

<b>Topic:</b>	Overlay District
<b>Resource Type:</b>	Regulations
<b>State:</b>	New Mexico
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	City of Santa Fe
<b>Year (adopted, written, etc.):</b>	Unknown
<b>Community Type - applicable to:</b>	Urban; Suburban
<b>Title:</b>	City of Santa Fe Escarpment Overlay District Ordinance
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### ***Abstract***

Creates an overlay district in the area of the escarpment (ridgetop). Stricter regulations and more plans are required to build in the escarpment area. No new subdivisions may be permitted that are entirely in the escarpment overlay district.

### ***Resource***

Santa Fe – City Zoning Code

14-5.6 ESCARPMENT OVERLAY DISTRICT

(A) Purpose and Intent

(1) The Escarpment Overlay District is established in order to:

- (a) Promote the economic, cultural, and general welfare of the people of the City;
- (b) Ensure the harmonious, orderly, and efficient growth and development of the City;
- (c) Conserve the value of buildings and land;
- (d) Encourage the most appropriate use of land; and
- (e) Preserve the natural environment and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community and to maintain and encourage the sense of the City as a small community.

(2) In order to further the purposes underlying the creation of the Escarpment Overlay District, this section:

- (a) Prohibits development in the ridgetop subdistrict of the Escarpment Overlay District unless no other buildable site is legally permitted as provided hereinafter;
- (b) Regulates the permissible color, architectural style, size, and height of structures;
- (c) Regulates the permissible artificial exterior lighting for structures, streets and drives;
- (d) Regulates the permissible locations for placement of all utilities;
- (e) Establishes criteria for landscaping, grading, and revegetation; and
- (f) Regulates such other matters as are appropriate to preserve the environment of the Escarpment Overlay District.

(3) Intent:

- (a) Preservation of the City's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the City, to promote tourism and the economic welfare of the City, and to protect the cultural and historic setting of the City;
- (b) Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the City;
- (c) Land within the Escarpment Overlay District is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;
- (d) The interest and welfare of the people of the City is to prohibit development on ridgetop areas of the foothills to the extent possible as allowed by law; and
- (e) The interest and welfare of the people of the City is to restrict development in the Escarpment Overlay District to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and

(B) District Boundaries

The boundaries of the Escarpment Overlay District, as well as the boundaries of the ridgetop and foothills subdistricts and the location of the viewline, are established and shown on the City's official Escarpment Overlay District maps, shown as Exhibit "H," as they may be amended from time to time by the Governing Body, which are incorporated by reference herein. The City's official Escarpment Overlay District maps are drawn at a scale of one inch equals 200 feet and are filed in the Planning and Land Use Department.

(C) Development and Permit Approval; Required Submittals

(1) No approval of any subdivision, resubdivision, planned unit development, cluster development, multiple family dwellings, or any other type of development shall be granted for land situated in whole or in part in the Escarpment Overlay District unless all of the applicable requirements of this section are satisfied.

(2) Each parcel of land proposed to be subdivided, which is located in whole or in part in the Escarpment Overlay District, shall be shown on a plat meeting all other requirements of this chapter. The plat shall also:

(a) Show the location of the Escarpment Overlay District, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) Show the location of all buildable sites located within the Escarpment Overlay District;

(c) Include a landscape plan to demonstrate compliance with §(G) below;

(d) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with §(H) below; and

(e) Show the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with §(I) below.

(3) Each proposed planned unit development, cluster development, multiple family dwellings, or other similar development, which is located in whole or in part in the Escarpment Overlay District, shall be shown on one or more plans which meet all other applicable requirements of this chapter. The plan(s) shall also:

(a) Show the location of the Escarpment Overlay District, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) Include a site plan which shows the location of all buildable sites located within the Escarpment Overlay District;

(c) Include a landscaping plan to demonstrate compliance with §(G) below;

(d) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with §(H) below; and

(e) Show the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with §(I) below.

