
14-5.5 HIGHWAY CORRIDOR PROTECTION DISTRICTS

(Ord. No. 2011-37 § 6)

(D) Midtown Local Innovation Corridor (Midtown LINC) Overlay District

(Ord. No. 2016-39 § 1)

(1) Purpose and Intent

The purpose and intent of the Midtown Local Innovation Corridor (LINC) Overlay District is to:

- (a) Strengthen and animate the built environment and the business and population links within the demographic and geographic center of the city between the existing employment centers of the [Midtown Project Site Santa Fe University of Art and Design](#) and surrounding uses to the west and the Christus St. Vincent Regional Medical Center and related medical uses to the east;
- (b) Incentivize multi-family residential development, complementary non-residential uses, and an enlivened, street-oriented pedestrian environment by freeing development capacity of existing under-developed land and buildings for these targeted uses, while allowing existing uses to continue as redevelopment occurs;
- (c) Allow for innovative development and redevelopment of the district while providing buffering between the district and existing residential development outside of the district by the application of amended land development regulations and fees and by establishing conditions precedent for future infrastructure enhancements and the application of other redevelopment and financing tools;
- (d) Promote a more healthy, safe, and enjoyable environment within the city's midtown area through the enhancement of pedestrian and bicycle accessibility and safety, landscaping and other street-related amenities and the eventual reduction of traffic speeds and provision of on-street parking, bicycle lanes, and improved crosswalks; and
- (e) Provide flexibility in sign design and location so as to maintain effective communication, business identification and wayfinding for existing buildings whose visibility may be reduced by new development.

(2) Boundaries

The Midtown LINC Overlay District includes land in the vicinity of the St. Michael's Drive *right-of-way* from the eastern edge of the Cerrillos Road *right-of-way* to the western edge of the St. Francis Drive *right-of-way*, and additional land in the vicinity ~~of the campus~~ of the [Midtown Project Site Santa Fe University of Art and Design](#) as shown on the Midtown LINC Overlay District Map.

Editor's Note: The Midtown LINC Overlay District Map can be found as Exhibit E, in the Appendix of Chapter 14, Land Development. [The Midtown Project Site Map and the Midtown Land Development Plan can be found as Exhibit X, in the Appendix of Chapter 14](#)

(3) Applicability

- (a) The provisions of this Subsection 14-5.5(D) apply to all land within the boundaries of the Midtown LINC Overlay District, and shall supersede the provisions that apply to any other overlay district(s) that overlap in whole or in part with the Midtown LINC Overlay District, including, but not limited to, the South Central Highway Corridor Protection District as set forth in Subsection 14-5.5(A). [The provisions of the Midtown Land Development Plan apply solely to the Midtown Project Site and are in addition to the standard provisions of the Midtown LINC Overlay District.](#)

- (b) *New development* shall comply with the provisions of this subsection. New development within the Midtown Project Site shall comply with the standards of the Midtown Land Development Plan.
 - (c) *Alterations* to existing *structures* shall comply with the provisions of this subsection to the extent practical or feasible as determined by the *land use director*. Alterations to existing structures in the Midtown Project Site shall comply with the standards of the Midtown Land Development Plan to the extent practical or feasible as determined by the land use director.
- (4) Permitted Uses; Qualifying Projects
- (a) Permitted and Prohibited Uses
- Permitted uses and structures within the Midtown LINC Overlay District are the same as those permitted in underlying zoning districts except as provided in Table 14-5.5-2 or and as permitted for *qualifying projects* as defined in this subsection

Table 14-5.5-2: Midtown LINC Overlay District (Except for Midtown Project Site) - Additional Permitted & Prohibited Uses

Table 14-5.5-2: Midtown LINC Overlay District <u>(Except for Midtown Project Site)</u> - Additional Permitted & Prohibited Uses (See Note 1)			
ADDITIONAL USES		PROHIBITED USES	
CATEGORY	Specific Use	CATEGORY	Specific Use
RESIDENTIAL	Dwellings, Multiple-family	RESIDENTIAL	Mobile homes; Mobile home parks
		COMMERCIAL	Sexually Oriented Businesses
			Vehicles and Equipment ⁽²⁾
			Outdoor Storage
			Storage ⁽³⁾
			Industrial ⁽⁴⁾
			Warehouse & Freight Movement
NOTES:			
1. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts. See Table 14-6.1-1 for a complete listing of use categories and permitted uses per underlying zoning district. See Table 14-5.5-4 for additional uses permitted if associated with a <i>qualifying project</i> . <u>See Section 5.5 of the Midtown Land Development Plan</u> for uses in the Midtown <u>Project Site</u> .			
2. Parking lots and garages are permitted as <i>accessory</i> uses when associated with a <i>qualifying project</i> .			
3. Individual storage areas enclosed within a building and that are part of a <i>qualifying residential project</i> are permitted.			
4. Research, experimental and testing laboratories are permitted.			

