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## **Article 14-7: ~~DIMENSIONAL~~BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS**

### **14-7.1 [1] GENERAL RULES OF MEASUREMENT AND EXCEPTIONS**

#### **(A) General Requirements**

##### (1) Applicability of Other Standards

In addition to the standards in this Section 14-7, *development* may be subject to standards in other portions of this chapter, including those in Section 14-5, Overlay Districts.

##### (2) General Standard for Measurements

Measurement of the standards in this chapter shall be made as accurately as possible with measurement methods and technology that are commonly used in the construction industry. Where measurements are subject to specific standards contained elsewhere in this code, or that are adopted by state or other regulatory agencies, those standards shall be met.

##### (3) Responsibility for Compliance

Each person engaged in the *development* of property, and the owner of property that has been developed or that is under development, shall comply with the applicable standards of this chapter and provide documentation of compliance to the Land Use Director as necessary to verify compliance.

#### **(B) Dimensional Calculations**

##### (1) Lot Area

Minimum required lot area for residential subdivisions is calculated excluding *rights of way, street* and driveway easements.

##### (2) Lot Depth

The depth is measured between the front and rear *lot* lines, perpendicular to the front *lot* line. In the case of irregularly shaped *lots*, the depth shall be the average of all such measurements along the front *lot* line.

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#### (4) Lot Coverage

Lot coverage is measured by the total projected area on the ground of all structures in relation to the lot area, excluding:

(a) the types and portions of structures listed in ~~14-7.4(D)(1)~~ ~~[3]~~ and

(b) eaves and similar roof projections within two feet of the wall of a building.

#### (5) Structure Perimeter

Structure perimeter is measured by the projected area of the structure on the ground, including all appurtenances such as eaves, bay windows, awnings and cantilevered decks.

#### ~~(6) Slope Measurement~~

~~Slopes shall be measured at contour intervals of five feet or less. The slope percent is the relation of vertical rise from or to contour lines calculated as follows:~~

$$\frac{H - L}{D} \times 100$$

~~where H equals the highest elevation of the portion of the tract measured; L equals the lowest elevation on the portion of the tract measured; and D equals the horizontal distance between H and L.~~

#### ~~[4] (7) Building Frontage~~

~~As used in 14-8.10 Signs, building frontage is the horizontal distance across the front of a building as near to ground level as possible. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two or more sides of a building have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the Land Use Director shall select the building frontage on the basis of the interior layout of the building, traffic on adjacent streets or other indicators available.~~

#### ~~[5] (8) Floor Area Ratio~~

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The gross floor area of all buildings on a lot, including covered parking structures but not roof deck parking, divided by the lot area; for example: 20,000 square feet of gross floor area on a 10,000 square foot lot is a floor area ratio of 2.0.

### **(C) General [6] Height Standards**

The general height limits contained in this Section 14-7 do not apply to structures for which specific standards are provided elsewhere in this chapter, including Section 14-8.5, Walls and Fences. In addition to the maximum height limits contained in this Section 14-7, structures may be subject to height limits in Section 14-5, Overlay Districts or elsewhere in this chapter. Unless there is a specific provision to the contrary, the most restrictive height limit is applied as provided in Section 14-1.7, Conflicting Provisions.

#### (1) Measurement of Maximum Height

[7] No point on a structure shall be higher than the most restrictive of the following calculations:

(a) The general maximum height specified, measured from the average of the highest point and the lowest point of the finished grade at the perimeter of the structure.

(b) The maximum height specified plus four feet, measured from the finished grade at the closest point on the perimeter of the structure.

#### (2) Required Stepback in Residential Districts

(a) Within ten feet of a property line in residential districts, no point on a structure shall be higher than twelve feet above the finished grade at the closest point on the perimeter of the structure.

(b) Within fifteen feet of a property line in residential districts, no point on a structure shall be higher than 24 feet above the finished grade at the closest point on the perimeter of the structure.

#### [8](3) Height of Building Attachments

Except as further restricted by Section 14-5.2, Overlay Districts, the height limitations set out in this chapter may be exceeded by up to three feet for residential structures and eight feet for mixed use and nonresidential structures [9]for chimneys, antennas,

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ventilators, elevator [10] housings or other non-freestanding structures placed on and anchored to the roof of a *building* and not intended for human occupancy.

(4) Telecommunication Facilities

When referring to a *tower* or other telecommunications *structure*, height is the distance measured from the finished grade to the highest point on the *tower, antenna* or other *structure*, including the base pad and any *antenna*.

(D) Required Yards

No *structure* shall occupy a required *yard* except as provided in this Section 14-7.4(D)[11] or or elsewhere in this chapter.

(1) The following types of *structures* may occupy *yards*, provided that they comply with applicable height, setback and other regulations in this chapter and elsewhere in this code, including Chapter 7, Building and Housing; Chapter 12, Fire Prevention and Protection; and Chapter 23, Streets, Sidewalks and Public Places:

(a) *Walls* and fences.

(b) Decks, planters, driveways, walkways, stairways, uncovered porches and similar structures less than 30 inches above grade.

(c) Above-ground and underground facilities of public and private utilities to the extent provided in Section 14-6.2(E), Telecommunication Facilities; 14-6.2(F), Electric Facilities and 14-6.2(G), Underground Electric, Telecommunications and Cable Utility Lines.

(d) Above-ground and underground transformers, equipment enclosures or vaults, and similar facilities of public or private utilities when located and screened as provided on an approved subdivision plat, development plan or as approved by the Land Use Director.

(e) Underground pipes, wires and conduits such as service laterals that provide utility service to the property on which they are located, or that interconnect permitted *structures* and equipment on the property.

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(f) Above-ground wires such as service drops that are necessary to connect permitted structures to existing overhead utility distribution facilities.

(g) Eaves or other roof projections may extend into *required yards* a distance of two feet or less.

(2)<sup>[12]</sup> Minimum front *yards* may be reduced to match the average existing *yards* of the *street* within 150 feet of the property

#### **(E) Separate Regulations for Properties in Escarpment Overlay District**

Properties in the Escarpment Overlay District are subject to the *slope* calculations, *lot* coverage requirements and other regulations set forth in Section 14-5.6(F)

#### **(F) Visibility at Driveways and Yards**

##### **(1)<sup>[13]</sup> Adequate Visibility; Waiver**

The provisions of this paragraph 14-8.1(F) may be waived by the Public Works Director upon a determination that adequate visibility exists consistent with the standards adopted by AASHTO. This paragraph is not intended to limit the authority of the Public Works Director to impose stricter requirements pursuant to the authority provided in Chapter XXIII Streets, Sidewalks and Public Places.

##### **(2) Visibility at Driveways**

On the front property line, no *structure*, *fence*, *wall*, *hedge* or *planting* that will obstruct vision between a height of three feet and eight feet shall be erected, placed or maintained within a triangular area, the legs of which are defined by the edge of the driveway and the front lot line<sup>[14]</sup>. The size of the triangular area differs for public *streets* and for private *streets*. See Illustration 14-7.4-1, "Visibility at Driveways on Public and Private Streets." This paragraph does not apply to the BCD district.

Illustration 14-7.4-1 Visibility at Driveways on Public and Private Streets<sup>[15]</sup>

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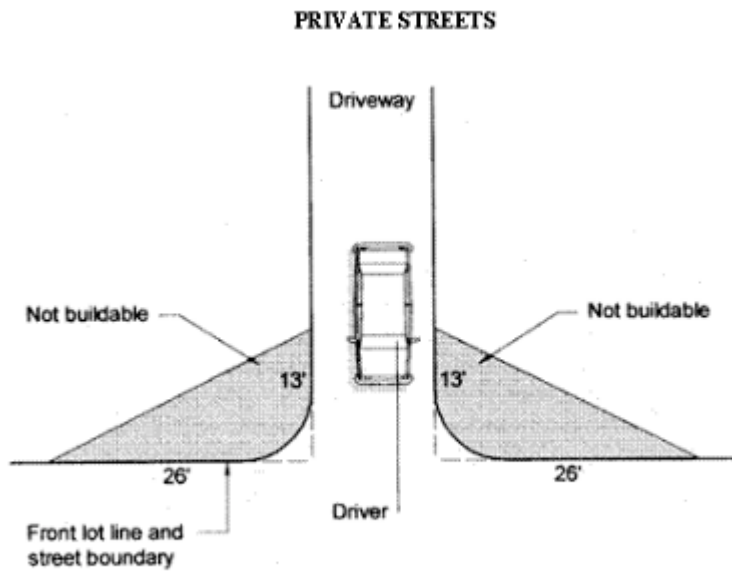
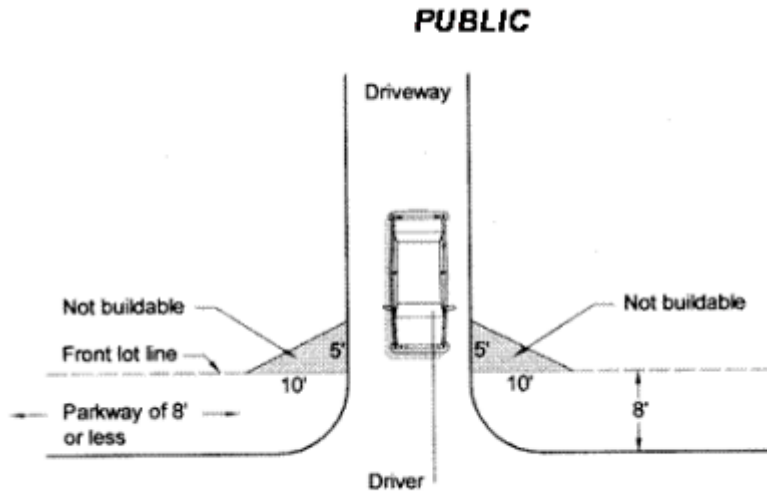


Illustration 14-7.4-1 Visibility at Driveways on Public and Private Streets

(3) Visibility at Intersections

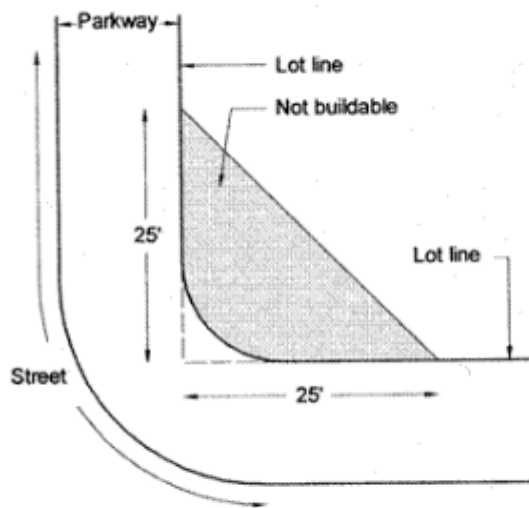
On any ninety-degree corner lot, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of three feet and eight feet above the

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centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at points that are twenty-five feet from the intersection of the right-of-way lines. On any corner lot of other than ninety degrees or on corner lots with grade variations, the visibility requirement shall be adjusted accordingly to ensure public safety. See Illustration 14-7.4-2, "Visibility at Intersections." This paragraph does not apply to the BCD district.

Illustration 14-7.1-2 Visibility at Intersections



**Illustration 14-7.4-2 Visibility at Intersections**

[16]

(4) Yard Requirements on corner lots:

(a) at least one front yard shall be of the size required in the district for front yards;

(b) Other front yards on such a lot shall have no less than half the depth generally required for front yards in the district; provided, however, that the front yard shall not be less than seven feet; and

(c) this paragraph does not apply to the BCD district.[17]

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**14-7.21 RESIDENTIAL DISTRICTS**

**(A)       —Table of Dimensional Standards**

The standards set forth in this table apply to all *principal* and *accessory* uses unless otherwise provided in this chapter.

