

5 Martineztown/Santa Barbara Zoning Regulations (Draft printed 1/16/13)

A. Overview of Changes from 1990 Sector Development Plan

As demonstrated by the Existing Land Use/Zoning map, much of the zoning in Martineztown/Santa Barbara is inconsistent and incompatible with existing and historic land use. This incompatibility is most obvious where the land use is single-family residential but zoning is SU-2/C-3, SU-2/NRC or SU-2/RCM.

The following regulations and zone map amendments will reinforce and stabilize the single-family residential character of the Residential District, while preserving the light industrial character of the Railroad District (west of Broadway). The Plan proposes the establishment of a Neighborhood Activity Center (NAC) covering about six acres at the intersection of Mountain Road and Edith Boulevard, to be zoned SU-2/ NAC. It also proposes a new SU-2/Mixed Use (MX) Zone, to foster mixed residential/office/commercial uses along Lomas Boulevard and along Broadway Boulevard south of Mountain Road. Otherwise, the Plan retains most of the Santa Barbara/Martineztown Sector Plan (SU-2) zone categories adopted in the 1990 plan with a few modifications.

B. New Zones

SU-2/MX (Mixed Use) This zone provides a mixed-use environment with community commercial and residential, uses along Lomas, which is a designated enhanced transit corridor, and State Highway 47 (Broadway) which is classified as an Urban Principal Arterial. The intent is to provide additional service and residential opportunities that are within walking and biking distance of existing residential areas.

SU-2/ NAC (Neighborhood Activity Center): This zone encourages development of a mixed use neighborhood activity center on about six acres of land at the intersection of Mountain Road and Edith Boulevard. Its intent is to re-establish a traditional neighborhood center as a place that provides a social setting and services for its residents. It will encourage redevelopment that fosters neighborhood activities, a pedestrian-friendly environment, and integrated land uses such as a café, small retail shops or services, housing, and small offices.

C. Modifications to Existing Zones upon Plan Adoption

The SU-2/R-1 Single-Family Residential Zone is modified to permit secondary dwelling units (SDUs) as a conditional use. This will help maintain residential affordability and discourage gentrification of the neighborhood. Many of the single family residential properties now zoned NRC, RCM and C-3 are proposed to change to SU-2/R-1 to better reflect the actual use on the property and protect and preserve the single-family character.

The **SU-2/C-3** zone is modified to correct the language in the 1990 Plan. The 1990 Plan lists certain C-3 uses under Section A as “exceptions” when actually they are allowed permissively.

D. Zoning Conformance

Existing legal conforming uses which become non-conforming upon adoption of this plan shall be considered approved conditional uses in perpetuity.

E. Martineztown/Santa Barbara SU-2 Zoning Districts

The following SU-2 zones are established for Martineztown/Santa Barbara as shown in figure 18, (existing zoning is shown in figure 17 for reference). They are subject to General Design Regulations in Section G of this plan.

- SU-2/R-1 Single Family Residential
- SU-2/R-T Townhouse
- SU-2/R-2 Medium Density Residential
- SU-2/NRC Neighborhood Residential Commercial
- SU-2/O-1 Office and Institution
- SU-2/C-3 Heavy Commercial
- SU-2/M-I Light Manufacturing
- SU-2/HM Heavy Manufacturing
- SU-2/P Parking
- SU-2/MX Mixed Use
- SU-2/NAC Neighborhood Activity Center
- SU-2/SU-1 Special Use

1. The **SU-2/R-I** (MTSB Single Family Residential) zone corresponds to the R-I Zone in the Comprehensive City Zoning Code with the following exceptions:

A. Setback. The R-1 setback regulations shall apply except in the area between Interstate 40 and Lomas Boulevard, there shall be a front yard setback of not less than 10 feet except setback for a garage or carport shall not be less than 20 feet.