(4) A grading permit or building permit for a single family dwelling, or any development or other activity requiring either a grading permit or building permit, shall be issued for land situated in whole or in part in the Escarpment Overlay District only upon compliance by the applicant with all of the relevant requirements of this section and this chapter including but not limited to requirements of the underlying zone, and any conditions on development previously imposed by the City. No grading permit or building permit shall be issued unless the grading permit or building permit application is accompanied by a plan, which may incorporate by reference approved plans previously submitted to the City in connection with any subdivision, planned unit development, cluster, or other development approval, and which sets forth or incorporates by reference the following information:

(a) The location on the lot of the Escarpment Overlay District, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) The location of all buildable sites located within the Escarpment Overlay District;

(c) A site plan, floor plan and exterior building elevations for development on the lot to demonstrate compliance with §(F) below;

(d) A landscaping plan for development on the lot to demonstrate compliance with §(G) below;

(e) Natural topography, storm drainage, grading, and erosion control plans for development on the lot to demonstrate compliance with §(H) below; and

(f) The location on and adjacent to the lot of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with §(I) below.

(5) If a grading permit or building permit is sought for the purpose of remodeling or extending an existing structure lying in whole or in part within the Escarpment Overlay District, a building permit shall be required and will be issued only upon compliance with this section. Any remodeling or extensions of the roofline or footprint shall be located and designed to comply with this section. All other requirements of this section, including, but not limited to, the location of the extension and criteria governing height, architecture, landscaping, terrain management, and utilities, shall be applicable to such remodeling or extension.

(D) Location of Structures; Buildable Site

(1) If a lot contains one or more buildable sites within the Escarpment Overlay District, then structures to be located or erected in the district shall be sited in the foothill subdistrict in conformity with all applicable requirements of this section and requirements of the underlying zone, and sited as far from the viewline as is possible.

(2) If the only buildable site within the lot is located entirely or partially within the ridgetop subdistrict, then such structures shall be sited in conformity with all applicable requirements of this section and requirements of the underlying zone and sited as far from the viewline as possible.

(3) If the only buildable site within the lot is located entirely or partially within the foothill subdistrict, then such structures shall be sited in conformity with all applicable requirements of this section and requirements of the underlying zone and sited as far from the viewline as possible.

(4) Siting of all structures within the Escarpment Overlay District shall be approved by the City staff. No building or grading permit shall be granted until approval for siting of the structures has been granted by the City staff.

(5) The City staff may approve siting of a structure in a manner which deviates from strict compliance with the siting criteria of this section only upon finding that the proposed deviation results in a decrease of the visual impact of the structure beyond that visual impact which would exist if the structure were to be sited strictly as required by this section. A site deviation may be approved so long as the public interest is protected, the modification does not nullify the intent or purpose of this chapter, and the deviation is the minimum necessary. The following may be considered in approving a site deviation of a structure:

(a) Existing topography;

(b) Effects on existing vegetation;

(c) Location of existing infrastructure;

(d) Proposed site improvements; and

(e) Any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.

(6) For any development requiring a permit in the Escarpment Overlay District, the property shall be posted by the applicant with a public notice poster obtained from the technical review division. Such poster shall be prominently displayed, visible from a public street, and securely placed on the property from the time that an

application for a permit is submitted to the issuance of the permit. The poster shall indicate the nature of the request, identification of the property affected and the time, date and place to review the development application.

(7) Any action of the City staff may be appealed to the Planning Commission.

#### (E) Subdivision of Land; Multi-Family Dwellings

(1) No land located in whole or in part in the Escarpment Overlay District shall be subdivided or resubdivided, nor shall a subdivision or resubdivision plat be approved for such land, if any lot fails to have at least one buildable site on the lot located entirely outside the ridgetop subdistrict. The purpose of this requirement is to assure that each lot located in whole or in part in the

Escarpment Overlay District contains at least one buildable site located outside the ridgetop subdistrict. To the extent this prohibition increases minimum lot size or decreases density beyond that which is authorized by the underlying zone for a parcel of land, then this section shall operate as a further limitation on the minimum lot size and allowable density.

(2) In order to minimize, to the extent possible, the further density and minimum lot size restrictions caused by operation of paragraph (1) above, development alternatives such as planned unit developments and cluster developments which site structures in the foothill subdistrict or outside the Escarpment Overlay District are encouraged.

#### (F) Architectural and Site Standards

(1) All new structures or extensions of existing structures located or erected in the Escarpment Overlay District shall be in compliance with this section. As required by §(E) above, drawings shall be submitted of all exterior elevations of all structures showing building materials, colors, length, and heights; a minimum of two cross sections from the highest point of natural grade or finished grade which ever is more restrictive showing how the existing and proposed contours relate to the building and the plans required pursuant to §(H) below; a site plan; and a floor plan all showing compliance with the standards of this section. All floor plans, elevations, and cross section shall be drawn to a minimum scale of one-eighth inch equals one foot.