TABLE 14-7.21-1: Table of Dimensional Standards for Residential Districts

DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 8</small>	<del>(Number of lots created and number of dwellings per lot cannot exceed maximum gross density) See 14-7.1(B)(1) Calculation of Allowable Dwelling</del>	Maximum Height of Structures <del>Outside Historic Districts (feet) (Inside Historic Districts, see § 14-7.2)</del> <small>Note 9</small>	Minimum Setback Requirements (feet) <del>(All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see § 14-7.4(D)(4)(e))</del> <small>Note 2; Note 10</small>	Maximum Lot Coverage (%)	Minimum Distance <del>Between Buildings (feet) Qualifying Open Space (Square Feet)</del>
RR	1 du/acre if public sewer or water is available; 2 du/acre if both public sewer and water are available; 3 du/acre if both public sewer and water are available and common open space is provided as set forth in §14-7.1(B)(1)(e); otherwise, 0.4 du/acre.	Area: 1 acre if public sewer or water is available; as per R-1 if both public sewer and water are available; otherwise, 2.5 acres	<del>Residential structures: 24; Nonresidential structures: 35, so long as the part of any building exceeding 24 feet is set back from each yard line at least 1 foot for each foot of additional height. As per R-1</del>	As per R1 if both public sewer and water are available. Otherwise: Front Street: 25; <u>Other yards: As per R-1</u> Side: Single story structure: 5- <small>Note 3</small> ; Second stories: 10; Rear: 15, or 20% of the average depth dimension of lot, whichever is less, to minimum of 5 feet. Second stories shall be set back a minimum of 10 feet from rear yard <del>property line.</del> <small>Note 4</small>	As per R1 if both public sewer and water are available; otherwise, 40	10, <del>except where a provision is made for a common building wall</del> Single family attached or detached dwellings: See Note 1. Multiple-Family Dwellings: 250 square feet of qualifying common and/or private open space per dwelling unit

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R-1 R-2 R-3 R-4 R-5 R-6	R-1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6	Area: Single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 1) Multiple-family dwellings: 4,000 sq. ft. per dwelling unit. Also see § 14-7.1(B)(1)(c): "Common Open Space"	Residential structures: 24; Nonresidential structures: 35; <del>so long as the part of any building exceeding 24 feet is set back from each yard line at least 1 foot for each foot of additional height (See 14-1(C)(2) for required height stepback from property lines)</del>	Front: 7 (20 for garage or carport doors; see Note 2); Side: Single story structure: 5 <sup>(Note 3)</sup> ; Second stories: 10-Other yards: 5 <sup>Note 3</sup> (See 14-1(C)(2) for required height stepback from property lines) Rear: 15, or 20% of the average depth dimension of lot, whichever is less, to minimum of 5 feet. Second stories shall be set back a minimum of 10 feet from rear yard property line. (Note 4)	40; 50 if private open space is provided (See §14-7.1 (B)(1)(d): "Increase in Maximum Lot Coverage if Private Open Space is Provided")	<del>10, except where a provision is made for a common building wall</del> Single family attached or detached dwellings: See Note 1. Multiple-Family Dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.
R-7 R-8 R-9	R-7=7; R-8=8; R-9=9 <del>See § 14-7.1(B)(2)(a): "Calculation of Allowable Dwelling Units" — Dwelling units may be clustered, as defined in this Article 14-12, as long as the density requirements are met</del>	Area: 4,000 sq. ft. per unit; <del>3,000</del> 2,000 sq. ft. if common open space is provided <sup>Note 5</sup> . Width: No minimum, except to meet other Chapter requirements. Also see § 14-7.1(B)(2)(b): "Common Open Space"	Same as R1-R6 Districts	Generally, setbacks shall be established by a development plan approved by the Planning Commission. <sup>Note 6</sup>	40; 55 if private open space is provided (see §14-7.1 (B)(2)(c): "Increase in Maximum Lot Coverage if Private Open Space is Provided").	<del>10, except where a provision is made for a common building wall</del> Single family attached or detached dwellings: See Note 1. Multiple-Family Dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.
R7(I)	7	Area: 4,000 sq. ft.; Width: 30 ft.	All structures: 24	Same as R1-R6 districts	Same as R-1 to R-6 districts	<del>10, except where a provision is made for a common building wall</del> Single family attached dwellings: Same as R-1 to R-6 Districts
RC	Gross Density Factor: RC-5=5; RC-8=8 <sup>(Note 7)</sup>	Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(a): "Minimum Open Space Requirements"	All structures: 24 Gross floor area of all stories <u>above the ground level</u> shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	Front: None required if wall between 6 and 8 feet in height is built between building and street; otherwise, 15-foot setback required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet in height is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than <del>10</del> 15 feet from property line.	Without compound dwelling units: 40. With compound dwelling units: See § 14-7.1(B)(4)(a): Open Space Requirements	<del>Between buildings that are not abutting 10-</del> Between a building and a wall that is higher than six feet: 5 Same as R7 to R-9 districts

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RM	<del>RM 1-24; RM 2-29; RM 10-10; RM-LD-12 RM-10-10; RM-LD, RM-1 and RM-2=10 (see 14-2(F))</del>	Area: Single-family: 3000 sq. ft. (may be reduced to 2000 sq. ft. if common open space is provided) Note 1 Multi-family: See § 14-7.1(B)(5)(a): "Minimum Lot Area for Multi-Family Dwellings" Also see § 14-7.1(B)(5)(d): "Minimum Open Space Requirements" Also see § 14-7.1(B)(5)(e): "Park Dedication." <u>As required to comply with gross density factor.</u>	<del>Outside Historic Districts: RM-1 and RM-2: 24; see 14-7.2(E) RM-10 and RM-LD: 24 In the Westside Guadalupe Historic District 24; Inside Other Historic Districts: See § 14-5.2</del>	<del>See § 14-7.1(B)(5)(g): "Minimum Building Setback and Separation Requirements." Same as for R-6 through R-9 districts.</del>	Multi-family of 6 or more units: 40 Single-family, two-family, or multi-family of less than 6 units: 40; 70 if private open space is provided. See §14-7.1 (B)(5)(f): "Increase in Maximum Lot Coverage if Private Open Space is Provided"	<del>None</del> Single family detached or multiple-family dwellings: 250 square feet of common and/ or private open space per unit
RAC	<u>21</u>	Same as RM districts.	<del>Outside Historic Districts: All structures: 24</del>	Same as for RM <u>R-6 through R-9</u> districts.	40; Also see §14-7.1 (B)(6)(a): "Maximum Building Area Requirements."	<del>None</del> Same as for RM districts

MHP See §14-6.2(A)(5).

NOTES:

1. Additional Regulations [18]: The purpose of a minimum lot size in a residential district is to establish a minimum area to accommodate a *dwelling unit* and customary *accessory buildings* and required yards within the minimum setbacks, and to provide private *open space* for the residents of the *lot*. The intention of allowing the same minimum lot size in R-1 through R-6 district is to encourage a wide variety of lot sizes in each district. Further, it is the intention of allowing a reduction in the minimum lot size in *clustered subdivisions* is allowed to encourage *common open space* for the benefit of all residents of the *development*. Smaller lots provide environmental benefits that include reducing water consumption and limiting sprawl. The minimum lot size shall be as established in this section; however, the number of dwelling units shall not exceed that set forth in Table 14-7.1-1. The minimum lot size requirement for single-family structures is 4,000 square feet. However the lot size may be reduced to a minimum of 2,000 square feet provided common open space, meeting the criteria set forth in § 14-7.1(B)(1)(c), is provided such that the sum of the square footage of the lots for a development plus the sum of the square footage for common open space, all divided by the number of single family lots, equal no less than 4,000 square feet. In no case shall the lot include parking areas intended for use by residents of more than one lot. [19]

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2. Additional Regulations: ~~The off-street parking requirements set forth in § 14-8.6 shall be met~~<sup>[20]</sup>. ~~Where the dwelling unit has an attached~~A garage or carport with a vehicle entry or door facing the street shall be set back ~~then the distance between the garage door or carport entry and the front lot line shall be a minimum of at least~~ twenty<sup>20</sup> feet ~~from the street property line as shown in Illustration 14-7.1-1.~~

3. Additional Regulations: ~~Zero building setbacks from the side yards~~lot lines <sup>[21]</sup> are allowed for ~~structures~~permitted and accessory structures with the concurrence of adjoining property owners as shown on an acknowledged-notarized affidavit declaration signed by the applicant and the adjoining property owners, and in compliance with the building code as set forth in ~~§-7-1.~~

~~4.~~<sup>[22]</sup> Additional Regulations: ~~Zero building setbacks from the rear yard property line are allowed for permitted and accessory structures with the concurrence of adjoining property owners as shown on a notarized affidavit signed by the applicant and the adjoining property owner, and in compliance with the building code as set forth in § 7-1.~~

5. Additional Regulations: ~~The minimum lot size requirement for single-family structures is 4,000 square feet. However the lot size may be reduced to a minimum of 3,000 square feet if common open space, meeting the criteria set forth in § 14-7.1(B)(2)(c), is provided such that the sum of the square footage of the lots for a development plus the sum of the area of common open space, divided by the number of lots, equals no less than 4,000 square feet. In no case shall the lot include parking areas intended for use by residents of more than one lot.~~<sup>[23]</sup>

6. Additional Regulations: ~~In the absence of an approved development plan, setbacks shall comply with the R-1 through R-6 districts. If a development plan is approved by the Planning Commission, the following applies: (a) Setbacks shall be based upon their relationship to the overall development and its purpose, amount of open space necessary for the development and its residents, and their impact upon surrounding properties. (b) The minimum distance between buildings on one lot or adjacent lots shall be no less than ten feet, except where a provision is made for a common building wall. (c) There shall be no more than five attached dwellings in any one series. There shall be a distance of 15 feet between each series of attached dwellings, where no structure or appurtenance is permitted.~~<sup>[24]</sup>

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~~7~~ Additional Regulations: If the maximum density calculated is other than a whole number, the number shall be rounded down to the nearest whole number except: (a) If the calculation is for a family transfer subdivision as set forth in § 14-3.7(E)(2)(b) and the result is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more; or (b) If the result is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987. The resulting whole number is the maximum allowable number of dwelling units for the site unless approved by the Governing Body as a rezoning action or other action authorized by this chapter. Prior to subdivision (including lot split) or other development approval of the site by the City, the maximum number of allowable dwelling units shall be calculated for the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately, and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split which prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other action authorized by this chapter. ~~(25)~~

~~4. See also 14-7.2(B) Calculation of Allowable Dwelling Units, Notice of Maximum Number of Dwelling Units; 14-8.11(X)(y)(z) Santa Fe Homes Program Density Bonus;~~

~~5. See also 14-7.1(C)(2) height setback from property lines; 14-5 Overlay Districts~~

~~6. See also See also 14-7.1(X)(y)(z) landscape buffer for nonresidential uses; 14-7.1(C)(2) height setback from property lines; and 14-5 Overlay Districts~~

~~[26]~~

## **(B) Additional Regulations**

~~(1) RR, R1-R6 Districts~~



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chapter and where twenty-five percent or more of the parcel has a natural *slope* greater than twenty percent, multiply the result calculated in Paragraph(4) of this subsection by 0.75.

(6) —If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Paragraph §14-7.1(B)(7)(a)(i)E or (8)F. of this subsection below. This is the allowable number of *dwelling units* for the site.

(7)E. —If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in Paragraph D.(6) of this subsection above is other than a whole number, the number may be shall be rounded down if less than five tenths (0.5), and rounded up if it is five-tenths (0.5) or more.

(8)F. —If the result in Paragraph (67) of this subsection D. above is other than a whole number, the number may be rounded up if it is five-tenths (0.5) or more; provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements of SFHP the Santa Fe Homes Program set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low-priced *dwelling unit* meeting the requirements set forth in Subsection 26-2.3 SFCC 1987.

(ii) — Land Within Mountainous or Difficult Terrain

The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land in the mountainous or difficult terrain category as defined in paragraph (B)(1)(a)(iii) of this section:

A. — Determine the total number of acres in the site to two decimal places. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State; and

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~~B. — Multiply the total number of acres in the site calculated in paragraph A by the gross density factor of the district as shown in Table 14-7.1-1; and~~

~~C. — Multiply the result calculated in paragraph (ii)B by 0.75. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in § 14-7.1 (B)(1)(a)(ii)E. or F. below. This is the allowable number of dwelling units for the site; and~~

~~D. — Land in the area of mountainous or difficult terrain with a slope greater than 30 percent shall be undisturbed. [34]~~

~~E. — If the calculation is for a family transfer subdivision as set forth in § 14-3.7(E)(2)(b) and the result in paragraph C. above is other than a whole number, the number shall be rounded down if less than five tenths (0.5), and rounded up if five tenths (0.5) or more.~~

~~F. — If the result in paragraph C. above is other than a whole number, the number may be rounded up if five tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987.~~

~~(iii) — Definition of "Mountainous or Difficult Terrain"~~

~~A. — For purposes of this section, "mountainous or difficult terrain" means any parcel, any portion of which lies in the area labeled as mountainous and difficult terrain on Exhibit "I"\* following this chapter and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.~~

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~~B. — Areas within the potential area of mountainous or difficult terrain as shown on the map following this chapter shall be included in the area of mountainous and difficult terrain as they are annexed.~~

[35][36]

~~(9b) — Notice of Maximum Number of Dwelling Units~~

Prior to ~~subdivision (including lot split) or other~~ any development approval ~~of the site by the City~~<sup>[37]</sup>, the maximum allowable number of ~~allowable~~ *dwelling units* shall be calculated for the site as a whole. The allowable number of *dwelling units* shall not be exceeded for the site as a whole, regardless of subdivisions or *lot* splits. In the event of subdivision, ~~(including lot split)~~, the permitted number of *dwelling units* shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately, and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or *lot* split ~~that~~<sup>which</sup> prohibits a further increase in the number of *dwelling units* for each portion of the site unless approved by the ~~g~~<sup>G</sup>Governing ~~b~~<sup>B</sup>ody as a rezoning action or other action authorized by this chapter.

~~(10) The provisions of 14-8.11(G)(1), Santa Fe Homes Program Development Incentives, SFHP may increase the maximum number of *dwelling units* permitted on any site; however, in no case shall more *dwelling units* be constructed than described on an approved development plan.~~<sup>[38]</sup>

~~(11)~~<sup>[39]</sup> The minimum *lot* size shall be as established in this section; however, the number of *dwelling units* shall not exceed that set forth in Table 14-7.2-1. The minimum *lot* size requirement for single-family *structures* shall be as specified in Table 14-7.2-1. However the *lot* size may be reduced to a minimum of 2,000 square feet provided *common open space*, meeting the criteria set forth in ~~§ 14-7.2(B)(1)(c)~~,<sup>[40]</sup> is provided such that the sum of the square footage of the *lots* for a development plus the sum of the square footage for *common open space*, all divided by the number of single family *lots*, equal no less than the minimum *lot* size specified in Table 14-7.2-1. In no case shall the *lot* include parking areas intended for use by residents of more than one *lot*.