B. Lot Width. The R-1 regulations shall apply except in the area between I-40 and Lomas Boulevard, the minimum lot width shall be 40 feet per dwelling unit. No minimum lot size.

C. Conditional Uses: Secondary dwelling units and NRC permissive uses.

1) A secondary dwelling unit is defined as a subordinate dwelling unit containing its own kitchen created within, added to, or detached from a single-family dwelling. Secondary dwelling units may not be subdivided from or otherwise segregated in ownership from the primary residence structure.

a. Only one secondary unit is allowed per lot.

b. Mobile homes and recreational vehicles are not allowed as secondary dwelling units.

c. One off-street parking space is required for the secondary dwelling unit.

d. The maximum floor area of a secondary dwelling unit shall not exceed 600 square feet, or 60 percent of the primary dwelling unit's floor area, whichever is less, except a secondary dwelling unit that is attached to the primary residence and is designed to look like one single family dwelling unit may have the same floor area as the primary residence.

e. Usable open space shall be provided on-site at 800 square feet per dwelling unit or 600 square feet per dwelling unit where parking is accessed from a rear yard alley.

2) Uses permissive in the SU-2/NRC zones are conditional in this SU-2/R-1 zone only if the premises abut Edith Boulevard.

a. Off-street parking and landscaping shall be provided as deemed appropriate by the Zoning Hearing Examiner.

2. The **SU-2/R-T** (Townhouse) zone corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code.

3. The **SU-2/R-2** (Medium Density Residential) zone corresponds to the R-2 Zone in the Comprehensive City Zoning Code with the following exceptions:

A. Setback. There shall be a front yard setback of not less than 10 feet except setback for a garage or carport shall not be less than 20 feet for lots developed with single-family units.

B. Parking. Multi-family residential development – for each dwelling unit, not less than 1 space per bath.

C. Usable Open Space. Usable open space shall be provided on-site in an amount equal to 300 square feet per one-bedroom dwelling unit, 350 square feet per two bedroom dwelling unit, 400 square feet per three bedroom dwelling unit or more.

4. The **SU-2/NRC** (MTSB Neighborhood Residential Commercial) zone corresponds to the R-2 (Low Density Apartments) and C-1 (Neighborhood Commercial) Zones in the Comprehensive City Zoning Code with the following exceptions:

A. Lot Size. Minimum lot width for lots developed with single-family units shall be 40 feet. Minimum lot width for lots developed with multi-family units shall be 60 feet. No minimum lot size.

B. Setback. There shall be a front yard setback of not less than 10 feet except setback for a garage or carport shall not be less than 20 feet for lots developed with single-family units.

C. Parking. Multi-family residential development - for each dwelling unit, not less than 1 space per bath.

D. Usable Open Space. Usable open space shall be provided on-site in an amount equal to 300 square feet per one-bedroom dwelling unit, 350 square feet per two bedroom dwelling unit, 400 square feet per three bedroom dwelling unit or more.

E. Signage. As provided and as regulated in the RC Zone in the City Zoning code.

F. Landscaping. All new commercial development must landscape according to requirements listed in the City Zoning Code.

5. The **SU-2/C-3** (MTSB Heavy Commercial) zone corresponds to the C-2 Zone with the following additional uses:

- A. C-3 uses which must be conducted within a completely enclosed building
1. Automotive engine manufacturing, wholesale assembling or rebuilding of automotive vehicles or parts.
 2. Dry cleaning, clothes pressing, dyeing, including rug and carpet, provided that portion of the structuring in which any cleaning process is done is at least 40 feet from any residential zone.
 3. Manufacturing, assembling, treating, repairing, or rebuilding or products, as follows:
 - (a) Building (structure) sub-assembly
 - (b) Electrical appliances, electronic instruments and devices, radios or phonographs, including the manufacture of small parts only
 - (c) Jewelry, curios

