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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2009-30

AN ORDINANCE

CREATING A NEW SECTION 14-5.10 SFCC 1987 REGARDING NEIGHBORHOOD PLANS AND NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

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

Section 1. [NEW MATERIAL] A new Section 14-3.2(D)(3) SFCC 1987 is ordained to read:

(3) Additional Criteria for Neighborhood Plans

In addition to complying with the general criteria for General Plan amendments set forth above, the adoption of neighborhood plans shall comply with the following:

(a) Purpose

The purpose of the neighborhood plan is to record neighborhood-specific policies to promote the well-being of the neighborhood.

(b) Neighborhood

For the purpose of neighborhood planning, a neighborhood is defined as the geographic area, the people, and facilities that satisfy a household's basic needs: food, shelter, recreation, social identity, security, primary education, and basic services. For the

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purpose of calculating the percentages required in this paragraph (3), each parcel is entitled to a single vote no matter how many persons or entities might own a single parcel.

(c) The Land Use Department shall conduct public information meetings regarding the neighborhood planning process.

(d) Petition

A neighborhood may petition the Land Use Department to develop a neighborhood plan. The petition shall contain:

- (i) A description of the proposed boundaries of the neighborhood plan;
- (ii) The signatures of 40 percent of the property owners of record in the proposed boundaries; and
- (iii) The names and contact information for a steering committee of no less than five persons from the neighborhood to work with the Land Use Department.

(e) Acceptance of Petition

- (i) The Land Use Department shall review neighborhood boundaries and recommend changes, if necessary, so that the proposed boundaries adhere to the definition of a neighborhood as set forth in paragraph (b) above.
- (ii) The Land Use Department shall verify that the petition complies with paragraph (d)(ii) above.
- (iii) The Land Use Director may prioritize the processing of neighborhood plans based upon available City resources; how the neighborhood plan integrates and potentially

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further broader City planning objectives and projects;
and changes in the community.

(iv) If after the Land Use Director has accepted the petition for the preparation of a neighborhood plan as defined in this section, the City is unable to begin the process for the neighborhood plan within 60 days, a neighborhood whose petition has been delayed may proceed to create a Neighborhood Conservation Overlay District as set forth in §14-5.10(C).

(f) Preparation of Neighborhood Plan

The neighborhood steering committee shall be responsible for the preparation of the neighborhood plan with input from the neighborhood and the assistance of the Land Use Department.

(i) The plan shall respond to and address the General Plan themes set forth Section 1.7 of the General Plan.

(ii) The plan shall include at least these elements:

- A. A description of the neighborhood including its history, assets, existing conditions, and future challenges; and
- B. A detailed listing of neighborhood issues and concerns; and
- C. A statement expressing a neighborhood vision, or goals; and
- D. Neighborhood recommendations outlining actions to be taken to implement plan elements;

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and

E. An implementation strategy designed to enact neighborhood priority recommendations.

(iii) In addition, the plan may include the following elements:

A. An improvement plan containing an assessment of the physical improvement needs of the neighborhood; and

B. The characteristics of the neighborhood that are proposed to be regulated within a proposed Neighborhood Conservation Overlay District as set forth in §14-5.10.

(g) Public Meetings

(i) The neighborhood steering committee shall hold at least two public meetings at which the proposed neighborhood plan shall be discussed and developed. The meetings shall be coordinated with City staff and held at a reasonable time and place to maximize public attendance.

(ii) Notice for the first public meeting shall follow the notice requirements for early neighborhood notification as set forth in §14-3.1(F)(3)(b). Notice for subsequent meetings shall be determined by the steering committee. In the event that the proposed boundaries are enlarged, notice shall be given to those additional property owners and physical addressees as if for the first scheduled

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meeting.

(h) Planning Commission Subcommittee

A final draft of the neighborhood plan shall be submitted to a subcommittee of the Planning Commission, such as the Long Range Planning Subcommittee, which shall review and make recommendations regarding the completeness of the plan and its adherence to the General Plan themes.