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<sup>[41]</sup> 12. Additional Regulations: Zero *other yards (side and rear)* are allowed for structures with the concurrence of adjoining property owners as shown on a recorded easement agreement, easement plat or other recorded declaration signed by the adjoining property owners in a form approved by the Land Use Director, and in compliance with the building code as set forth in §7-1.

~~(c[42])~~ **Common Open Space**

~~(i)~~ **Single Family Attached or Detached Dwellings**

~~A. It is intended that the common open space required in single family subdivisions, where the lot size has been reduced from that of a conventional subdivision, be a compensation to occupants for reduced lot size. It is further intended that common open space be usable and be provided for occupants outside of the lot, but within the subdivision.~~

~~B. Where the lot size is between 2,000 and 4,000 square feet, common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for common open space, all divided by the number of single family lots, equal no less than 4,000 square feet.~~

~~C. Common open space shall comply with §14-8.4(H).~~

~~(ii)~~ **Multiple Family Dwellings**

~~A. For all multiple family dwelling units in R-1 through R-6 districts common open space is required equal to 250 square feet per unit~~

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~~B. Common open space shall comply with §14-8.4(H).~~

~~C. Required on-site ponding, whether retention or detention ponding, may be coincident with required open space subject to §14-8.4(H) and any further restrictions set forth in this chapter.~~

~~D. Development plans are required for all multiple-family projects as defined in §14-3.8(A)(6). Development plans for projects in R-1 through R-6 districts with six units or more shall be approved by the Planning Commission. A signed, original mylar of the development plan shall be filed with the City Land Use Department. Development plans for projects in RR districts and for projects in R-1 through R-6 districts with less than six units shall be approved by staff.~~

~~(iii) Non Residential Open Space Requirements~~

~~For all permitted non-residential uses in RR districts and R-1 through R-6 districts open space meeting the requirements of §14-8.4(H) shall be provided at a minimum amount of 25 percent of the total lot area.~~

~~(d) Increase in Maximum Lot Coverage if Private Open Space is Provided~~

~~The maximum lot coverage may be increased to 50 percent provided that qualifying private open space is provided on the lot as follows:~~

~~(i) The amount of private open space that shall be provided for each dwelling unit shall be equal in area to not less than one-half the total heated floor area of each dwelling unit~~

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~(ii) — Balconies or roofed areas such as porches or portales may be included as 25 percent of the required private open space;~~

~~(iii) — Private open space shall not include parking areas, driveways, or related access for automobiles or storm water ponding areas;~~

~~(iv) — The minimum dimension for required private open space shall not be less than 12 feet;~~

~~(v) — Private open space shall adjoin the dwelling unit and shall have one or more points of direct access to the dwelling unit;~~

~~(vi) — Finished grade for required private open space shall have a slope no greater than one vertical foot in ten horizontal feet; and~~

~~(vii) — Accessory dwelling units shall also be required to meet the private open space criteria above. However, private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the dwelling unit, and up to 50 percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the dwelling unit.~~

~~(e) — Homeowners' Association~~

~~For all land designated for ownership in undivided interest, or where private roads are proposed, an article of incorporation and bylaws for a homeowners' association along with a~~

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~~declaration of restrictions and covenants shall be submitted for review and approval by the city attorney.~~

[43]

~~(2) R-7, R-8 and R-9 Districts~~

~~(a) Calculation of Allowable Dwelling Units~~

~~(i) Land Not Within Mountainous or Difficult Terrain~~

~~The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land not within the mountainous or difficult terrain category as defined in paragraph (B)(2)(a)(iii) of this section:~~

~~A. Determine the total number of acres in the site to two decimal spaces. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State;~~

~~B. Determine the total floodway acres in the site. Floodway acres are defined by Article 14-12. The floodway acres shall remain undisturbed.~~

~~C. Subtract the sum of the floodway acres calculated in paragraph B. above from the total number of acres of the site calculated in paragraph A; and~~

~~D. Multiply the remaining acres by the applicable gross density factor of the districts as shown in Table 14-7.1-1. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §14-7.1(B)(2)(a)(i)E. or F. below. This is the allowable number of dwelling units for the site.~~

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~~E. — If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph D. above is other than a whole number, the number shall be rounded down if less than five tenths (0.5), and rounded up if five tenths (0.5) or more.~~

~~F. — If the result in paragraph D. above is other than a whole number, the number may be rounded up if five tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987.~~

~~(ii) — Land Within Mountainous or Difficult Terrain~~

~~The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land in the mountainous or difficult terrain category as defined in paragraph (B)(2)(a)(iii) of this section:~~

~~A. — Determine the total number of acres in the site to two decimal spaces. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State; and~~

~~B. — Multiply the total number of acres in the site calculated in paragraph A. by the gross density factor of the district as shown in Table 14-7.1-1; and~~

~~C. — Multiply the result calculated in paragraph (ii)B. by 0.75. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §14-7.1(B)(2)(a)(ii)D. or E. below. This is the allowable number of dwelling units for the site.~~

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~~D.——If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph C. above is other than a whole number, the number shall be rounded down if less than five tenths (0.5), and rounded up if five tenths (0.5) or more.~~

~~E.——If the result in paragraph C. above is other than a whole number, the number may be rounded up if five tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987.~~

~~(iii)——Definition of Mountainous or Difficult Terrain~~

~~A.——Mountainous or difficult terrain category means any parcel, any portion of which lies in the area labeled as mountainous and difficult terrain on the map following this Chapter and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.~~

~~B.——Areas within the potential area of mountainous or difficult terrain as shown on the map following this Chapter shall be included in the area of mountainous and difficult terrain as they are annexed.~~

~~(iv)——Increased Number of Allowable Dwelling Units~~

~~A.——The allowable dwelling units for the site may be increased if allowed by the Santa Fe Homes Program and agreed to by the property owner and the City pursuant to a Santa Fe Homes Program (SFHP) agreement or in a certified SFHP proposal, set forth in §14-8.11.~~

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~~B. — In no case shall more dwelling units be constructed than described on the development plan approved by the Governing Body of the City as set forth in §14-3-8.~~

~~C. — Prior to subdivision (including lot split) or other development approval of the site by the City, the maximum number of allowable dwelling units shall be calculated for the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately, and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split which prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other action authorized by this Chapter.~~

~~(b) — Minimum Open Space~~

~~(i) — If common open space is required for single family developments as set forth in Table 14-7.1-1, it shall comply with §14-7.1(B)(1)(c). Common open space shall be required for all multi family projects and shall comply with §14-7.1(B)(1)(c). Common open space shall be noted on the development plan with a description of the metes and bounds. The development plan shall restrict the use of common open space to such use, and prohibit subdivision or separation of ownership of the common open space.~~

~~(ii) — Residential open space~~

~~A. — Common and private open space shall be provided as follows:~~

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~1. Private enclosed open space shall be provided in an amount to equal not less than one quarter of the total gross floor area of each unit. Private open space must have one or more points of direct access into the dwelling unit and must be enclosed by walls, fences, shrubs, or other landscape elements, so as to provide a sufficient sense of privacy.~~

~~2. Common open space shall be provided in addition to private open space for developments having four or more dwelling units per lot, and in an amount to equal not less than half the total gross floor area of all buildings in the development. The common open space requirement may be waived if private open space is provided for each unit in an amount equal to the total gross floor area for that unit.~~

~~[44]~~

~~(iii) Non-residential open space~~

---

~~For all permitted non-residential uses, open space shall be provided at a minimum rate of 25 percent of the total lot area.~~

~~(iv) All open space shall meet the requirements of §14-8.4(H).~~

~~(c) Increase in Maximum Lot Coverage if Private Open Space is Provided~~

~~The maximum lot coverage is 40 percent. However, the maximum lot coverage may be increased to 55 percent provided that private open space is provided on the lot as follows:~~

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~~(i) — The amount of private open space that shall be provided for each dwelling unit shall be equal in area to not less than one-half the total heated floor area of each dwelling unit;~~

~~(ii) — Any roofed area shall not be considered as private open space. Private open space shall not include parking areas, driveways, or related access for automobiles or storm water ponding areas;~~

~~(iii) — The minimum dimension for required private open space shall not be less than 15 feet;~~

~~(iv) — Each private open space adjoining a dwelling unit shall have one or more points or direct access to the dwelling unit.~~

~~(d) — Homeowners' Association~~

~~For land designated for ownership in undivided interest or where private roads or utilities are proposed, an article of incorporation and bylaws for a homeowners' association shall be submitted for review and approval by the Land Use Department. These shall be recorded at the County Clerk and Recorder's office with the approved development plan. The homeowners' association shall be responsible for maintenance of such lands, roads, or utilities, unless otherwise approved by the City. [46]~~

~~(3) — R 7(I) District~~

~~(a) — Calculation of Allowable Dwelling Units~~

~~(i) — Land Not Within Mountainous or Difficult Terrain~~

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~~The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land not within the mountainous or difficult terrain category as defined in paragraph (B)(3)(a)(iii) of this section:~~

~~A. Determine the total number of acres in the site to two decimal places. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State;~~

~~B. Determine the total floodway acres in the site. The floodway acres shall remain undisturbed.~~

~~C. Subtract the sum of the floodway acres calculated in paragraph B. above from the total number of acres of the site calculated in paragraph A; and~~

~~D. Multiply the remaining acres by 7. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §14-7.1(B)(3)(a)(i)E. or F. below. This is the allowable number of dwelling units for the site.~~

~~E. If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph D. above is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.~~

~~F. If the result in paragraph D. above is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987.~~

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Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~(ii) — Land Within Mountainous or Difficult Terrain~~

~~The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land in the mountainous or difficult terrain category as defined in paragraph (B)(3)(a)(iii) of this section:~~

~~A. — Determine the total number of acres in the site to two decimal places. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State; and~~

~~B. — Multiply the total number of acres in the site calculated in paragraph A. by seven; and~~

~~C. — Multiply the result calculated in paragraph B. by 0.75. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §147.1(B)(3)(a)(ii)E. or F. below. This is the allowable number of dwelling units for the site; and~~

~~D. — Land in the area of mountainous or difficult terrain with a slope greater than 30 percent shall be undisturbed.~~

~~E. — If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph C. above is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.~~

~~F. — If the result in paragraph C. above is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the~~

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~~rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987.~~

~~(iii) — Definition of Mountainous or Difficult Terrain~~

[47]

~~A. — Mountainous or difficult terrain category means any parcel, any portion of that lies in the area labeled as mountainous and difficult terrain on the map following this chapter and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.~~ [48]

~~(b) — Notice of Maximum Number of Dwelling Units~~

~~Prior to subdivision (including lot split) or other development approval of the site by the City, the maximum number of allowable dwelling units shall be calculated for the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately, and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split which prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other action authorized by this chapter.~~

[49]

~~(4) — RC-5 and RC-8 Districts~~

~~(a) — Minimum Open Space Requirements~~

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~(i) Residential open space~~

~~Common and private open space shall be provided as follows:~~

~~A. Private enclosed open space shall be provided in an amount to equal not less than one quarter the total gross floor area of each unit. Private open space must have one or more points of direct access into the dwelling unit and must be enclosed by walls, fences, shrubs, or other landscape elements, so as to provide a sufficient sense of privacy.~~

~~B. Common open space shall be provided in addition to private open space for developments having 4 or more dwelling units per lot, and in an amount to equal not less than half the total gross floor area of all buildings in the development. The common open space requirement may be waived if private open space is provided for each unit in an amount equal to the total gross floor area for that unit.~~

~~(ii) All open space shall meet the requirements of §14-8.4(H).~~

[50]

~~(5) RMDistricts~~

~~(a[51]) Minimum Lot Area for Multi-Family Dwellings~~

~~(i) To determine the minimum lot size for two-family or other multiple-family dwellings in the RM districts, multiply the number of dwelling units by the square footage per dwelling unit listed below:~~

~~[table deleted]~~

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~~(b) — Calculation of Allowable Dwelling Units~~

~~For R 10, R 12, R 21 and R 29RM districts the procedure outlined below shall be used to calculate the allowable dwelling units for the site:~~

~~(i) — Determine the total acres in the site to 2 decimal places. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State;~~

~~(ii) — Determine the total floodway acres in the site. Floodway acres are as defined by Article 14-12. The floodway acres shall remain undisturbed;~~

~~(iii) — Subtract the sum of the acres calculated in paragraph (ii) above from the total number of acres of the site calculated in paragraph (i) above; and~~

~~(iv) — Multiply the remaining acres by the applicable gross density factor of the districts as shown in Table 14-7.1 1. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §14-7.1(B)(5)(b)(iv)A. or B. below. This is the allowable number of dwelling units for the site.~~

~~A. — If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result obtained by multiplying the remaining acres by the applicable gross density factor is other than a whole number, the number shall be rounded down if less than five tenths (0.5), and rounded up if five tenths (0.5) or more.~~

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Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~B. — If the result obtained by multiplying the remaining acres by the applicable gross density factor is other than a whole number, the number may be rounded up if five tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Section 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in subsection 26-2.3 SFCC 1987.~~

~~(c) — Notice of Maximum Number of Dwelling Units~~

~~Prior to subdivision (including lot split) or other development approval of the site by the City, the maximum number of allowable dwelling units shall be calculated for the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately, and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split which prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other action authorized by this Chapter.~~

~~(d) — Minimum Open Space Requirements~~

~~(i) — Amount~~

~~A. — Residential open space~~

~~Common open space shall be provided as follows:~~

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Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~1. Single family, attached and detached. Where the lot size is between 2,000 and 3,000 square feet, common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for common open space, all divided by the number of single family lots, equal no less than 3,000 square feet.~~

~~2. Multi family. Open space shall be provided at no less than 250 square feet per unit.~~

~~B. Non residential open space~~

~~For all permitted non residential uses open space shall be provided at a minimum rate of 25% of the total lot area.~~

~~(ii) Standards~~

~~A. All open space shall meet the requirements of §14-8.4(H).~~

~~B. The standards for common open space for single family or multiple family residential dwellings are as set forth in §14-7.1(B)(1)(c).~~

~~(e<sup>[52]</sup>) Park Dedication~~

~~In R 10, R 12, R 21 and R 29RM districts, land shall be dedicated in the amount of five acres per 1,000 residents, or a fee in lieu of land shall be paid to the city as required by §14-9.3(B).~~

~~Common open space may be used to meet the park dedication requirements as prescribed by the aforementioned sections. Land may be dedicated to the city or to a homeowner's association or it may be held and maintained by the owner or rental housing developments.~~

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Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

(f) Increase in Maximum Lot Coverage if Private Open Space is Provided

The maximum lot coverage for single-family dwellings, two-family dwellings, or multi-family dwellings of less than six dwelling units shall not exceed 40 percent. However, the maximum lot coverage may be increased to 70 percent provided that private open space is provided on the lot as follows:

(i) The amount of private open space that shall be provided for each dwelling unit shall be equal in area to not less than 30 percent of the total heated floor area of each dwelling unit but not less than 250 square feet.

