development plan requirement has significantly delayed and added costs to this 100% affordable housing project. Eliminating the development plan requirement does *not* remove the requirement for development plans for developments above 30,000 SF, or 10,000 SF that are within certain zoning districts or proximate to residential uses. Rather, the change will streamline the approval process for small-scale infill projects.

30. Section 14-7.4(D) Open Space, Additional District Specific Requirements.

The Update clarifies that, in the C-2 district, 250 square feet of open space is required per dwelling unit. The previous wording was unclear, and could be misinterpreted to require open space for only ground-floor units. The new language aligns with the current interpretation of the code regarding open space requirements in the C-2 district.

31. Section 14-8.2 Terrain and Stormwater Management.

The Terrain and Stormwater Management section has been reorganized with copy edits to correct several existing deficiencies and resolve conflicts. Among the new requirements are: a financial guarantee in a form acceptable to the Director if planting is delayed until the next planting season; a requirement that existing grades beneath native trees and shrubs remain undisturbed; a prohibition of mounding soil, fill dirt, organic materials, or inorganic debris under native plant canopies; and a new requirement that if a property or homeowners association assumed the responsibility for maintenance of stormwater infrastructure, the association may not be disbanded without another party assuming the designated responsibilities for repair and maintenance.

32. Section 14-8.4E Plant Material Standards.

The Update proposes several edits to Plant Material Standards, including to provision 2.I, allowing developments that provide 100 % affordable units to plant smaller, one and one-half-inch caliper minimum deciduous trees; provision 2.VIII, requiring gravel mulch that is used in public rights-of-way to be washed and screened prior to site delivery; provision 2.IX, prohibiting all impervious barriers in addition to plastic for weed barriers; provision 2.X, permitting temporary irrigation systems; provision 5.I.f, requiring irrigation for a minimum of three years; and provision 5.VI, adding a requirement for irrigation.

33. Section 14-8-4H Parking Lot Landscaping.

The Update amends the parking lot landscaping requirements and lowers the threshold for applicability of interior parking lot landscape requirements and pedestrian circulation from 40 or more off-street parking spaces to 20 or more off-street parking spaces. The section is also updated to specify when a four-foot berm, a four-foot continuous hedge, a planting strip with trees, or some combination of these is required along the perimeter of a parking lot for screening.

34. Section 14-7.5 Off-Street Parking and Loading, Flexible Parking Requirements.

The Update includes several provisions aimed at increasing flexibility in meeting parking requirements and promoting economic development, including: relocating the parking table, parking design standards, and bicycle parking requirements from the Chapter 14 Appendix, and integrating them into the body of the code; exempting the Business Capital District (BCD) from parking requirements; defining the parameters of a Parking Demand Study; allowing on-street parking to count towards off-street parking requirements; allowing shared parking and off-site parking agreements; and decreasing parking requirements for development in close proximity to a transit stop or multi-use trail, transit facilities, on-site carshare, structured parking, commercial parking facilities; and developments with a certain number of affordable or senior housing units.

35. Section 14-7.5J Off-Street Bicycle Parking Requirements.

The Update changes bicycle parking requirements and introduces new regulations for long-term bicycle parking. The Update separates bicycle parking requirements from vehicle parking requirements, allowing for more context-sensitive and adaptable bicycle parking facilities. Currently, the maximum required number of bicycle parking spaces is 12, which is inadequate for larger developments and those located near multimodal infrastructure. Furthermore, the addition of long-term bicycle parking addresses the increasing use of cargo and electric (E-bikes), which typically require secure ground-floor parking that has access to charging stations.

36. Section 14-7.5G EV Charging Space Requirements.

The Update includes a preliminary set of requirements for the provision of Electric Vehicle charging stations for new developments, including the requirement for a certain number of EV charging facilities and EV-ready parking units, depending on the proposed use.