(i) Neighborhood Ballot

(i) The steering committee shall mail a ballot by regular mail to all property owners of record within the plan boundaries. The ballot shall ask for a single affirmative or negative vote for the proposed plan. The steering committee shall include a stamped envelope addressed to the Land Use Department for returning ballots.

(ii) If within 30 days of mailing the ballot, the City receives ballots approving the plan from at least 50% of the property owners of record within the plan boundaries, the Land Use Department shall initiate a General Plan amendment to adopt the neighborhood plan as set forth in §14-3.2.

(j) Time to Complete Plan

From the date of receipt of petition to initiate a neighborhood plan to the deadline for receipt of neighborhood ballots shall not exceed two years unless a specific time extension is approved by the Land Use Director.

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(k) Review and Report; Amendments

The Land Use Department shall make a report to the Governing Body regarding the implementation, management and enforcement of §14-3.2(D)(3) prior to December 24, 2010. Upon evaluation of the report, the Governing Body may consider amendments to the city code regarding neighborhood plans.

Section 2. Section 14-5.1 SFCC 1987 (being Ord. No. 2001-38 §2, as amended) is amended to read:

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

The overlay zoning districts of this article are intended to apply in combination with the underlying general use zoning districts to impose regulations and standards in addition to those required by the general use districts. The requirements of an overlay district shall apply whenever they are in conflict with those in the general use district. The following overlay districts are hereby created:

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

Section 3. A new Section 14-5.10 SFCC 19878 is ordained to read:

1 **14-5.10 [NEW MATERIAL] NEIGHBORHOOD CONSERVATION OVERLAY**

2 **DISTRICTS**

3 **(A) General Provisions**

4 (1) Purpose

5 In order to protect the health, safety, and general welfare of the residents
6 of Santa Fe, it is deemed by the Governing Body that neighbors be
7 allowed to conserve their neighborhoods by collectively identifying their
8 neighborhood's distinctive characteristics, including, but not limited to:
9 streetscape, architectural features, density, lot coverage, setbacks, height
10 and some property uses. The Neighborhood Conservation Overlay
11 Districts are a means to propose conservation of the substantive physical
12 character of the neighborhoods and are not intended to be used as a tool
13 simply to resist minor changes in neighborhood character. By proposing
14 establishment of these overlay districts and tailoring the regulations to
15 the attributes of the built environment that make the neighborhood
16 distinctive, neighborhoods will have a tool to proactively affect new
17 development and thereby promote better harmony between new and
18 existing structures.

19 (2) Underlying Zoning District Requirements

20 Property within a Neighborhood Conservation Overlay District shall be
21 subject to the requirements of the underlying zoning district
22 requirements, except for more specific requirements that are adopted for
23 the applicable Neighborhood Conservation Overlay District.

24 (3) Additional Overlay Zoning District Requirements

25 If a Neighborhood Conservation Overlay District is contained within

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another zoning overlay district(s), the most restrictive set of requirements shall prevail. A Neighborhood Conservation Overlay District shall not be included in the boundary of another Neighborhood Conservation Overlay District.

(4) Nonconforming Structures and Uses

Any structure or use located in a Neighborhood Conservation Overlay District not meeting the requirements for the applicable Neighborhood Conservation Overlay District shall be considered legal nonconforming and shall comply with Article 14-10 of this Chapter.

(5) Variances

Requests for a variance from the requirements of a Neighborhood Conservation Overlay District shall be heard by the Board of Adjustment as set forth in §14-3.16. Variances from maximum allowable density or permitted land uses established by a Neighborhood Conservation District are prohibited and shall be considered amendments to the Neighborhood Conservation Overlay District and shall be adopted by ordinance.