(ii) Balconies or roofed areas such as porches or portales may be included as 25 percent of the required private open space;

(iii) Private open space shall not include parking areas, driveways, or related access for automobiles or storm water ponding areas;

(iv) The minimum dimension for required private open space shall not be less than 12 feet;

(v) Private open space shall adjoin the dwelling unit and shall have one or more points of direct access to the dwelling unit;

(vi) Finished grade for required private open space shall have a slope no greater than one vertical foot in ten horizontal feet; and

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~~(vii) — Accessory dwelling units shall also be required to meet the private open space criteria above. However, private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the dwelling unit, and up to 50 percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the dwelling unit. [53]~~

~~(DGg) — Minimum Yard **Building Setback and Separation** Requirements [55]~~

Minimum ~~yard~~yard~~building setbacks and separation~~ requirements in the R-7, R-8, R-9, R-10, R-12, R-21 and R-29RM districts shall be established by an approved development plan or as set forth in this section. ~~See Illustration 14-7.1-1, "Examples of Setbacks in RM Districts—No Approved Development Plan."~~

~~(1i) —~~ In order to facilitate creative and responsive housing types in medium to high density developments, an *applicant* may request approval of a development plan establishing minimum yards ~~building setbacks~~different than the default yards required by Subparagraph D(2), below. The ~~setbacks~~yards shall be based upon their relationship to the overall development and its purpose and their relationship to surrounding properties.

~~The minimum distance between buildings on one lot or adjacent lots shall be 10 feet, except where a provision is made for a common building wall. There shall be no more than 6 attached dwellings in any one series.~~

~~(2ii) —~~ If minimum y~~building setback~~yard requirements are not established by an approved development as set forth in this subsection~~above~~, the minimum yard requirements ~~building setback requirements for single-family dwellings, two-family dwellings, or multi-family dwellings of less than 6 units~~ [57] per lot shall be:

~~A. — The minimum distance between buildings on one lot or adjacent lots shall be not less than 10 feet, except where a provision is made for a common building wall. There shall be no more than 6 attached dwellings in any one series. [58]~~

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~B.~~(a) — With the exception of detached permitted *accessory structures* for which required yards setbacks are set forth in Section~~§~~14-6.3, the minimum front yard building setback from the property line for all *structures* shall be ten feet for multi-family buildings containing six or more dwelling units, and no less than seven~~7~~ feet for all other *buildings* for front yards. However, the off-street parking requirements set forth in §14-8.6 shall be met. [59] Where the dwelling unit has an attached garage door facing the street, then ~~the~~ the distance between at the garage or carport door facing the street and the front property line shall be a minimum of twenty~~20~~ feet as provided in Illustration 14-7.1-1.

~~(b)C.~~ — Except as otherwise provided in Article 14-6, the side other yards setback shall be a minimum of five~~5~~ feet from the property line for single-story structures subject to the setback requirements of Section 14-7.1(C)(2). For all structures other than multi-family buildings containing six or more dwelling units, Zero building setbacks from the side other property line yards are allowed for permitted and accessory structures with the concurrence of the adjoining property owner~~(s)~~ as shown on an acknowledged declaration-notarized affidavit signed by the applicant and the adjoining property owners, and in compliance with the building code as set forth in Article~~§~~ 7-1.

In all cases, second stories shall be set back a minimum of 10 feet from the side property line.

~~D.~~ — Except as otherwise specified in Article 14-6 or elsewhere, rear yard setbacks shall be 15 feet or 20 percent of the average depth dimension of the lot, whichever is less. Zero building setbacks from the rear property line are allowed for permitted and accessory structures with the concurrence of adjoining property owners as shown on a notarized affidavit signed by the applicant and the adjoining property owner, and in compliance with the building code as set forth in §7-1. In all cases, second stories shall be set back a minimum of 10 feet from the rear property line.

(3) —

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~~(iii) — Except as otherwise specified in Article 14-6 or elsewhere, the minimum yard requirements for multiple family dwellings of 6 or more dwelling units per lot in the R 10, R 12, R-21 and R-29RM districts per lot are:~~

~~A. — Front: 10 feet;~~

~~B. — Side: 5 feet setbacks from the lot line for single story structures. Additional stories shall be set back a minimum of 10 feet from the side yard property line; and~~

~~C. — Rear: 15 feet.~~

[60]

~~(iv) — On administrative approval by the Land Use Department staff, minimum front yard setback requirements may be waived [61] to match the average existing setback of the street within 150 feet from the property.~~

~~(v) T — T (d) Other permitted or permissible structures in RM districts have the same setbacks required yards as those set forth in paragraph (iii) above, unless otherwise specified~~

~~(EHh)~~ **Increase in Maximum Height in RM- I and RM-2 Districts**

~~(1a)~~ (1a) An applicant may request a height up to 36 feet in RM- I and RM-2 districts provided that:

~~A(a)i.~~ A(a)i. — The request is part of a development plan requiring approval by the Planning Commission as set forth in §14-3.8; or

~~(b)iiB.~~ (b)iiB. — The request is part of a special exception requiring approval by the Board of Adjustment as set forth in Table 14-6. 1 -1 in accordance with §14-3.6.

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                     ~~(2b)~~ ~~(ii)~~ — In evaluating the proposed height, the Commission or Board shall consider the following:

                     ~~i(a)~~ ~~A.~~ — If the future land use designation shown on the General Plan is high density residential;

                     ~~(b)~~ ~~iiB.~~ — The need for the increased height; however, financial gain or loss shall not be the sole determining factor;

                     ~~(c)~~ ~~iiiC.~~ — If the height is needed to make the proposed development more affordable, what level of affordability will be provided and how will that affordability be guaranteed long term;

                     ~~D(d)~~ ~~iv.~~ — Heights of existing *buildings* in the vicinity; and

                     ~~(e)~~ ~~vE.~~ — Impacts of the increased height upon the neighborhood and the community so that the increased height shall not significantly interfere with the enjoyment of other land in the vicinity and shall be consistent with the spirit of this Chapter and in the general public's interest.

                     ~~(3eiii)~~ — In approving the proposed height, the Commission or Board may establish such conditions as the Commission or Board deems appropriate.

                     ~~(4div)~~ — This §14-7.1(B)(5)(g) does not supersede height restrictions established within an historic district.

**(F) Increase in Maximum Density Height in RM-LD, RM-1 and RM-2 Districts**

                     ~~(1)~~ ~~An applicant may request a density up to 12 dwelling units per acre in an RM-LD district; up to 21 dwelling units per acre in an RM-1 district; and up to 29 dwelling units per acre in an RM-2 district provided that:~~

                     ~~(a)~~ ~~The request is part of a development plan requiring approval by the Planning Commission or BCDDRC as set forth in §14-3.8; or~~

                     ~~(b)~~ ~~The request is part of a special use permit requiring approval by the Board of Adjustment in accordance with §14-3.6.~~

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(2) In evaluating the proposed height, the Commission or Board shall consider the following:

(a) If the future land use designation shown on the General Plan is high density residential;

(b) The need for the increased density; however, financial gain or loss shall not be the sole determining factor;

(c) If the increased density is needed to make the proposed development more affordable, what level of affordability will be provided and how will that affordability be guaranteed long term;

(d) Densities of existing developments in the vicinity; and

(e) Impacts of the increased density upon the neighborhood and the community so that the increased density shall not significantly interfere with the enjoyment of other land in the vicinity and shall be consistent with the spirit of this Chapter and in the general public's interest.

(3) In approving the proposed density, the Commission or Board may establish such conditions as the Commission or Board deems appropriate.

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Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

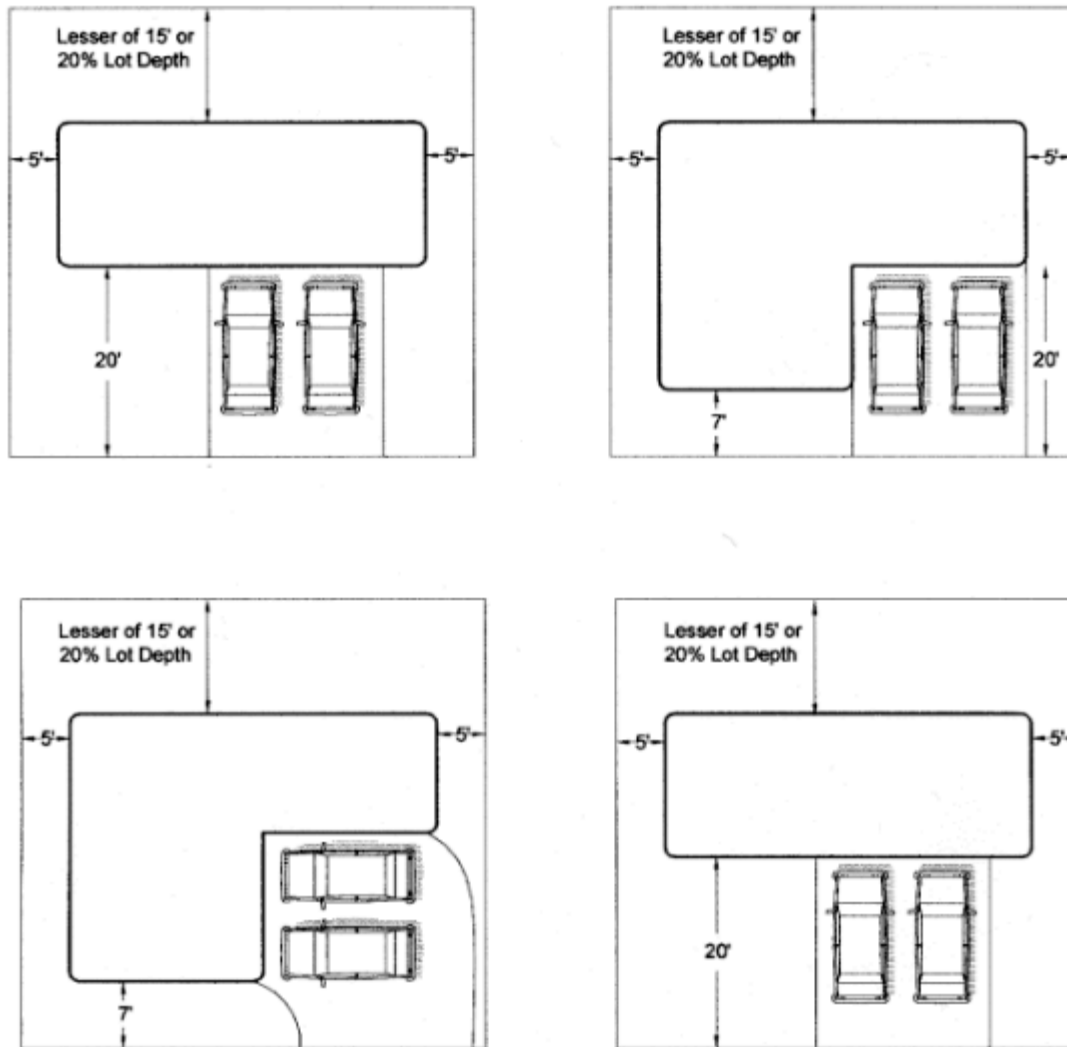


Illustration 14-7.1-1 Examples of Setbacks for R-1 Through R-5 Districts

[62]

[[63]GFH)

{6} RAC District

{a} Maximum Nonresidential Building Use Area Requirements in RAC District.

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The maximum building area requirements for the RAC district for nonresidential permitted or permissible uses are:

~~(i1) — Where seventy-five percent or more~~ Not more than three thousand square feet of the gross floor area of a building shall be ~~is~~ devoted to nonresidential permitted uses in this district, not more than 3,000 square feet shall be used for such nonresidential purposes; and

~~(ii2) — Where less than 75 percent of the gross floor area of a building is devoted to nonresidential permitted uses in this district, not more than 1,500 square feet shall be used for such nonresidential purposes.~~

**(HGI) — Mobile Home Park Standards [65]**

(1) — General Site Standards

(a) — Qualifying open space shall be provided as required for development in the R-8 district in paragraphs 14-7.1(C) and (D).

(b) — The mobile home park site shall be graded to ensure proper drainage.

(c) — The mobile home park shall provide spaces that are well defined and delineated. Minimum lot size per mobile home unit shall be four thousand square feet.