37. Section 14-8.6 Outdoor Lighting.

The Update adds definitions for light trespass and glare, in anticipation of more specific standards to be included in Phase 2; makes minor updates to existing standards to align with the NM Night Sky Protection Act; eliminates the allowance for high- and low-pressure sodium lamps and mercury vapor; adds LED as a permitted lamp type; lowers the permitted strength of incandescent watts from 160 to 150; and adds a method of measurement for compliance with lighting standards.

38. Section 14-7.6 Elimination of Content-based Regulation of Signs.

The Update removes “content-based” regulations, which are illegal under the First Amendment of the United States Constitution. The First Amendment restricts governments from making laws that abridge the freedom of speech. Courts have applied the First Amendment to conclude that cities cannot regulate the content of signs, but can include content-neutral regulations, such as limitations on their location, size, shape, color, etc. Regulations of obscene signs are allowed and regulations on that topic have been carried forward.

39. Section 14-7.2 Santa Fe Homes Program

The Update adds a provision stating that an applicant who is otherwise bound by a previous agreement, may opt to comply with the SFHP requirements in order to receive the

incentives. This addition resolves an issue wherein properties subject to annexation or other prior written agreements, which contain their own affordable housing requirements, prior to 2005, are not allowed to participate in SFPH and are therefore not eligible to receive the incentives offered under the program. The change would allow developers to comply with their existing agreements and also have the opportunity to participate in the SFHP.

40. Section 14-7.2E Santa Fe Homes Program Standard Development Incentives.

New language clarifies that in order to receive the standard 15% density bonus, affordable units must be delivered on-site. Developments which opt for the fee-in-lieu of compliance option will not be eligible for the density bonus.

41. Section 14-7.2F Santa Fe Homes Program Enhanced Affordability Incentives.

The Update creates a new enhanced affordable housing incentives program within the existing Santa Fe homes Program, which incentivizes the development of additional Santa Fe Homes Program (SFHP) units and market rate units. Projects must provide at least 30% SFHP qualified affordable units to be eligible for a suite of development incentives including scaled density bonuses; administrative review of development plans and subdivisions; dimensional standard flexibility; and certain fee waivers. The proposed incentives do *not* amend the existing SFHP requirements and are a voluntary option for developers. The Enhanced Affordability Program has no fee-in-lieu option. Participants are required to deliver SFHP qualified affordable units in order to take advantage of the suite of development incentives. See the attached Enhanced Affordability Incentives Report for more information on the proposal.

42. Section 14-1.13A.4 Determination of Nonconformity Status.

The Update clarifies that the burden of proof for establishing legal non-conformities rests with the applicant or property owner and Section 14-1.13B.2 reduces the period of inactivity from 365 days to 180 days for re-establishing a non-conforming use.

43. Section 14-1.12D Violations.

The Update clarifies and reorganizes various references to violations that are currently found throughout the LDC into a single Violations section. The section states which activities constitute a violation of the LDC and describes the remedies, penalties and hearing proceedings.

EVALUATION CRITERIA:

Section 14-3.3, "Amendments to Text of Chapter 14," outlines the process for amending the text of the Land Development Code. To make a positive recommendation to the Governing Body, the Land Use Director and the Planning Commission must find that a text amendment meets the six criteria set forth in Section 14-3.3(B). The criteria are as follows:

- (1) compliance with law;***
- (2) consistency with the general plan;***
- (3) consistency with other policies adopted by the governing body;***
- (4) consistency with the purpose and intent of Chapter 14 and of the section being amended;***
- (5) consideration of how the amendment relates to other provisions of the Santa Fe City***

*Code and the avoidance of unintended consequences; and
(6) consistency with any approved neighborhood conservation overlay districts.*

RECOMMENDATION:

Because the Update meets the above six criteria (where applicable), the Land Use Director recommends that the Governing Body approve the proposed Update.

ACTION REQUESTED:

Adopt the proposed legislation as presented.

ATTACHMENTS:

LDC Disposition Report

LDC Assessment Report

Enhanced Affordability Incentives Report