(6) Appeals

Any person who is aggrieved by a staff decision regarding Neighborhood Conservation Overlay District requirements may appeal that decision to the Board of Adjustment as set forth in §14-3.17.

(B) Creation of Neighborhood Conservation Overlay Districts

(1) Except as set forth in paragraph (C) below, prior to the creation of a specific Neighborhood Conservation Overlay District, a neighborhood plan recommending the creation of the Neighborhood Conservation Overlay District as one of the plan's implementation policies shall be

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adopted as a General Plan amendment as set forth in §14-3.2.

(2) The creation of a specific Neighborhood Conservation Overlay District shall follow the procedures set forth in §14-3.1(H)(1)(b) as for a City-initiated rezoning.

(3) After a Neighborhood Conservation Overlay District is officially created, amendments to the boundaries or the requirements shall also follow the provisions outlined in this §14-5.10(B).

(C) Creation of Neighborhood Conservation Overlay Districts Alternative

The procedures set forth in this paragraph (C) apply only when §14-3.2(D)(3)(e)(iv) occurs and a neighborhood plan is not prepared. For the purpose of calculating the percentages required in this paragraph (C), each parcel is entitled to a single vote no matter how many persons or entities might own a single parcel.

(1) Petition

A neighborhood may petition the City to develop a Neighborhood Conservation Overlay District. The petition shall contain a description of the proposed boundaries of the Neighborhood Conservation Overlay District and the signatures of 51 percent of the property owners of record in that area. The City may request proof of ownership.

(2) Inventory

An inventory of characteristics that are proposed to be regulated within the proposed Neighborhood Conservation Overlay District shall be completed by the neighborhood with assistance from City staff. The characteristics may include some or all of those characteristics described in paragraph (D)(2) below.

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(3) Public Meetings

(a) Upon verification of the petition by the Land Use Department, staff shall hold at least two public meetings at which the proposed Neighborhood Conservation Overlay District boundaries and requirements shall be discussed and developed. The meetings shall be coordinated with City staff and held at a reasonable time and place to maximize public attendance.

(b) Notice for each public meeting shall follow the notice requirements for early neighborhood notification as set forth in §14-3.1(F)(3)(b). In addition to the postal notification, persons required to be notified of the public meetings may request an email notification from the city on the same day that postal notification is mailed for second or subsequent public meetings. In the event that the proposed boundaries are enlarged, notice shall be given to those additional property owners and physical addressees as if for the first scheduled meeting.

(4) Neighborhood Ballot

(a) When the land use department has determined that 40% of the property owners of record within the proposed boundaries in attendance or represented by written proxy at the public meeting agree to the final proposed requirements governing the proposed Neighborhood Conservation Overlay District, the Land Use Department shall mail a ballot by regular mail to all property owners of record within those boundaries. The ballot shall ask for a single affirmative or negative vote for the proposed

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requirements. The city shall include a stamped envelope addressed to the Land Use Department for returning ballots.

(b) If within 30 days of mailing the ballot, the City receives an affirmative vote of the proposed requirements by 67 percent of the property owners within the proposed boundaries, the proposed Neighborhood Conservation Overlay District requirements shall be deemed to be approved by the neighborhood. The Land Use Director may extend the 30 days for an additional 15 days due to unforeseen circumstances.

(c) If the proposed requirements are not voted on in the affirmative by 67 percent of the property owners, a like or similar petition shall not be submitted within 12 months from the date of verification by the City that the proposed Neighborhood Conservation Overlay District has failed to receive the required affirmative vote.

(5) Adoption of Neighborhood Conservation Overlay District
After the proposed Neighborhood Conservation Overlay District requirements have been approved by the neighborhood, the procedures set forth in §14-3.5 with notice as set forth in §14-3.1(H)(1)(b) shall be followed as for a City-initiated rezoning. After a Neighborhood Conservation Overlay District is officially created, amendments to the boundaries or the requirements shall also follow the provisions outlined in this §14-5.10(C).