(d) — Each mobile home space shall provide a mobile home stand of concrete footing adequate to support a mobile home. The stand and space shall be graded to provide adequate storm drainage away from the mobile home.

(e) — A maximum of eight mobile home spaces per acre [66] shall be allowed in any mobile home park.

(f) — There shall be at least a twenty-foot clearance between mobile homes. No mobile home shall be located closer than ten feet to any building or to any property

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line. -Accessory structures such as decks and stairways may be attached to the mobile home to which they provide access, but shall be separated from other buildings and structures by ten feet.

(g) — Each mobile home space shall be provided with two off-street parking spaces, which shall be paved or covered with crushed stone or other suitable material. No on-street parking shall be permitted.

(h) — Walkways not less than thirty-six inches in width shall be provided from all mobile home spaces to all service buildings.

(i) — All driveways and walkways within the mobile home park shall be hard-surfaced and well lighted.

(j) — All private subcollector, lane, and place streets within the mobile home park shall have a minimum pavement width of twenty-four feet. Private collector streets within the mobile home park shall have a minimum pavement width of thirty feet. All public streets shall comply with the right-of-way requirements and subdivision design standards set forth in Article 14-9 except as specified in this section.

(k) — The perimeter of the mobile home park shall be landscaped and fenced. Landscaping shall consist of deciduous canopy trees spaced no more than twenty feet apart, having a minimum two-inch caliper at the time of planting. Fencing shall consist of either a six-foot tall solid wall or fence constructed of opaque materials.

(l) — All mobile home park signs shall conform to the requirements of Section 14-8.10.

#### (2) — Service Buildings

(a) — Service buildings, if provided, that house sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(b) — Service buildings shall be:

(i) well-lighted at all times of the day and night;

(ii) -well-ventilated with screened openings;

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(iii) constructed of moisture-proof material, which may be painted woodwork, that allows for repeated cleaning and washing;

(iv) maintained at a temperature of at least sixty-eight degrees Fahrenheit during the period from October 1 to May 1; and

(vi) have floors of water impervious material.

(c) —All service *buildings* and the grounds of the *mobile home park* shall be maintained in a clean, sightly condition and kept free of any condition that menaces the health of any occupant, or the public, or constitutes a nuisance.

(3) — Garbage Receptacles

Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located in *mobile home spaces* or in a specified central location to facilitate maintenance and pick-up. The garbage cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow.

(4) — Fire Protection

Every *mobile home park* shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the *mobile home park* as to satisfy applicable reasonable regulations of the fire department.

(5) — Supervision

An attendant or caretaker shall be in charge at all times to keep the *mobile home park*, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for violations -of any provision of this section to which the permittee is subject.

## **14-7.32 NONRESIDENTIAL AND MIXED-USE DISTRICTS**

(A) — Table of Dimensional Standards

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

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The standards set forth in this table apply to all *principal* and *accessory* uses unless otherwise provided in this chapter.

**TABLE 14-7.32-1: Table of Dimensional Standards for Nonresidential Districts**

<b>TABLE 14-7.2-1: Table of Dimensional Standards for Nonresidential Districts</b>				
<b>This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10 (Ord. No. 2009-30 § 4)</b>				
<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures Outside of Historic Districts (feet)</b>  <b>(Inside Historic Districts, see §14-5.2)</b>	<b>Minimum Setback Requirements (feet)</b> <b>(All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see §14-7.4(D)(4)(e))</b>	<b>Maximum Lot Coverage (%)</b>
C-1	Same as RM districts: See Table 14.7.1-1	36	<i>Commercial Uses: Front:</i> 10 (All required front yards shall be landscaped, and no required front yard shall be used for off-street parking)  <i>Side:</i> Combined sideyards on interior lots shall total ten feet or 20% of the width of the lot, whichever is least; provided	Commercial Uses: 60  Residential Uses: 40

<b>TABLE 14-7.2-1: Table of Dimensional Standards for Nonresidential Districts</b>				
<b>This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10 (Ord. No. 2009-30 § 4)</b>				
<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures Outside of Historic Districts (feet)</b>  <b>(Inside Historic Districts, see §14-5.2)</b>	<b>Minimum Setback Requirements (feet)</b> <b>(All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see §14-7.4(D)(4)(e))</b>	<b>Maximum Lot Coverage (%)</b>
C-1 Cont.			that no side yard shall be less than five feet in width Rear: 10 Residential Uses: Same as for RM districts.	
C-2	None  Also see §14.7.2(B)(1)(a): "Minimum Open Space Requirements"	45	Front: 15  Side: Note 7  Rear: 10 Note 8	60
C-4	Same as underlying zoning district  Also see §14.7.2(B)(2)(a): "Minimum Open Space Requirements"	24	<i>Commercial Uses Front:</i> 10 (No required front yard shall be used for off-street parking) <i>Side:</i> Combined side yards on interior lots shall total ten feet or 20 percent of the width of the lot, whichever is least; provided that no side yard shall be less than five	Commercial Uses: 60  Residential Uses: 40

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			feet in width <i>Rear</i> : 10 (25 when abutting a residential district) Residential Uses: Same as underlying zoning district	
<b>TABLE 14-7.2-1: Table of Dimensional Standards for Nonresidential Districts</b>				
<b>This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10 (Ord. No. 2009-30 § 4)</b>				
<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures Outside of Historic Districts (feet)</b>  <b>(Inside Historic Districts, see §14-5.2)</b>	<b>Minimum Setback Requirements (feet)</b> <b>(All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see §14-7.4(D)(4)(e))</b>	<b>Maximum Lot Coverage (%)</b>
HZ (Ord. No. 2009-3 § 4)	21,780 sq ft  Also see §14-7.2(B)(3)(a): "Minimum Open Space Requirements"	70 for a hospital in the Las Soleras Hospital District; 36 otherwise	Same as for R1-R5 Districts.	In the Christus St. Vincent Hospital Zone District: Gross floor area shall not exceed 30% of total lot area In the Las Soleras Hospital Zone District: floor area ratio shall not exceed 1.8

I-1	None, except as may be needed to satisfy other limitations applicable to an I-1 District.  Also see §14-7.2(B)(4)(a): "Minimum Open Space Requirements"	65 (provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height above 36 feet)	Same as for C-2 District.	50
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<b>TABLE 14-7.2-1: Table of Dimensional Standards for Nonresidential Districts</b>				
<b>This table may be superseded by a Neighborhood Conservation Overlay District adopted pursuant to §14-5.10 (Ord. No. 2009-30 § 4)</b>				
<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures Outside of Historic Districts (feet)</b>  <b>(Inside Historic Districts, see §14-5.2)</b>	<b>Minimum Setback Requirements (feet)</b> <b>(All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see §14-7.4(D)(4)(e))</b>	<b>Maximum Lot Coverage (%)</b>
I-2	None, except as may be needed to satisfy other limitations applicable to an I-2 District. Also see §14-7.2(B)(5)(a): "Minimum Open Space Requirements"	Same as I-1 District.	<i>Front</i> : 15 <i>Side</i> : 10 if abutting a residential district; 5 if not abutting a residential district  <i>Rear</i> : 25 if abutting a residential district; 10 if not abutting a residential district	60

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BIP	Minimum District Size: 4 acres <sup>Note 9</sup> Also see §14-7.2(B)(6)(a): "Minimum Open Space Requirements"	No portion of any structure located within 25 feet of any residential zoning district or residential use shall exceed 24 feet in height Maximum height calculation shall not include a	No building, parking or loading facilities, or driveway shall be located less than 50 feet from the boundary of any residential use or residential zoning district <sup>Note 10</sup>	None, except to meet the open space, setback, parking, and other applicable requirements
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**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 (Ord. No. 2009-30 § 4)

D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures Outside of Historic Districts (feet)  (Inside Historic Districts, see §14-5.2)	Minimum Setback Requirements (feet)  (All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see §14-7.4(D)(4)(e))	Maximum Lot Coverage (%)
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BIP Cont.		parapet. - Structures may exceed 24 feet, not to exceed 36 feet, exclusive of the parapet, provided the structure wall shall be stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted.		
PRC	Minimum District Size: 160 acres	---	---	---
PRRC	Minimum District Size: 160 acres	---	---	---
SC1  SC2 SC3	Minimum Lot Requirements: <sup>Note 11</sup> SC1: 5 acres SC2: 10 acres SC3: 40 acres  See also §14-4.3(K)(4), "Rezoning to the SC district"	SC1: 35 SC2: 45 SC3: 45	The requirements for minimum yards in SC districts shall be equivalent to the minimum yard requirements in any adjoining zoning district.	None

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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 (Ord. No. 2009-30 § 4)				
D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures Outside of Historic Districts (feet)  (Inside Historic Districts, see §14-5.2)	Minimum Setback Requirements (feet)  (All nonresidential uses: 15-foot landscaped buffer required if adjacent to residential; see §14-7.4(D)(4)(e))	Maximum Lot Coverage (%)
MU	None, except as may be needed to satisfy other limitations applicable to a MU district Also see § 14-7.2(B)(8) for open space requirements.	A maximum height of 35 feet shall be permitted where two or more stories are included in a building; where the mixed-use development is located adjacent to residential uses or residential zoning, all buildings and structures within 70 feet of the adjoining residential property line shall not exceed 25 feet in height. Also see §14-7.2(B)(8) for step-back requirements.	<i>Front</i> : Equivalent to the minimum yard requirements in any adjoining residential zoning district if not separated by a street; otherwise none is required. <i>Side</i> : 30 feet from property line when abutting a residential district; 5 feet from property line if not abutting a residential district. Right-of-way may be counted as part of setback. <i>Rear</i> : 30 feet from property line when abutting a residential district; 10 feet from property line if not abutting a residential district. Right-of-way may be counted as part of setback. Also see §14-7.2(B)(8) for separation requirements.	None, except as may be needed to satisfy other limitations applicable to a MU district Also see §14-7.2(B)(8) for footprint requirements and residential requirements.

**NOTES:**

1[67]7. Additional Regulations: None if a *building* on an adjacent *lot* is built to the property line, ~~or is vacant~~ and the owner ~~of the lot thereof~~ agrees by deed restriction with enforcement running to the City that any *building* constructed will either be built in such a manner as to leave no space between the *building* on his property and the *building* on the subject property or leave at least ten feet between the *buildings* ~~involved~~. Unless no space is left between *buildings* on adjacent lots, a space of at least ten feet shall be left between such *buildings*, either by provision of a five foot *side yard* for each, or, in the case of construction of a *building* adjacent to an existing *building* ~~which that~~ has less than five feet of *side yard*, the new *building* shall provide a *side yard* sufficient to provide the ten foot clearance.

82. Additional Regulations: ~~Rear yard ten feet, e~~ Except on the rear of a *lot* abutting a residential district, in which case there shall be a *rear yard* of not less than ~~twenty-five~~ 25 feet or ~~twenty~~ 20 percent of the depth of the *lot*, whichever is the least.

93. Additional Regulations: The minimum total area of a BIP district shall be four acres. The minimum total area may be further divided into individual *lots*; ~~h-~~ However, the site

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shall be master planned in its entirety and the master plan approved by the Planning Commission.

410. ~~Additional Regulations:~~ The Planning Commission may consider reduced ~~setbacks-yards~~ to allow for greater flexibility in site design, and based on the proposed use and site development proposal. ~~YardSetback~~ reduction may also be mitigated by other factors, including ~~but not limited to~~ topography, proposed fences or ~~walls~~, or dense landscape separation. In no case, however, shall the ~~setbacks-yards~~ be less than ~~twenty-five~~25 feet.

415. ~~Additional Regulations:~~ Lots may be combined to meet the minimum site requirements or subdivided smaller than the minimum site requirements; provided, that the planned shopping center district shall be preserved in such ownership or control so as to ensure the continued maintenance of private common use areas, including ~~without limitation~~, open space, drives, walks, and off-street parking and loading facilities. This shall be accomplished by contracts, agreements, deed restrictions, covenants running with the land, or other instruments in writing.