(b) Permitted and prohibited uses within the Midtown Project Site are provided in Section 5.5 Sub-Zone Standards in the Midtown Land Development Plan.

- (i) Mixed-Use Neighborhood (MU-N) is intended to provide for a variety of housing options.
- (ii) Mixed-Use Commercial (MU-C) is intended to provide opportunities for limited commercial uses such as retail, dining and entertainment while providing a variety of housing options on upper floors and along pedestrian paseos.
- (iii) Mixed-Use Office (MU-O) is intended to provide opportunities for service commercial uses as a transition between film production uses and residential uses.
- (iv) Film Mixed-Use (F-MU) is intended for film production activities focused on the Garson Studios.

(b) Qualifying Projects

As used in this Subsection 14-5.5(D):

- (i) *Qualifying project* means a new *development* within the Midtown LINC Overlay District that complies with the requirements of this Subsection 14-5.5(D) and that is either a *qualifying residential project* or a *qualifying non-residential project* as defined in this subsection.
- (ii) *Qualifying residential project* means a new *development* that: (a) is composed solely of new *multiple-family dwellings*, or (b) results in a *development* that is a mix of primarily new *multiple-family dwellings* and any lesser amount and combination of the eligible non-residential uses listed in Table 14-5.5-3 as measured by *gross floor area*.
- (iii) *Qualifying non-residential project* means a new *development* that is composed of a new *building or buildings*, or of *alterations* to an existing *building or buildings*, for the eligible uses identified in Table 14-5.5-3.
- (iv) *Development* projects not meeting the definitions of this Subsection 14-5.5(D)(4)(b) are permitted as provided in Subsection 14-5.5(D) but are not *qualifying projects*.
- (v) The *land use director* may adopt submittal requirements and review policies in accordance with Subsection 14-2.11(B) as necessary to verify that *qualifying projects* meet the requirements of this Subsection 14-5.5(D).

Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for Qualifying Projects

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USE CATEGORIES (See Note 1)	<i>For Inclusion in Qualifying Residential Projects</i>	<i>As Qualifying Non-Residential Projects</i>
Pre-Schools, Daycare for Infants & Children (All)	X	X
Educational (All; including Libraries)	X	X
Community Centers & Institutions (All)	X	X
Parks and Open Space (All) (2)	X	X
Arts Activities (All)	X	X
Assembly	X	
Food and Beverage (All) (3)	X	X

Medical (All)	X	X
Public Transportation	X	
Recreation and Entertainment (All)	X	X
Retail Sales and Services (All)	X	X (8)
Service Establishments (All)	X	X
Storage (4)	X	
Vehicles and Equipment (5)	X	
Industrial (6)	X	X
Manufacturing and Production (7)	X	X
NOTES:		
1. Eligible uses listed in this table are permitted uses when part of a <i>qualifying project</i> . See Table 14-6.1-1 for a complete listing of use categories and permitted uses in underlying zoning districts.		
2. Except cemeteries, mausoleums & columbariums.		
3. Except restaurants with drive-through/drive-up service.		
4. Only individual storage areas completely enclosed within a building and that are intended to serve the associated <i>qualifying residential project</i> .		
5. Only parking lots and garages that are intended to serve the associated <i>qualifying project</i> .		
6. Research, experimental and testing laboratories only.		
7. Light assembly and manufacturing (including "maker" spaces) only.		
8. Neighborhood grocery stores and laundromats only.		

(5) General Standards

- (a) Unless otherwise specified in this Subsection 14-5.5(D), permitted uses and *development* standards within the Midtown LINC shall conform to the requirements of the underlying zoning district of a property.
- (b) Permitted uses and *development* and design standards within the Midtown Project Site are in addition to the standard provisions of the Midtown LINC Overlay District and shall conform to the requirements of the underlying zoning district of a property unless otherwise specified
- (b) The *land use director* may permit alternate means of compliance with the provisions of this subsection as provided in Subsection 14-2.11(C).
- (c) In the event of conflicts between the requirements of this Subsection 14-5.5(D) and the requirements of underlying zoning districts, platted *building setbacks* or existing easements, the requirements of this subsection shall apply.