- (d) Metal stamps, tool and die making
 - (e) Plumbing, assembly only
 - (f) Pottery, ceramics, provided only previously pulverized clays and kilns fired by electricity or gas are used
 - (g) Sewed items, including clothing
 - (h) Signs, commercial advertising structures
4. Sheet metal working (light)
 5. Upholstering
 6. Welding, as a principal activity
 7. Printing, publishing, lithographing, or blueprinting
 8. Wholesaling

B. Uses permissive and as regulated in the R-2 Zone.

C. Premises abutting Commercial Street are allowed the following additional uses:

1. Cold Storage
2. Warehousing

6. The **SU-2/M-1** (MTSB Light Manufacturing) zone corresponds to the M-1 zone in the Comprehensive City Zoning Code with the following exceptions:

A. Antennas are limited to 65 feet in height

B. Products that are manufactured, compounded, processed, assembled or treated must be conducted within a completely enclosed building and must not result in detectable odors, dust, smoke, noise, vibration or other causes that will negatively impact adjacent residences.

C. Prohibited Uses. The following uses are prohibited east of Broadway Boulevard in the Plan area:

- 1) Adult amusement
- 2) Auto dismantling (except in a completely enclosed building)
- 3) Commercial agriculture
- 4) Poultry storage and killing
- 5) Concrete manufacture
- 6) Gravel or sand stockpiling
- 7) Truck terminal
- 8) Fuel storage
- 9) Salvage yard

7. The **SU-2/HM** (MTSB Heavy Manufacturing) zone corresponds to the M-1 Zone in the Comprehensive City Zoning Code with the following exceptions:

A. Conditional Uses:

- 1) Uses permissive in the M-2 Zone and not permissive in this HM category.

8. The **P (Parking Zone)** corresponds to the P Zone in the Comprehensive City Zoning Code.

9. **SU-2/MX (MTSB Mixed Use) Zone**

A. Intent. This zone provides additional service and residential opportunities within walking distance of the neighborhood. This zone is recommended only along Lomas, which is a designated enhanced transit corridor, and State Highway 47 (Broadway) which is classified as an Urban Principal Arterial.

B. Permissive Uses:

1) Uses permissive and conditional in the R-2, R-C, C-1, C-2, and O-1 Zones

C. Prohibited Uses

1) The following uses are not permitted (in addition to those listed in the Section 14-16-3-22 except a church or other place of worship is allowed permissively).

a. Adult Amusement Establishment and Adult Store

b. Package liquor unless part of a full-service grocery store

D. Height.

1) Maximum height shall be 50 feet (4 stories) along Broadway Boulevard and Lomas Boulevard.

2) Maximum height of buildings within 200 feet of SU-2/R-1 zone or located north of Mountain shall be 30 feet.

E. Signage as regulated by the C-1 Zone.

10. **SU-2/NAC (MTSB Neighborhood Activity Center)**

A. Intent. This zone provides a medium density, mixed-use pedestrian environment inviting to neighborhood retail and office, housing, cafés, plazas and outdoor seating, and shared parking. Buildings are oriented to the street or plazas. Building uses may be mixed use, residential or commercial. This zone is designed for locations within walking or biking distance of residential areas.

B. Permissive Uses

1) Uses permissive in the R-T, R-L-T, R-G, O-1, C-1 and C-2 Zones, except:

a. Antenna

b. Park and ride temporary facilities

c. Public Utility Structure

d. Retail Sales of Auto parts and supplies

e. Retail Sale of Gasoline, oil liquefied petroleum gas, including outside sales

f. Drive-in facilities

g. Car washing

h. Parking lot, freestanding

i. Off-premise sign

C. Height.

- 1) The following height restrictions apply:
 - a. Building heights shall not exceed 36 feet.
 - b. Within 75 feet of an abutting R-1 through R-T zone or corresponding SU-2 zone, building heights shall not exceed a 45-degree angle plane that begins at a height of 11 feet, measured from the residential property line.
 - c. Section 14-16-3-3(A) Height Regulations apply with the following exclusions:
 1. Section 14-16-3-3(A)(4) Walls, Fences, Retaining Walls shall not apply. Walls, Fences and Retaining Wall Heights shall be regulated by Section 14-16-3-22(C)(8).