(B) ~~Additional Regulations~~

(

(2) ~~C-2 District~~

(a) ~~Minimum Open Space Requirements~~

(i) ~~Residential open space~~

A. ~~Private enclosed open spaces shall be provided for dwelling unit\_s permitted per Article 14-6, in an amount to equal not less than one quarter\_ the total gross floor area of the unit.~~

B. ~~Residential open space may be credited toward the total open space requirement.~~

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~~(ii) Non residential open space~~

~~For all permitted non residential uses open space shall be provided at a minimum rate of 25 percent of the total lot area.~~

~~(iii) All open space shall meet the requirements of §14-8.4(H).~~

~~[68](2) C-4 District~~

~~(a) Minimum Open Space Requirements~~

~~(i) Residential open space~~

~~Common open shall be provided as follows:~~

~~A. Single family, attached and detached. Where the lot size is between 2,000 and 3,000 square feet common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for common open space, all divided by the number of single family lots, equals no less than 3,000 square feet.~~

~~(ii) B. Multi-family. 250 square feet per unit.~~

~~(ii) Non residential open space~~

~~For all permitted non residential uses open space be provided at a minimum rate of 25% of the total lot area.~~

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~~(iii) — All open space shall meet the requirements of §14 8.4(H).~~

~~(b) — Noise buffer — On new construction, a six foot high wall is required at the rear of the property to buffer noise caused by traffic on St. Francis Drive, except as provided for in §14 5.2(D)(9).~~

~~[69](3) — HZ District~~

~~(a) — Minimum Open Space~~

~~In an HZ district a minimum of twenty five percent (25%) of lot area must be maintained in open space, exclusive of off-street parking areas. Open space shall meet the requirements of §14 8.4(H).~~

~~(4) — I-1 District [70]~~

~~(a) — Minimum Open Space Requirements~~

~~(i) — Residential open space~~

~~A. — Private enclosed open space shall be provided for dwelling units permitted per Article 14 6, in an amount to equal not less than one quarter the total gross floor area of the unit.~~

~~B. — Residential open space may be credited toward the total open space requirement.~~

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(ii) ~~Non-residential open space~~

~~Non-residential uses open space shall be provided at a minimum rate of 25% of the total lot area.~~

(iii) ~~All open space shall meet the requirements of §14-8.4(H).~~

(5) ~~I-2 District~~

~~\*\*~~

(a) ~~Minimum Open Space Requirements~~

(i) ~~Residential open space~~

~~A. Private enclosed open space shall be provided for dwelling units permitted per Article 14-6, in an amount to equal not less than one quarter the total gross floor area of the unit.~~

~~B. Residential open space may be credited toward the total open space requirement.~~

(ii) ~~Non-residential open space~~

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~~For all permitted non-residential uses open space shall be provided at a minimum rate of 25% of the total lot area.~~

~~(iii) All open space shall meet the requirements of §14-8.4(H).~~

~~(6) BIP District~~

~~(a) Minimum Open Space Requirements~~

~~(i) In order to encourage pedestrian amenities, and preservation of existing vegetation, there shall be a minimum open space requirement of 40 percent of the total master plan area. Open space shall not include driveways, parking spaces, garages, portals, carports, or accessory buildings. Open space may, however, include hardscape and other pedestrian-oriented areas or features.~~

~~(ii) As an incentive for providing commonly shared site amenities, and as may be appropriate to more urban development, the Planning Commission may consider developers' proposals for site amenities and grant double the square footage of the amenity to be counted toward the open space requirement. Such amenities shall be accessible, and include, but are not limited to, the following examples: interior trail systems, small plazas, fountains, children's play areas, or public art. In no case shall the amount of open space be less than 25 percent of the total master plan area.~~

~~[71]~~

~~(c7) C-1 District~~

~~(a) Minimum Open Space Requirements~~

~~(i) Residential open space~~

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Common open space shall be provided as follows:

A. ~~Single family, attached and detached. Where the lot size is between 2,000 and 4,000 square feet, common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for common open space, all divided by the number of single family lots, equals no less than 4,000 square feet.~~

B) ~~Multi family. Open space shall be provided at no less than 50 square feet per unit.~~

(ii) ~~Nonresidential open space. For all permitted nonresidential uses open space shall be provided at a minimum rate of 25 percent of the total lot area.~~

(iii) ~~All open space shall meet the requirements of § 14-8.4(H).~~

~~(8) SC Planned Shopping Center districts~~

~~A. The minimum open space requirement in SC districts is 25 percent of the total lot area.~~

~~B. Open space shall meet all the requirements of §14-8.4(H).~~

~~(3) C. Planning Commission restriction of SC development standards:~~

~~The Planning Commission may, as a condition of development plan approval, require specific conditions and safeguards as it deems necessary to ensure that the SC development will not adversely affect surrounding property and that it will~~

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~~carry out the general object and purpose of the SC district. Such specific conditions and safeguards may include but not be restricted to:~~

~~(a)~~

~~1. Setbacks or yard requirements in excess of the minimum requirements;~~

~~(b)~~

~~2. Landscape development and maintenance, including walkways and ornamental planting to break up large expanses of pavement in parking lots and screening for protection of adjoining residential areas;~~

~~(c)~~

~~3. Screening from view by wall, fences or other construction;~~

~~(d)~~

~~4. Design and placement of outdoor lighting and signs; and~~

~~(e)~~

~~5. Design of vehicular and pedestrian facilities.~~ |

~~{14} —[72]~~

~~(98) —MU District Standards~~

(a) Common Open Areas

A common, landscaped open area with seating shall be provided with a minimum size of 500 square feet per acre of development. Such area shall be open to the sky and be suitably lighted and be designed to encourage social interaction.

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~~(b)~~ — Architectural Step-Backs

Third floors shall have a step-back (balcony or roof area) of a minimum of five~~5~~ feet from all the *building's facades* at the ground level.

[73]

~~(be)~~ — Separation of Uses

Where any of the following uses exist on an adjoining site, ~~those~~ group living or household living uses ~~so indicated on Table 14-6.1-1 within the mixed-use district~~ shall be separated from the ~~these following~~ uses ~~listed below~~ by a minimum distance of fifty~~50~~ feet:

(i) — Any drive-thru~~ugh~~ use or facility, including, ~~but not limited to~~ gas stations, car washes, restaurants and banks;

(ii) — Animal hospitals or clinics with external overnight boarding;

(iii) — Child care facilities (~~facilities~~ with more than thirty~~30~~ children);

(iv) — Outdoor storage of material;

(v) — Restaurants and bars operating between the hours of 10:00 p.m. and 7:00 a.m.;

(vi) — Liquor stores;

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(vii) ~~—Hotels and motels; and~~

---

(viii) **a**—Any land use that **the Planning Commission determines will find** produces environmental impacts, processes, or products that are incompatible with residential uses, **and which is noted on the approved master plan or development plan.**

---

**(c)** —Building Tenant Space

---

No single commercial tenant space shall exceed a total of **twenty thousand**~~20,000~~ square feet.

---

**(d)** —Residential Uses:

---

**(i)** ~~r~~

Residential uses shall consist of at least **forty**~~50~~<sup>[74]</sup> percent of the development's total floor area if located adjacent to residentially zoned districts. If not, residential uses **shall consist of at least a minimum of twenty**~~20~~ percent **of the development's total floor area**. ~~A statement which indicates the residential/commercial mix shall be placed on the final master plan, or plat and development plan shall show this residential/commercial mix.~~

---

**(ii)** ~~—which is submitted to the Land Use Department. Buildings~~ of **twenty five**~~25~~ feet or less in height shall not exceed a maximum of **twelve**~~12~~ dwelling units per acre **and; buildings of between twenty-five feet and thirty-five** ~~35~~ feet or less **in height** shall not exceed **fourteen**~~14~~ dwelling units per acre.

---

**(iii)** —Each dwelling unit shall be provided with a minimum of **two hundred fifty**~~250~~ square feet of **qualifying private or common outdoor living open space** ~~(either private or common outdoor living space).~~

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(2) Property formerly zoned Industrial Park

Any property previously zoned Industrial Park with master plan approval on or before the date of adoption of the Business and Industrial Park zoning district shall be governed by and subject to the approved master plan. Where a conflict exists between the approved master plan and the requirements under this section, the more lenient standard shall prevail.

(25) Landscaped Buffer Requirement for Nonresidential Uses Abutting Developed Residential Use or Undeveloped R District

For all *nonresidential* uses abutting a developed *residential* use or undeveloped R district, the *nonresidential* use shall provide a fifteen-foot landscaped buffer along the common property line. The landscaped buffer shall meet all the requirements of Section 14-8.4(J). All [75] open space and park dedication requirements of Section 14-8.4 (H) shall be met.

**14-7.43 BUSINESS-CAPITOL DISTRICT**

(A) — Table of Dimensional Requirements for Townscape Subdistricts

**14-7.4(A)-1 Table of Dimensional Requirements for Townscape Districts**

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Maximum Height of Structures Outside Historic Districts (feet). <u>Stepback Note 1</u>	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
<b>Alameda Street</b>							
<del>56 with stepbacks</del> <u>Stepback: 1' Horiz.; 2' Vert. above 36'</u>	67%, for portion of block bounded by Cathedral Place, Alameda, Paseo de Peralta and Palace Avenue. None for remainder of this district	No requirements	None generally, except on lots fronting Alameda Street, where open space equal in area to the front footage multiplied by 2.5 feet must be provided adjacent to front property line	Required for lots fronting Alameda St. <u>Note 2</u>	With the exception of buildings fronting Alameda Street, buildings set back from the public ROW shall have a solid wall of stuccoed masonry no less than 3 and no greater than 3 feet high along public ROW	No requirements	Portals prohibited within ROW on lots fronting Alameda Street
<b>Barrio De Analco</b>							
West portion: 24 East portion: 18	67%	West portion: Buildings may be 7 feet maximum from property line East portion: No restrictions	No require-ments	<del>Required.</del> <del>Same Additional Regulations as in Alameda Street Subdistrict.</del> <u>Note 2</u>	Walls and fences up to 8 feet high permitted	Parking prohibited in required front yards	Permitted within ROW at discretion of Governing Body
<b>Cerrillos Road</b>							
<del>45 with stepbacks</del> <u>Stepback: 1' Horiz.; 2' Vert. above 27'; wall stepbacks shall be a minimum of 10 horizontal feet.</u>	No require-ments	15 minimum on Cerrillos; where a lot abuts a residential district outside of the BC district, the requirements for the residential district shall be met along common property line	No require-ments	<del>Required.</del> <del>Same additional regulations as in Alameda Street Subdistrict.</del> <u>Note 2</u>	No restrictions	No restrictions	Prohibited within ROW
<b>Don Gaspar</b>							
24	No require-ments	Building Setback	No require-ments	No require-ments	<del>If in H-District, as specified in §14-</del>	Parking prohibited	Prohibited within

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Maximum Height of Structures Outside Historic Districts (feet). <u>Stepback Note 1</u>	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
		Requirements Front: 10 Side: 5 Rear: 15			<del>5.2</del> <u>No restrictions</u>	in required front yards	ROW
<b>East Marcy/East Palace</b>							
27	No requirements	Building Setback Requirements: Front: <u>Note 3</u> <del>10</del> Side: 5 Rear: 10	Open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as yard or courtyard	Landscape treatment required in yards and open space. Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip. See <u>Alameda Street Subdistrict for Additional Regulations Note 2.</u>	Walls, fences, and hedges permitted to maximum of 4 feet	Parking prohibited in required front yard	Prohibited within ROW

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<b>Loretto</b>							
Based on elevation <del>Note 4</del>	No requirements	No requirements	None generally, except on lots fronting Alameda Street, where open space equal in area to the front footage multiplied by 2.5 feet must be provided at some points adjacent to the Alameda property line	Required- Same additional regulations as in Alameda Street Subdistrict <del>Note 2</del>	<u>Walls or fences not to exceed 7' required for front yards maximum on Old Santa Fe Trail frontage.</u>  <u>Elsewhere, walls or fences not to exceed 8' required for front yards where buildings are set back from the right-of-way elsewhere</u>	No restrictions, except that for a depth of 40 feet from the property line for that portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northern-most wall of Loretto chapel.	Prohibited within ROW on lots fronting Alameda Street, elsewhere permitted at discretion of Governing Body

Maximum Height of Structures Outside Historic Districts (feet); <u>Stepback Note 1</u>	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
						there shall be no parking. <del>Note e 5</del>	

<b>Marcy</b>							
42 with <u>stepbacks 1' Horiz.: 1" Vert. above 24' wall stepbacks shall be a minimum of 10 horizontal feet.</u>	No requirements	None generally, except the east side of Washington Avenue between Palace Avenue and Paseo de Peralta and the west side of Grant Avenue between Palace Avenue and Paseo de Peralta. <del>Note 6</del>	An open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as a yard or courtyard	Same as East Marcy/East Palace Subdistrict	4 maximum	Parking prohibited in front yard	Prohibited within ROW

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<b>McKenzie Street</b>							
24	No requirements	Building Setback Requirements: Front: 10 Side: 5 Rear: 15	No requirements	<u>Note 2</u> <u>Note 7</u> Required. Same additional regulations as in Alameda Street Subdistrict	In H District, as regulated in §14-5.2 <u>No restrictions</u>	Parking prohibited in required front yard	Prohibited within ROW
<b>Old Santa Fe Trail</b>							
24	No requirements	10 maximum from front property line	No requirements	Landscape treatment required in front yard	Walls and fences not exceeding 5 feet are required <u>for front yards</u> . Fences may be of wrought iron.	Parking prohibited in front yard	Permitted over ROW at discretion of Governing Body
<b>Plaza/San Francisco</b>							
36	No requirements	No setback reqs, but some bldg placement requirements depending on location <u>Note 8</u>	No requirements	No requirements	If in H District, as specified in §14-5.2	Parking must be located off-site or in rear yard, with access from rear	Permitted within ROW at discretion of Governing Body
<b>Rosario Blvd./ NW Paseo de Peralta</b>							
36	67%	On the north side of Paseo de Peralta, buildings should <del>shall</del> be set back from	None, except to meet yard requirements	<del>Required</del> ; Same <u>Additional Regulations</u> as Alameda Street	No requirement, except to meet landscape treatment requirements	No restriction	Prohibited within ROW

Maximum Height of Structures Outside Historic Districts (feet); <u>Stepback</u> <u>Note 1</u>	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
		the sidewalk a minimum of 20 feet; <u>residential district setback applies along common property line where lot abuts a residential district</u> . Where lot abuts residential area, must meet setback requirements for abutting residential district		<u>Subdistrict</u> <u>Note 2</u>			

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<b>Sandoval/Montezuma</b>							
36	67%	Where lot abuts residential area, must meet setback requirements for abutting residential district <u>along common property line</u>	No require-ments	Required; Same Additional Regulations as Alameda Street Subdistrict	<del>If in H-District, as specified in §14-5-2</del> <u>No restrictions</u>	No require-ments	Prohibited on lots fronting Guadalupe and Sandoval Streets, elsewhere permitted within ROW at discretion of Governing Body
<b>State Capitol</b>							
48	50%	<u>Minimum</u> setback from ROW must meet <u>equal</u> building height; minimum side yard building setbacks of 5 feet	No require-ments	Required; Same Additional Regulations as Alameda Street Subdistrict <u>Note 2</u>	No walls allowed, except for retaining walls, existing walls around parking lots, and walls or fences around delivery or trash areas	No require-ments	Prohibited within ROW
<b>Westside</b>							
24	No require-ments	Building Setback Requirements; Front: 10 Side: 5 Rear: 15	No require-ments	No require-ments	<del>If in H-District, as specified in §14-5-2</del> <u>No restrictions</u>	No require-ments	Prohibited within ROW

1. [Maximum Height of Structures column] Wall setbacks are expressed as ratio of increased horizontal setback required to vertical height increase, above a specified building height. Example: 1' Horiz: 2' Vert. above 36' means that a wall setback equivalent to one horizontal foot for each two vertical feet over thirty-six feet is required. The setback required shall be measured horizontally from the face of the building façade or portal. Wall setbacks shall be measured vertically from grade for all walls except those that directly abut another zero-lot-line building, in which case the vertical measurement may be taken from the roof plane of the abutting building; ;and those to which a portal is attached, in which case the vertical measurement may be taken from the roof plane of the portal.

