

DATE: Prepared December 8 for December 16, 2010 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department

FROM: Greg Smith, Director, Current Planning Division

ITEM AND ISSUES

Chapter 14 Rewrite Amendments. Consideration of amendments to three sections of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) 14-4 Zoning Districts; 2) 14-5 Overlay Districts; 3) 14-8 Development and Design Standards (Greg Smith, case manager) (POSTPONED FROM DECEMBER 2, 2010)

RECOMMENDATION

After conducting a public hearing, the Commission should recommend that the governing body adopt proposed amendments to sections 14-4, 14-5 and 14-8.1 – 14-8.3 of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff. The Commission should postpone action on sections 14-8.4 through 14-8.18 to the meeting of January 6, 2010.

SUMMARY ANALYSIS

The amendments to be considered at this hearing include the sections that define the various underlying and overlying zoning districts, with the exception of sections that pertain to the historic and archaeological overlay districts. Amendments to those subdistrict regulations will be reviewed by the Historic Design Review Board and the Archaeological Review Committee, respectively.

Amendments to several subsections of the Development and Design Standards, relating to terrain and stormwater management and to flood regulations, are also to be considered at this hearing.

The city is in the final stages of a project to extensively reorganize and rewrite the land development regulations, Chapter 14 of the municipal code. Several public hearings are scheduled

for the Planning Commission to review the amendments that have been recommended by staff and the Commission's subcommittee.

SUMMARY OF PROPOSED AMENDMENTS

Proposed amendments are shown in the attached public hearing draft of the new regulations. In all cases, the proposed version of the regulations is shown in the body of the text. In most cases, the current (old) text is shown in "strikeout" type. Due to the number of formatting changes, however, it is not possible to show all changes in that format. Marginal comments in text balloons also help to explain changes.

Changes to clarify language, to make it simpler to find the type of regulation the user is looking for, and to eliminate repetition, are made throughout the revised text. The most important changes are summarized below.

14-4 ZONING DISTRICTS

Several changes are proposed that apply to more than one of the subsections, including:

- Similar organization. Each subdistrict now has sections for purpose and intent; boundaries; and any rezoning requirements specific to that subdistrict, including requirements to submit preliminary development plans or master plans.
- Provisions for rezoning and/or plan approval procedures have been moved to Section 14-3 Review and Approval Procedures.
- Duplicate provisions have been removed.

14-4.2(I): Created appropriate text for the MH Mobile Home Park district, which has existed for decades without any proper reference in 14-4.

14-4.3(C): Added the possibility of creating additional C-4 Limited Office buffer districts, in addition to the one along St. Francis Drive. Detailed studies of a proposed new corridor, and a general plan amendment, would be part of the process.

14-4.3(E)(5): Added a provision encouraging rezoning from BCD Redevelopment subdistrict status to BCD Townscape subdistrict status. When a redevelopment subdistrict has been substantially redeveloped, no purpose is served by the special review requirements required in redevelopment subdistricts. Also, eliminated the unnecessarily complicated "major project/minor project" procedures, and substituted references to the development plan procedures that are typical in other districts.

14-5 OVERLAY ZONING DISTRICTS

14-5.1 General Purpose (Draft Page 1): added language here, and in several other places in revised code, re: more restrictive provisions to apply. This replaces current language that states that

overlay district provisions are applied in the case of conflicts with underlying district regulations. The old language did not address conflicts between regulations within an overlay district (example: general historic regulations conflicting with subdistrict historic regulations), or between overlay districts (example: escarpment height limits conflicting with historic height limits). The current language also permits several instances where overlay district regulations can give an unintended density bonus or height increase that is not consistent with the intent of the underlying district regulations.

14-5.2 Historic Districts: Historic district regulations are being reviewed by a subcommittee of the Historic Design Review Board, and will then have a hearing at that board before consideration by the Governing Body. This subsection will not be reviewed by the Planning Commission.

14-5.3 Archaeological Review Districts: Archeologic review district regulations are being reviewed by a subcommittee of the Archaeological Review Committee, and will then have a hearing at that board before consideration by the Governing Body. This subsection will not be reviewed by the Planning Commission.

14-5.4 Arts and Crafts District: No major changes are proposed. The floor area limits for nonresidential uses are simplified, and the allowed uses categories will be reviewed along with review of Section 14-6.

Staff discussion with the subcommittee noted that current practices in enforcement of arts and crafts uses in the RAC and AC overlay districts have gradually evolved to allow sales of items that are not produced by artisans on the same premises where they are sold. Neither staff nor the subcommittee identified this as an issue that warrants code revisions.

14-5.5 Highway Corridor Protection Districts

14-5.5(A)(4): Minor revisions to clarify that the South Central Highway Corridor standards apply to all new development within the district boundaries.

14-5.6 Escarpment Overlay District: This subsection is under review by a special joint staff and citizen working group, which will proposed amendments independently of the Chapter 14 Subcommittee process.

14-5.7 Planned Unit Development District: Significant changes to this subsection involve providing an option to do the final development plan at the time of the rezoning process, instead of as a separate step; and a statement that the PUD proposal must result in better-than-normal development patterns in exchange for variations to normal development standards.

14-5.8 Residential Suite Hotel/Motel Overlay District: Initially identified as a candidate for elimination (it occurs on only one property in the city), it was determined that the complications associated with code amendments and city-initiated rezoning procedures outweighed the advantages of eliminating the district from the code.

14-5.9 ER Ecological Resource Protection Overlay District: References are eliminated to the Metro Highway Corridor policies that were adopted by council resolution several years ago. The ER regulations would be significantly more restrictive than the policies in the resolution, and the city has not followed up the resolution with a new overlay district as initially intended.

14-8 DEVELOPMENT AND DESIGN STANDARDS

14-8.1 General Provisions: No significant changes.

14-8.2 Terrain and Storm Water Management: No major policy changes. The threshold for grading projects that are small enough not to need a permit are clarified. Some editing remains to be done for consistency with recent Commission recommendations regarding consistent use of “construction permit” instead of “grading permit” and “building permit.”

Section 14-8.3 Flood Regulations: In addition to review by the Planning Commission, amendments to the flood regulations will be submitted to the Federal Emergency Management Agency (FEMA) to be reviewed for consistency with standards for local administration of flood plain regulations.

- Relief from the flood regulations will be described as a waiver. This will distinguish it from the standard city variance process, which has some important distinctions from the federally-approved flood regulations.
- A three-tiered approach is used for storm water management and flood regulations. Development that does not have any impact on flooding or exposure to flooding is exempted (re-roofing, re-stuccoing, etc.). Minor changes that have inconsequential impacts may be approved by the Floodplain Administrator without going through the waiver process (filling in a window; changing a window to a door, or vice versa, for examples). Development with potentially significant impacts would come before the Planning Commission for a waiver hearing.

Attached: Exhibit A – Proposed Amendments*

*Enclosed in Commissioners’ agenda packets. File copies available for public review at Permit and Development Review offices, First Floor, City Hall, or at santafenm.gov>Government>Departments>Land Use>Boards and Commissions>Chapter 14 Rewrite Subcommittee Homepage