(2) The colors of all structures shall be the browns and tans of local earth tones within 50 feet of the area immediately adjacent to the proposed structures and shall not be cream or white except as specifically authorized herein. Stone surfaces shall be left in their natural state. Entries, portals, and trim may be emphasized by the use of white, off-white, yeso or other similar accent colors. Structures painted or stuccoed with bold repetitive patterns or structures used as signs are prohibited.

(3) Only clerestories and flat roofs shall be permitted in the Escarpment Overlay District except that shed roofs are allowed for portals. Metal roofs shall be of a nonreflective, non-glossy material that is muted in color. Red, yellow, blue, white, black, purple, orange and related colors are prohibited for roofs. All exterior window treatments exclusive of window trim shall comply with restrictions stated above for roof colors. All exterior glazing shall be nonmirrored with a reflectance of less than 40 percent.

(4) In the ridgetop subdistrict the highest point of any structure shall not exceed a maximum height of 14 feet above each and every point of measurement along the structure perimeter. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, includes the top of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof. Adding fill dirt to the natural grade in order to increase the height of the ridgetop is prohibited.

(5) The maximum height of any structure in the foothills subdistrict shall be determined by the more restrictive of the following calculations:

(a) The highest point on the structure shall not exceed a maximum height of 14 feet above the highest natural grade at the perimeter of the structure.

(b) The highest point on the structure shall not exceed a maximum height of

20 feet above each and every point of measurement along the structure perimeter. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height.

(c) The highest point on the structure includes the tops of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof. Adding fill dirt to the natural grade in order to increase the height is prohibited.

(6) For all structures, 20 feet in height in a single plane. No façade shall be more than 50 feet in length in a single plane. All façades with offsets of less than four feet in depth are defined to be in a single plane.

(7) Cantilevers of greater than three horizontal feet in depth are prohibited.

(8) Cantilevered decks of greater than three horizontal feet in depth are prohibited. Decks greater than three horizontal feet in depth and more than five feet above grade whether cantilevered or supported are prohibited. Decks over roofs of structures and their flat portals shall be permitted provided that the decks do not exceed the maximum height limit set forth in subparagraphs (4) and (5) above.

(9) Exterior lighting shall not directly illuminate the surfaces of structures (excluding entries, garages and portals), or landscaping. The light source of any exterior indirect lighting shall be less than three feet in height.

(10) The maximum lot coverage by all dwellings, accessory buildings, structures, graded land, and the placement of any impermeable surfaces shall not exceed 40 percent of the gross area of the lot. Landscaping that does not require grading and ponding areas, whether graded or not, shall not be included as areas of lot coverage.

#### (G) Landscaping

(1) Landscape plans as required by §(E) above shall be submitted by the applicant showing compliance with the provisions of this section. Landscape plans shall be stamped by a licensed landscape architect or architect. The landscaping plan shall meet the standards set forth in §14-8.4.

(2) Except as set forth in paragraph (3) below, all cut and fill slopes and retaining walls more than four feet high and with a grade of 3:1 or more shall have screening vegetation planted and maintained at the base of the slope and those with a grade of less than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope as follows:

(a) Screening vegetation shall be planted and maintained in addition to revegetation materials required in §14-8.2(F), and shall be indigenous evergreen trees characteristic of the immediately adjacent area. No trees are required for solid rock terrain.

(b) All trees shall be a minimum of six feet high at the time of planting, and shall be planted and maintained at a density commensurate with the adjacent existing natural landscape. The commensurate density shall be determined by an inventory of existing natural trees of four feet or greater in height in a 50 by 50 foot square within the cut or fill area prior to excavation. An inventory of the existing natural trees within the cut and fill area shall be shown on the landscape plan.

(c) Existing indigenous evergreen trees over six feet high and located within four feet of the base of the cut and fill slope may be counted toward fulfilling the number of trees required for screening.

(d) Cut slopes with a slope or retaining wall closer than six feet from the edge of a road or driveway may be screened with a trellis supporting planted vegetation or some other similar means which creates a natural screened effect.

(3) For public or private roads and driveways having individual cut and fill slopes and retaining walls over four feet high and a combined cut and fill slope height of at



least eight feet, but not more than 12 feet, landscape screening consisting of indigenous evergreens as set forth in paragraph B above, is required for the fill slopes only. If combined slopes are greater than twelve feet, then the cut and fill slopes shall be screened individually as set forth in paragraph B.