2. [Alameda Subdistrict Landscape Treatment; Barrio de Analca; East Marcy; McKenzie] On-site parking must be separated from public sidewalks by a solid wall no less than three feet in height or by a landscaped area no less than four feet in width measured from the back of the sidewalk; or, in the absence of a sidewalk, from the property line, and planted with plant materials whose

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mature height is at least three feet six inches. Landscaping must be protected from vehicular damage by placement of physical barriers.

3. [East Marcy/East Palace Subdistrict Building Placement] There is a ten-foot building setback requirement in the East Marcy/East Palace Subdistrict, except (a) on the north side of Marcy Street between Otero Street and Paseo de Peralta; and (b) both sides of Palace Avenue between Paseo de Peralta and Delgado Street, where a front yard building setback equal to the average depth of existing front yards on the block is required.

4. [East Marcy/East Palace Subdistrict Maximum Height of Structures] No portion of any building shall exceed sixty-five vertical above a point at grade level at the center of the site. The part of any building exceeding thirty-six vertical feet above a point at grade level at the center of the site shall be set back from each abutting public street right-of-way line at least one foot for each two feet of building height above thirty-six feet.

5. [Loretto Subdistrict Placement of Parking column] No restrictions, except that for a depth of 40 feet from the property line for that portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northern-most wall of Loretto chapel, there shall be no parking.

6. [Marcy Subdistrict Placement of Parking column] Front yard setback equal to the average depth of existing front yards on the block shall be required for (a) the east side of Washington Avenue between Place Avenue and Paseo de Peralta (Hillside); and the west side of Grant Avenue between Place Avenue and Paseo de Peralta. Elsewhere in the subdistrict there are no building setback requirements.

7. [McKenzie Subdistrict Landscape Treatment column] Landscape treatment required in yards and open space. Street trees and landscape treatment required if planting strip exists. The planting strip should have a minimum width of three feet. Asphalt or concrete pavement prohibited in planting strip.

8. [Plaza/San Francisco Subdistrict Building Placement column] (a) Buildings fronting San Francisco Street between Sandoval and Cathedral Place shall be built to the front property line. (b) Buildings elsewhere in the subdistrict should also be built to the front property line, but where a building is set back from the public right-of-way, a solid wall shall be built at the public right-of-way property line unless at least eighty percent of the yard is paved and designated for public pedestrian use. (c) There are no building setback requirements in this subdistrict.

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**(B) Additional Regulations**

**(1) Standards for Entire District**

**(a) Baseline ~~Maximum~~ Land-Use Intensity**

For the business-capitol district in general, ÷

**(i)** ~~The~~ base-line floor area ratio shall be 2.0two to one (2:1) ~~[76]~~, except for the Plaza/San Francisco, Alameda, redevelopment, and Loretto subdistricts, where the *base-line floor area ratio* shall be 2.5two and five tenths to one (2.5:1) with a maximum floor area ratio of three to one (3:1), utilizing land use intensity credits. Provided, however, that a baseline floor area ratio of 2.5 shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or townscape subdistrict. ~~[77]~~ Areas within a structure, the ceiling of which are below average finished grade, Subsurface ~~[78]~~ areas and at-grade parking areas, do shall not count toward the allowable floor area ~~[79]~~;

**(b) Land-Use Intensity Credits:**

**(ii) a** ~~A~~ land-use intensity credit of up to fifty percent (50%) of all floor area in residential use may be granted in conjunction with approval of a master plan, development plan or special use permit, ~~;~~ provided that no floor area ratio shall exceed 3.0three to one (3:1). The additional floor area granted may be used ~~utilized~~ for any permitted use. Floor area granted as a credit is not eligible for any additional credit. Floor area of parking structures above-grade shall count toward gross floor area except for the floor area of roof deck parking;

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(iii) ~~t~~—The final floor area ratio of a project, including land-use intensity credits, shall be limited by infrastructure capacity, and *townscape* standards, where applicable; and

~~(iiiiv) c~~—Existing structures on a legal lot of record where development is proposed shall count toward the allowable floor area. That is, the ~~C~~ calculation of the floor area ratio shall ~~take into consideration~~ include existing structures on a legal lot of record where development is proposed.

~~(b)~~—Curbcuts

In all districts, curbcuts must conform with §23-3 SFCC.

[81]

(2) —Standards for Redevelopment Subdistricts

(a) — Land-use Intensity:

(i) ~~t~~—The general requirements for land-use intensity are as set forth in subsection (a) above [82]; transfer of allowed floor area, including land use intensity credits, within a property or between contiguous properties with a single ownership and within a project is allowed; and

(ii) —Public benefit uses as defined in this section [83] shall not count against the allowable floor area for a parcel. The city shall determine whether a proposed use is of public benefit. [84]

(b) —Maximum Height of Buildings

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The maximum *building* height permitted in a redevelopment subdistrict shall not exceed sixty-five feet; provided, -Hhowever, that the maximum height shall be compatible with the character of adjacent subdistricts and the surrounding neighborhood.

(c) — Additional Standards

Additional standards for redevelopment subdistricts are located in the subdistrict master plan. Development in a redevelopment subdistrict shall comply with the master plan.

(3) — Standards for individual Townscape subdistricts

The best existing qualities of the individual *townscape* subdistricts should be preserved, wWhile encouraging diversity of design in the individual townscape subdistricts.. New development should be harmonious with the specific physical characteristics and development and design objectives listed below:

- (a) — Alameda Street Subdistrict:

(i) allow more intensive development because of the lack of historical or well-defined *townscape* characteristics;

(ii) strengthen continuity of block forms;

(iii) strengthen the built edge of *street* sections and extend features of the Plaza streetscape to this district;

(iv) improve the sense of enclosure to pedestrian spaces;

(v) separate vehicles and pedestrians;

(vi) emphasize the river park by allowing relatively dense *buildings* -north of the Alameda in contrast to the park;

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(vii) recognize the importance of the river as an urban design feature; and

(viii) provide some natural *landscape* on the north side of the Alameda to reflect the natural *landscape* of the Santa Fe river park.

(b) —Barrio de Analco Subdistrict:

(i) maintain narrow streets and closely spaced small *buildings*;

(ii) avoid the widening of existing streets;

(iii) maintain the historic character and residential scale of *buildings*; and

(iv) maintain and encourage enclosed courtyards.

(ciii) —Cerrillos Road Subdistrict:

(i) —recognize this area as one undergoing renewal;

(ii)

encourage the redevelopment of large parcels;

(iii) p—rovide flexible and permissive standards to encourage redevelopment and imaginative design;

(iv) —develop this area as an entranceway to the downtown with consideration for safety due to high traffic volume;

(v) d—

Discourage massive, block-shaped *buildings*; and

(vi) e—

Encourage the concept of this area as a gateway to downtown Santa Fe.

(d) —Don Gaspar Subdistrict:

—Maintain the small scale and residential character and streetscape.

(e) —East Marcy/East Palace Subdistrict:

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(i)- maintain the continuity of block faces, including street trees and yards;

(ii) retain the residential scale of the area by limiting building heights and requiring yards;

(iii) encourage low walls which are compatible with the characteristic open yards; and

(iv) encourage a sense of openness.

(f) ———Loretto Subdistrict:

The design and development standards in the Loretto subdistrict are being promulgated in recognition of City Council Resolution 1971-3:

(i) ——— encourage the continued redevelopment of this subdistrict; and

(ii) ———Provide for architectural harmony within the subdistrict, and with adjoining subdistricts.

(g) — —Marcy Street Subdistrict:

(i) m—— maintain street trees and stands of trees as dominant elements in the subdistrict;

(ii) maintain avenue features, such as broad streets, planting strips, street trees and wide sidewalks;

(iii) maintain sense of openness to provide occasional view of the mountains;

(iv) separate pedestrians from vehicles using planting strips and street trees while providing an enclosed space; and

(v) maintain the relationship between the height and mass of trees and the height and scale of buildingBuildings.

(h) ———McKenzie Street Subdistrict:

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- (i) \_\_\_\_\_maintain the residential scale;
- (ii) \_\_\_\_\_m-aintain *yards*, with or without fences; and
- (iii) \_\_\_\_\_m-aintain separation of individual structures.
  
- (i) \_\_\_\_\_Old Santa Fe Trail Subdistrict:
  - (i) \_\_\_\_\_maintain the small scale quality of *buildings* and *streets*;
  - (ii) \_\_\_\_\_m-aintain the existing width of the old Santa Fe Trail;
  - (iii) \_\_\_\_\_maintain the scale of *buildings*; and
  - (iv) \_\_\_\_\_e-ncourage compliance by the -State in design of future development.
  
- (j) \_\_\_\_\_Plaza/San Francisco Subdistrict:
  - (i) \_\_\_\_\_maintain narrow *streets* and continuous *street facades*;
  - (ii) \_\_\_\_\_encourage additional *portals* for pedestrian use and provide continuity of -*building* mass;
  - (iii) \_\_\_\_\_limit *building* height to heights characteristic of existing *buildings*-;
  - (iv) \_\_\_\_\_e-ncourage high *walls* to separate open or vacant areas from the public *right of way* and provide continuity of *street facade*-;
  - (v) \_\_\_\_\_e-ncourage, except for Plaza and Cathedral areas, confine *landscaping* to interior patios or walled courtyards-; and...
  - (vi) \_\_\_\_\_e-ncourage verticality of *facades* on San Francisco Street.
  
- (ik) \_\_\_\_\_Rosario Boulevard/NW Paseo de Peralta Subdistrict:
  - (i) \_\_\_\_\_recognize the area as one in the process of change;
  - (ii) \_\_\_\_\_f-acilitate the redevelopment of large parcels of land within single ownership;
  - (iii) \_\_\_\_\_p-rove flexible standards that encourage redevelopment and diversity of design;
  - (iv) \_\_\_\_\_e-mphasize the strategic position of this area as a gateway into downtown Santa Fe; and
  - (v) \_\_\_\_\_p-rove standards that minimize the impact or height and bulk of *structures* on the entryways to the downtown.
  
- (xii) \_\_\_\_\_ Sandoval/Montezuma Subdistrict:

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- (i) r-ecognize that the area is in transition;
- (ii) encourage adaptive reuse of existing *buildings* on Guadalupe Street and existing bungalows on west Manhattan, Read, Garfield, Montezuma and Aztec Streets;
- (iii) maintain and strengthen the continuity of the existing *street façade* on the east side of Guadalupe Street;
- (iv) encourage access from side streets;
- (v) discourage additional curb cuts on main streets; and
- (vi) ~~—e-ncourage~~ redevelopment of under-used property along Sandoval Street and Cerrillos Road.

(m) ~~—~~ State Capitol Subdistrict:

(i) retain the open “campus” quality of this area as a contrast to surrounding developed areas;

(ii) recognize the area as complimentary to the Santa Fe river park; and

(iii) ~~m-~~ maintain intensive landscape treatment.