D. Density

- 1) Maximum of 10 dwelling units per acre.

E. Building Placement.

- 1) Buildings shall be set back a maximum of 15 feet from the front property line.
- 2) Side setback shall be a minimum of 10 feet from the property line.
- 3) Rear setback shall be a minimum of 15 feet from the property line.

F. Usable Open Space

- 1) A minimum 10 percent of the net site area shall be designated as Usable Open Space.

G. Off-Street Parking. The Off-Street Parking Regulations of the Zoning Code, Section 14-16-3-1, shall apply with the following exceptions:

- 1) Required Minimum Parking.
 - a. Ground Floor Non-residential: 1 space per 1,000 square feet of net leasable area.
 - b. Residential: 1 space per unit.
 - c. On-street parking may count toward the off-street parking requirements at a one to one ratio as approved by the traffic engineer
- 2) Shared Parking. Shared parking spaces may be located within 200 feet from the building or use that it serves.
- 3) Parking shall be located behind buildings in the rear portion of the lot or to the side of buildings that face the street.

H. Signage. Signs as regulated by the O-1 zone in the Zoning Code, with the following exceptions:

- 1) Free-standing signs are not permitted.
- 2) No more than one wall-mounted sign per building façade.
- 3) Sign area of building-mounted signs shall not exceed 25 square feet.
- 4) Signs may project more than one foot into right-of-way per City Revocable Permit or Encroachment Agreement requirements.

11. **SU-2/SU-1/Special Use** zone corresponds to the SU-1 Zone in the Comprehensive City Zone Code.

F. General Design Regulations

Intent

The General Design Regulations shall apply to all properties in the Sector Plan area unless specified otherwise. The intent of the regulations is to

1. Improve compatibility among housing, institutions, commercial and industrial land uses through site design, buffering, screening, and landscaping.
2. Protect and conserve the area's distinct, historic physical characteristics by guiding the design of new construction and additions so that it blends and harmonizes with existing architectural character, sizes and massing without becoming unaffordable.
3. Improve the environment adjacent to the public right-of-way (roadways, sidewalks, landscape strips) through requirements for site parking, walls, fences, landscaping and pedestrian connections.

Required Compliance with General Design Regulations

1. In addition to complying with the provisions of the Comprehensive City Zoning Code, the following development requests shall also comply with the General Design Regulations contained in this plan:

- New development;
- Building additions enclosed on at least 3 sides that add 15% or more square feet to an existing building's square footage;
- Buildings replacing existing buildings including buildings that are destroyed by flood, fire, or natural catastrophe;
- Amendments to SU-1 site plans that include additions of 15% or more of existing building square footage.

2. The following activities are exempt from compliance with the General Design Regulations but shall adhere to pertinent regulations of the City Zoning Code:

- Repairs, remodeling and maintenance of existing structures and/or buildings
- Façade improvements to existing buildings

3. **EXCEPTIONS TO THE GENERAL DESIGN REGULATIONS.** The following two levels of modifications to the General Design Regulations are allowed:

A. Minor: The Planning Director or his designee may approve deviations of 10% or less from any *dimensional standard.

B. Major: The EPC shall review any deviation of more than 10% from any dimensional standard to determine if the request honors the intent of the regulation.

*Dimensional Standard: a standard relating to numerical measurement.

1. Preserving Residential Neighborhood Character

A. Building additions and renovations shall blend architecturally with the style of the original building.

B. New residential construction shall be architecturally compatible with existing adjacent buildings in height, mass, and architectural style.