(4) Slopes screened from view from any adjacent public street, way, or place by buildings, walls, or fences are exempt from the provisions of paragraphs (2) AND (3).

(5) Where any structure is more than eight feet high and no more than sixteen feet, there shall be at least one indigenous evergreen tree leaving exposed no more than 50 percent of the structure from the highest point on the structure to the top of the tree. Where any structure is more than 16 feet high there shall be planted at least one indigenous evergreen tree at least eight feet in height and not more than 15 feet from such structure.

(6) There shall be one tree existing or planted of at least six feet in height for every 15 linear feet of horizontal wall of each structure which shall be located not more than 15 feet from such wall.

(7) No retaining walls in the Escarpment Overlay District shall be greater than five feet in height. When retainage greater than five feet is required, retaining walls shall be set back a minimum of six horizontal feet from face of wall to face of wall. Setback area grading shall not exceed a one percent cross slope and all walls shall be screened in accordance with paragraph (2) above.

(8) The landscaping requirements set forth in this paragraph shall be in addition to all other landscaping requirements in this section.

(9) All landscaping shall comply with the standards of §14-8.4.

#### (H) Terrain Management

As required by §(E) above, natural topography, storm drainage, grading and erosion control plans shall be submitted by the applicant showing compliance with the terrain management requirements of §14-8.2.

#### (I) Utilities

(1) All new and replacement water, gas, electric, telephone, television, and all other utilities, including both main and service lines which service developments within the escarpment district, shall be placed underground within or adjacent to roads.

Utilities shall be located in the following priority:

(a) Within a dedicated public road right-of-way;

(b) Within an easement of sufficient width to provide ingress and egress for maintenance purposes that is adjacent to a dedicated public right-of-way; or

(c) Within a private road right-of-way.

(2) Water service mains may be located outside road rights-of-way if required by change in water-pressure zone.

(3) Sewer lines outside road rights-of-way for both public and private use shall be located to minimize tree removal, to prioritize multiple-service lines in a common trench over single service mains to reduce the number of maintenance roads; and to prioritize gravity flow over lift stations. Public sewer line easements outside road rights-of-way are permitted when required by the City utility. All disturbed easements outside the road rights-of-way shall be reseeded and maintained at approximate original ground cover by the owner of the property to the approximate original height.

(4) All utilities shall be installed and maintained in accordance with the prevailing standards and practices of the City utility or other companies providing such services.

(5) Lots which abut existing easements, private road rights-of-way or public rights-of-way where supply lines and service connections have heretofore been installed may be supplied with service from those lines, but new service connections from such utilities shall be installed in accordance with the requirements of this section. In the case of existing utilities, if a road widening, an extension of service, or other similar condition occurs as a result of a subdivision or other new development and necessitates the replacement or relocation of such utilities, such replacement or relocation shall be located, installed, and maintained in accordance with the above paragraphs (1) through (4) of this section, and paid for by the applicant;

(6) The location of water, gas and sewer lines, and relocation of three phase 12.5 KV electric feeder lines, in a manner different from the requirements of this section is permissible if the applicant provides plans and reports certified by a licensed engineer showing the need to locate utilities in a manner different from the requirements of this section in order to protect the public health or safety.

(7) For service lines outside a right-of-way in or adjacent to a road, the placement of utilities shall be designed to lessen the visual impact, as follows:

(a) The utility alignments shall be carefully routed to avoid locations perpendicular to the horizons;

(b) All graded and trenched areas shall be regraded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape,

which shall include but not be limited to planting of trees with a minimum height of six feet and reseeding to approximate the original ground cover; and

(c) All revegetation shall be maintained.

(8) Any utility apparatus (telephone junction boxes, gas pressure valving, satellite dishes, etc.) three feet or higher from finished grade (excluding utility poles), and all above ground water tanks, shall be screened year-round from the adjacent public street, way, or place. The screening to be utilized shall be shown on the landscape plan.

(9) All street lighting in the district shall be "cut-off luminaires" with a maximum pole height of 28 feet.

(10) Water tanks are only permitted in the ridgetop subdistrict if they are placed below natural ground level. Water tanks located within the foothills subdistricts shall comply with the regulations of §§14-8.1 and 14-8.2. Access or service roads shall comply with landscape standards in §(G) above.