(n) ~~—~~ Westside Subdistrict:

A. ~~—~~ Maintain the small scale and residential character and *streetscape*.

#### ~~14 7.4 GENERAL RULES OF MEASUREMENT AND EXCEPTIONS~~

##### ~~(A) General Requirements~~

~~(1) Access to Buildings~~

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Comments (text color): **Green** is explanatory, **Blue** is for discussion, **Red** is for issues remaining to be addressed

~~Every building erected or structurally altered shall be on a lot adjacent to a public street or way or with legal access to a private street approved by the office of zoning administration, with the concurrence of the chiefs of police and fire departments and the City Engineer.~~

~~(2) — Number of Permitted Uses~~

~~The number of permitted uses on a lot shall not be restricted except as may be needed to satisfy other limitations applicable of the zoning district.~~

~~(B) — Lot Dimensions~~

~~(1) — Lot Area~~

~~[RESERVED]~~

~~(2) — Lot Width~~

~~The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided that width between side lot lines at their foremost points, where they intersect with the street line, shall not be less than 80 percent of the required lot width; further provided, that lots on the turning circle of a cul-de-sac, shall not have this requirement apply.~~

~~(3) — Lot Coverage~~

~~The area of the lot that is covered by principal and accessory buildings.~~

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~~(C)~~ **Height**

~~(1)~~ **Measurement of Height**

~~Height means the vertical distance above grade to the highest point of a structure or of a building.~~

~~(2)~~ **Separate Regulations for Properties in Escarpment Overlay District**

~~A structure in the Escarpment Overlay District shall be subject to the height requirements set forth in §14-5.6(F).~~

~~(3)~~ **Separation Regulations for Properties in Historic Districts.**

~~A structure in an Historic District shall be subject to the height requirements set forth in §14-5.2. In Historic Districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive, at the midpoint of the street facing facade, excluding rooftop appurtenances, the increased height of walls or fences over pedestrian and vehicular openings, and gates (either in the opened or closed position). For structures which do not have street frontage, height shall be determined by the facade which contains the tallest vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive. The height of walls and fences is measured from the street facing side of the wall or fence.~~

~~(4)~~ **General Exceptions to Height Regulations Outside Historic Districts**

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~~Outside an Historic District the height limitations set out in this chapter do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings or other non-free standing structures placed on and anchored to the roof of a building and not intended for human occupancy. Freestanding structures exceeding the height limitations of the chapter may only be approved as a special exception, provided, however, freestanding structures exceeding the height limitations are prohibited in the "H" Historical District.~~

~~(5) — Telecommunication Facilities~~

~~The height of telecommunication facilities is regulated in §14-6.2(E). When referring to a tower antenna or other telecommunications structure, height is the distance measured from the finished grade to the highest point on the tower, antenna or other structure, including the base pad and any antenna.~~

~~(D) — Yards~~

~~(1) — Yard, Front~~

~~The part of a lot between the front lot line and the front facades of the principal buildings on the lot, and extended to both side lot lines.~~

~~(2) — Yard, Rear~~

~~The part of a lot between the rear lot line and the rear facades of the principal buildings on the lot, and extended to both side lot lines.~~

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~~(3) — Yard, Side~~

~~The part of a lot between the side lot line and the side facades of the principal building on the lot, extending from front to rear lot lines.~~

~~(4) — Other General Setback Requirements~~

~~(a) — Waivers of Minimum Setbacks~~

~~On administrative approval by the Land Use Department staff, minimum front yard setback requirements may be waived to match the average existing setback of the street within 150 feet from the property.~~

~~(b) — Visibility at Driveways~~

~~(i) — On the front property line, no structure, fence, wall hedge or planting that will obstruct vision between a height of three feet and eight feet shall be erected, placed or maintained within the triangular area formed by the edge of the driveway and the front lot line. The size of the triangular area differs for public streets and for private streets. See Illustration 14-7.4-1, "Visibility at Driveways on Public and Private Streets."~~

~~Illustration 14-7.4-1 Visibility at Driveways on Public and Private Streets~~

~~{Driveways}~~

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~~(ii) — The provisions in paragraph (D)(4)(b)(i) of this section shall be waived for fences, walls, hedges or other plantings, if it can be shown that visibility will not be restricted.~~

~~(c) — Visibility at Intersections~~

~~On any 90 degree corner lot, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of three feet and eight feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right of way lines at points which are 25 feet from the intersection of the right of way lines. On any corner lot of other than 90 degrees or on corner lots with grade variations, the visibility requirement shall be adjusted accordingly to insure public safety. See Illustration 14-7.4-2, "Visibility at Intersections." This section applies to all districts except the BCD district.~~

~~Illustration 14-7.4-2 Visibility at Intersections~~

~~{Intersections}~~

~~(d) — Requirements at Intersections~~

~~On corner lots with two or more frontages:~~

~~(i) — At least one front yard shall have the setback required in the district for front yards; and~~

~~(ii) — Other front yards on such a lot shall have no less than half the depth generally required for front yards in the district, provided, however, that the front yard shall not be less than seven feet.~~

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~~(e) — Landscaped Buffer Requirement for Non-Residential Uses Abutting Developed Residential Use or Undeveloped R District~~

~~For all permitted non-residential uses abutting a developed residential use or undeveloped R district, the non-residential use shall provide a 15-foot landscaped buffer along the common property line. The landscaped buffer shall meet all the requirements of §14-8.4(J).~~

**14-7.5 [85] Open Space Standards**

**(A) General Provisions**

Qualifying open space shall be provided that meets the minimum standards of this Section 14-7.5, the planting requirements of subsection 14-8.4(H) and other applicable requirements of this chapter. Qualifying Open Space must meet the following standards:

(1) Qualifying open space shall consist of areas that are landscaped and irrigated or that preserve natural vegetation, and may include outdoor facilities for passive or active recreation. Qualifying open space may include landscaped areas that are used for retention or detention of storm water.

(2) Qualifying open space shall not include streets, driveways, parking or loading areas, storage areas or buildings.

**(B) Residential Common Open Space Standards**

(1) The intent of common open space is to provide useable outdoor space for residents of developments, promote compact urban form, to screen and buffer conflicting zoning categories, and in general enhance the quality of the urban environment. When appropriate, open space should contribute to the preservation of the city's natural features, especially hillsides and arroyos. Consideration shall be given to providing wildlife habitat, especially by providing open space along arroyos, stream corridors, and linkages to other habitat areas. To the greatest extent possible, connections shall be provided to public open space and/or the urban trail system and bicycle paths, or in such a way that a future connection shall be facilitated. The most appropriate use or uses for outdoor space shall be proposed and assessed on a case by case basis, and may include passive and/or active use.

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(2) A minimum of 50% of qualifying *common open space* shall be useable space for passive and/or *active recreational use*, or pedestrian ways that include but are not limited to interior sidewalks and patios. The Land Use Director, a land use board, or the Governing Body may require tot lots or other play areas and/or equipment, walking paths, benches, and lighting.

(3) Except where both common and private open space are specifically required by Table 14-7.2-1, qualifying private open space may be used to meet common open space requirements.

(4) Single-Family Attached or Detached Dwellings

It is intended that the *common open space* required in single-family subdivisions, where the *lot* size has been reduced from that of a conventional subdivision, be a compensation to occupants for reduced lot size. It is further intended that *common open space* be useable and be provided for occupants outside of the lot, but within the subdivision.

(5) Required on-site ponding, whether retention or detention ponding, may be coincident with required open space subject to §14-8.4(H) and any further restrictions set forth in this chapter.

(6) *Common open space* shall be no less than fifteen feet in any one dimension and no less than 500 square feet per segment.

(7) *Common open space* shall be dedicated to a homeowners' association, or held and maintained by the owner of rental housing developments. If dedicated to a homeowners' association there shall be covenants running with the land restricting the use of common open space to such, and prohibiting subdivision or separation of ownership of the common open space. Such restriction shall be noted on the development plan or final plat.

(8) Accessory Dwelling Units

*Accessory dwelling units* are required to provide the same amount of *qualifying private open space* as other dwellings in the district. However, *qualifying private open space* for the *accessory dwelling unit* may be connected to *qualifying private open space* for the *primary dwelling unit*, and up to fifty percent of the *qualifying private open space* required for the *accessory dwelling unit* may be the same *qualifying private open space* provided for the *primary dwelling unit*.

(9) Increase in Maximum Gross Density in RR District if Common Open Space is Provided

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In the RR district if public sewer and water are provided, the maximum gross density may be increased to three *dwelling units* per acre if forty percent of the site remains undeveloped and is dedicated to a homeowners' association or other private entity as *common open space* accessible to the residents of the development. The land to remain undeveloped is also intended to serve as a buffer to adjoining property and to protect natural features and may be counted toward the *common open space* requirements set forth herein. As an alternative and upon approval of the City as to its suitability, all or part of the designated open space may be dedicated to the City as park or *open space* accessible to the public. Land dedicated to the City may be counted toward the park and open space requirements set forth in §14-8.15.

### **(C) Residential Private Open Space Standards**

The intent of *private open space* is to ensure easily available access to the outdoors in medium to high-density developments, and to provide for a sufficient sense of privacy. Requirements are as follows:

#### (1)[86] Effect on Maximum Lot Coverage

The maximum *lot coverage* may be increased in accordance with Table 14-7.1-1 if *qualifying*[87] *private open space* for each *dwelling unit* is provided as follows:

(a) for lots in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-7I, R-8 or R-9 districts, an amount not less than fifty percent of the total *gross floor area* of that *dwelling unit*; and

(b) for lots in R-10, R-12, R-21 and R-29, an amount not less than thirty percent of the total *gross floor area* of that *dwelling unit*.

(c) For *compounds* in RC-5 and RC-8 districts, there is no *lot coverage* limit when *qualifying open space* is provided as required by this section.

(2) Balconies, *roof decks* or roofed areas such as porches or portals may be included as 25 percent of the *required private open space*;

(3) *Private open space* shall not include parking areas, driveways, or related access for automobiles or storm water ponding areas;

(4) The minimum dimension for *required private open space* shall not be less than twelve feet;

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(5) Finished grade for *required private open space* shall have a slope no greater than one vertical foot in ten horizontal feet; and

(6) *Accessory dwelling units* shall also be required to meet the private open space criteria above. However, *private open space* for the *accessory dwelling unit* does not have to be physically separated from the *private open space* for the *primary dwelling unit*, and up to 50 percent of the *private open space* required for the *accessory dwelling unit* may be the same *private open space* provided for the *primary dwelling unit*.

(7) There are no planting requirements for *private open space*.

**(D) Nonresidential and Mixed Use Open Space Standards**

(1[88]) *Open space* shall be provided in non-residential and mixed use developments in order to promote environmental health, foster a sense of openness, provide light and air, preserve existing vegetation, or provide new vegetation to help oxygenate the air, provide shade, to help control stormwater runoff and erosion, as well as improve ground water quality.

(2) *Non-residential open space* shall be planted, and linkage to *public open space* provided, following the same requirements as for *residential common open space*, above.

(3) Planting requirements are the same as for *residential open space*, and may be combined with other landscape requirements, including those for *street tree* planting and parking lots.

(4) The minimum dimension for *non-residential open space* shall be ten feet and cover a minimum of 300 square feet, unless the area is a component of interior parking landscape and meets the requirements for open space credits for water harvesting described in paragraph (6) below.

(5) The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than 25% unless the conditions described in paragraph (vi) below are met, and then the *required open space* may be reduced by a maximum of 10% of the total lot size. More restrictive requirements for individual zoning districts shall apply.

(6) In order to encourage an increase in permeable surface area, to reduce stormwater runoff and erosion, to increase infiltration, and to encourage water conservation and water harvesting the required open space may be reduced as follows:

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(a) A passive water-harvesting concept that is a primary component of storm water management shall earn an open space reduction equal to 5% of the total lot area. An active water harvesting and distribution system that is a primary component of storm water management and that is a component of outdoor irrigation or suitably treated for indoor use shall earn an open space reduction equal to 5% of the total lot area. The total reduction in open space for water harvesting shall not exceed 10% of the total lot area. The credits shall be earned through the application of engineering calculations that shall be submitted as a part of the landscape plan and the Terrain Management Regulations, §14-8.2. The calculations shall show the percentage of water harvested and the estimated water conserved based on the required water budget in §14-8.4(E)(4).

(b) The open space reduction shall not result in an increase in parking area.

(7) Applicants for building permit shall not be required to lose existing parking spaces or other previously developed area in order to fulfill the open space requirement, but may not increase the intensity of a use or create an addition that would result in a decrease in open space below the minimum required, unless existing impervious surfaces are retrofitted for storm water management as described in Section 8.4.

(8[89]) Open Space Requirements

(a) In C-1, C-2, C-4, HZ, I-1, I-2, and SC districts, qualifying open space shall be provided at a minimum of twenty-five percent of the total lot area.

(b) BIP districts.

(i) In order to encourage pedestrian amenities and preservation of existing vegetation, qualifying open space shall be provided at a minimum of forty percent of the total master plan area. |

(ii) As an incentive for providing commonly shared site amenities, and as may be appropriate to more urban development, the Planning Commission may grant double the square footage of site amenities to be counted toward the qualifying open space requirement. Site amenities shall be accessible, and include the following examples: interior trail systems, small plazas, fountains, children's play areas and public art. In no case shall the amount of qualifying open space be less than twenty-five percent of the total master plan area.

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(c) MU districts

A common, landscaped open area with seating shall be provided with a minimum size of five hundred square feet per acre of development. Such area shall be open to the sky and be suitably lighted and be designed to encourage social interaction.

(d) C-2 District

Qualifying private open space is required for each ground-floor dwelling unit at a minimum of twenty-five percent of the total gross floor area of that unit. Dwelling units located above commercial units are not required to provide private open space.

(e) C-4 District

(i) Single-family. Where the lot size is between two thousand and three thousand square feet, qualifying common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for qualifying common open space, all divided by the number of single family lots, equals no less than three thousand square feet.

(ii) Multi-family. Qualifying common open space is required at a minimum of two hundred fifty square feet per unit.

(f) C-1 District

(i) Single-family. Where the lot size is between two thousand and four thousand square feet, qualifying common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for common open space, all divided by the number of single family lots, equals no less than four thousand square feet.

(ii) Multi-family. Qualifying common open space is required at a minimum of two hundred fifty square feet per unit.

(g) For all permitted nonresidential uses in RR districts and R-1 through R-6 districts open space meeting the requirements of §14-8.4(H) shall be provided at a minimum amount of 25 percent of the total lot area.

(9) Any residential qualifying open space provided in a mixed residential and commercial development may be credited toward the total qualifying open space requirement.

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(10) For all other *nonresidential* uses, *qualifying open space* shall be provided at a minimum rate of twenty-five percent of the total *lot* area.