2. Residential Building Design

In addition to the design regulations in the Zoning Code, residential development shall comply with the following:

A. Building exterior materials (stucco, brick, wood, etc.), color, window and door styles, and roof slope and materials shall be the same or similar on all parts of a structure and on all detached dwelling units on one lot.

B. Standard unstuccoed CMU block is not allowed as a finish material for buildings.

C. Buildings shall not exceed 26 feet in height. Building portions over 10 feet high shall be set back not less than 10 feet from the front façade of the first floor..

D. The slope of new roofs shall range from flat to not more than a 45-degree angle.

E. New garage fronts shall be set back not less than 20 feet from the property line abutting a public right-of-way or private street.

F. Not more than 50 percent of a building's street frontage width shall be garage front.

G. Front doors shall face the street. In townhouse and multiple dwelling unit development, the dwelling unit(s) adjacent to the public right-of-way shall face front doors toward the street.

H. Building façades facing a public right-of-way or private street shall contain windows covering a minimum of 25% of the façade.

I. Buildings in residential zones shall comply with the Building Height Limitations to Preserve Solar Access, § 14-16-3-3(A)(7) of the Zoning Code. The additional height limitations of this section shall apply to any lot including those platted before February 1, 1981, except that structures existing as of the date of adoption of the Plan are allowed, subject to Zoning Code regulations for buildings that are nonconforming as to height.

3. Nonresidential Building Design

In addition to the design regulations in the Zoning Code, §14-16-3-18, nonresidential development shall comply with the following:

- A. Primary entrances shall face the public right-of-way, except courtyard buildings where primary entrances may face a central courtyard.
- B. Except for buildings used only for manufacturing, assembling, treating, repairing, or rebuilding products, or for warehousing, not less than 25% of a building façade facing a public right-of-way shall be windows.
- C. Standard, unstuccoed Concrete Masonry Unit block is not allowed as a finish material for buildings.
- D. Reflective glass is not permitted.

4. Signage.

Signage shall comply with Section 14-16-3-5 of the City's Zoning Code.

5. Landscaping

The General Landscaping Regulations of the City's Zoning Code, Section 14-16-3-10 shall apply with the following exceptions:

- A. In section 14-16-3-10(E)(4) a 6-foot high wall may be substituted for the 10' special landscape buffer.

6. Parking

The General Parking Regulations of the City's Zoning Code, Section 14-16-3-1 shall apply.

7. Utilities

All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5 to 6 feet of clearance on the remaining three sides for access and to ensure the safety of the work crews and public during maintenance and repair. Please refer to the PNM Electric Service Guide for specifications.

Coordination with PNM will be necessary if existing utilities are present where Form Based Zones are implemented, including:

- Extension of public utility facilities
- Projections such as canopies, portals, stoops, balconies, shop fronts and awnings in utility easements
- Parking areas and alleys
- Utility easements within rear lot lines

G. DEVELOPMENT APPROVAL PROCESS
(MOVE THIS TO THE BEGINNING OF THE CHAPTER)

1. The following development approval process shall apply to all properties within the Martineztown/Santa Barbara Plan boundary:

Development Type: The site is less than 5 acres; and the site is not zoned SU-1; and the proposed use is a permissive use; and the development complies with the General Design Regulations

Approval Body: Building Permit Staff

Notification: No public notification required

Development Type: The site is 5 acres or greater; or the site is zoned SU-1; or request for a zone change; or modification of the “dimensional standards of the General Design Regulations” by more than 10%

Approval Body: EPC

Notification: Public notification required

Development Type: Special Exceptions to the Zoning Regulations (Conditional Uses & Variances)

Approval Body: ZHE

Notification: Public notification required

Development Type: Modification of the “dimensional standards of the General Design Regulations by 10% or less

Approval Body: Planning Director

Notification: No public notification required

* Dimensional Standard: a standard relating to numerical measurement.

2. Existing legal uses which are non-conforming upon adoption of the plan are APPROVED CONDITIONAL USES in perpetuity.