(D) Neighborhood Conservation Overlay Districts Requirements

(1) At a minimum, a Neighborhood Conservation Overlay District shall

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include all residentially zoned parcels within an area no less than two city blocks or four blockfaces unless the Land Use Director determines that the blocks are unusually long or short or that the neighborhood characteristics are significantly different within the blocks.

(2) Neighborhood Conservation Overlay Districts may regulate the following:

- (a) Building design including, but not limited to, scale, mass, and distinctive architectural characteristics such as front porches, height or roof styles;
- (b) Streetscape including, but not limited to, lot frontage, fences, walls, parking, lighting, and landscaping;
- (c) Density except density bonuses as permitted in §14-8.11(G)(1);
- (d) Lot coverage;
- (e) Setbacks;
- (f) Building height; and
- (g) Property use except as set forth in paragraph (3) below.

(3) Neighborhood Conservation Overlay Districts shall not restrict the following:

- (a) City-wide policies and priorities;
- (b) Dwelling units marketed to or occupied by any certain income such as, but not limited to, any residential units covered by the Santa Fe Homes Program;
- (c) Home occupations as set forth in §14-6.3(C)(2);
- (d) Group or foster homes;
- (e) Day care facilities;

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- (f) Public or private schools for elementary, middle or senior high students;
- (g) Religious institutions; or
- (h) Other uses determined by the Land Use Director as necessary for the health and safety of the neighborhood.

(4) Requirements shall be measurable, definitive and uniform and enforceable by the Land Use Department through the approval procedures set forth in this Chapter and the issuance of a building permit. A neighborhood conservation overlay district shall not apply to a specific application required under this Chapter which has been submitted to the Land Use Department prior to the date of adoption of a neighborhood conservation overlay district. If a subsequent but separate application for the same property is submitted after the date of adoption of the neighborhood conservation overlay district, the requirements shall apply. It is not the intent of the Neighborhood Conservation Overlay Districts to enforce private covenants.

(E) Review and Report; Amendments

Staff shall make a report to the Governing Body regarding the implementation, management and enforcement of §14-5.10 prior to December 24, 2010 including, but not limited to, variances, appeals and related fees. Upon evaluation of the report, the Governing Body may consider amendments to the city code regarding neighborhood conservation overlay districts.

Section 4. The following changes shall be made to various tables set forth in Chapter 14 SFCC 1987:

- 1. The title box for Table 14-6.1-1 Permitted Uses (Ord. #2001-38, §2 as amended)

1 is amended to read:

TABLE 14-6.1-1 PERMITTED USES

This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10

2. The title box for Table 14-7.1-1 Dimensional Standards for Residential Districts

3 (Ord. #2001-38, §2 as amended) is amended to read:

TABLE 14-7.1-1: Table Of Dimensional Standards For Residential Districts

This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10.

3. The title box for Table 14-7.2-1 Dimensional Standards for Nonresidential

5 Districts (Ord. #2001-38, §2 as amended) is amended to read:

TABLE 14-7.2-1: Table Of Dimensional Standards For Nonresidential Districts

This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10.

4. The title for the Table 14-7.3 (A) Dimensional Requirements for the Townscape

7 Subdistricts (Ord. #2001-38, §2) is amended to read:

TABLE 14-7.3(A) Table Of Dimensional Standards For Townscape Subdistricts

This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10.

8 **Section 5. [NEW MATERIAL.] Article 14-12 SFCC 1987 (being Ord. #2001-**

9 **38, §2 as amended) is amended to include the following definition:**

10 **BLOCKFACE**

11 All the parcels on one side of a city block. Each block is separated by an intersecting street.

12 PASSED, APPROVED, and ADOPTED this 24th day of June, 2009.

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DAVID COSS, MAYOR

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ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

FRANK D. KATZ, CITY ATTORNEY

Jp/CA/jpmb/2009 ord/Neighborhood Plan Conservation District