(6) Building Envelope Standards and Measurements

DEVELOPMENT TYPE	Max. Gross Density (Dwelling units/Acre)	Min. Lot Size	Max. Height of Structures (Feet) ⁽¹⁾	Yard Requirements (Feet)	Max. Lot Coverage (%)	Min. Required Open Space
<i>Qualifying Residential</i>	N/A	Same as C-2 District	52 ⁽²⁾	Minimum Street: 0 ⁽³⁾	None	Same as C-2 District

Projects (As defined in Subsection 14-5.5(D))				Side: 5 Rear: 10 ⁽⁴⁾ <u>Maximum</u> Street: 5 ⁽⁵⁾		(See §14-7.5(D))
All Other Development	Same as C-2 District	Same as C-2 District	Per Underlying District Standards; <u>Midtown Project Site Santa Fe University of Art and Design Campus (SFUAD):</u> 62	Per Underlying District Standards except as noted below <u>Maximum</u> Street: 5 ^(3, 5)	Per Underlying District Standards	Per Underlying District Standards <u>Midtown Project Site: See Note 6</u>
NOTES:						
1. Elevator "over-runs" and renewable energy generating equipment less than ten (10) feet high (such as solar photovoltaic panels and wind turbines) mounted on buildings shall not be included in the calculated height of a building.						
2. Maximum height of structures fifty-two (52) feet, except where any portion of a structure associated with a qualifying residential project will be located within one hundred fifty (150) feet of an existing residential development located outside of the Midtown LINC Overlay District, in which case the maximum height of a structure associated with a qualifying residential project within the above limits shall be thirty-eight (38) feet.						
3. Except that 4th stories along street-frontage façades shall be set back a minimum of ten (10) feet from the story below.						
4. Rear yard ten (10) feet, except at the rear of a lot abutting an existing residential development, in which case there shall be a required rear yard of not less than twenty-five (25) feet.						
5. Maximum Street yard five (5) feet, except that: (a) up to thirty (30) percent of a street-frontage façade may be set back greater than 5 feet for entryways and integral courtyards, or to accommodate other aspects of a building's design, and (b) street-frontage façades may be set back greater than five (5) feet in locations where existing utility easements prevent compliance with this requirement.						
<u>6. 25%, Except for Identified Civic Spaces, which are identified in Figure 5.3.1 of the Land Development Plan, which have minimum dimensions and are described by type and location in Section 5.3 Civic + Open Space Standards.</u>						

(7) Site Design, Circulation and Parking

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- (a) New buildings or additions to existing buildings within the Midtown Project Site shall comply with the Façade Zone Standards Section 5.6 and Frontage Type Standards Section 5.7 of the Midtown Land Development Plan.
 - (b) New buildings or additions to existing *buildings* shall be oriented so that their primary *façades* face St. Michael's Drive, Cerrillos Road, or other *street frontages* as applicable.
 - (b) Perimeter screening of parking areas shall be in accordance with Subsection 14-8.4(1)(2) except that *screening* walls, hedges or berms shall not exceed four feet at maturity and shall be provided with multiple openings adjacent to *street frontages* to maximize of pedestrian permeability between *street* sidewalks and parking areas.
 - (c) Sidewalks along the *street frontages* of St. Michael's Drive and Cerrillos Road shall be provided in accordance with Section 14-9.2(E), Sidewalks, and shall be a minimum of fifteen (15) feet wide. Where existing sidewalks are widened to meet this requirement, the widening shall occur on the *building* side of the existing sidewalk.
 - (d) Vehicular access shall be from the side or rear of the *lot* to the extent possible.
 - (e) Vehicular access between and among adjacent *lots* shall be provided where possible.
 - (f) New *buildings* shall have accessible pedestrian connections to St. Michael's Drive or Cerrillos Road as applicable. *Building* entrances shall have the same general elevation as the *street frontage* sidewalks adjacent to the entrance. Site grading shall not result in the need for steps or ramps from the *street frontage* sidewalk to the *building*. Visual and physical barriers to *building* entrances shall be minimized.
 - (g) Sidewalks and other pedestrian pathways connecting *buildings* to the *street* and to parking areas shall be a minimum of six (6) feet wide and shall be clearly defined.
 - (h) Loading docks shall be located at the side or rear of *building* and shall be fully screened so that the loading dock is not visible from St. Michael's Drive or Cerrillos Road as applicable. The *screening* shall be integrated with the *building* architecture, materials and construction.
 - (i) Electrical transformers and trash enclosures shall be located at the side or rear of *buildings* and shall be screened from view of public roadways and sidewalks by walled enclosures or landscape *screening*. Wall-mounted utility boxes shall be painted the same color as the nearest *building* on site.
 - (j) Water system backflow preventers shall be located inside *buildings*. Where it is not feasible to locate a water system backflow preventer inside a *building*, the backflow preventer shall be located at the side or rear of *buildings* and shall be screened from view of adjacent public roadways and sidewalks by walled enclosures or landscape *screening*.
 - (k) The amount of off-street bicycle parking required by Subsection 14-8.6(E) shall be increased by twenty-five (25) percent.
- (8) Architecture
- (a) New buildings or additions to existing buildings within the Midtown Project Site shall comply with the Façade Zone Standards Section 5.6 and Frontage Type Standards Section 5.7 of the Midtown Land Development Plan.
 - (b) In addition to the requirements of Section 14-8.7, Architectural Design Review, the following provisions shall apply.

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- (a) *Lot* configuration and available *street frontage* permitting, the longest *façade* of all new *buildings* on *lots* abutting St. Michael's Drive or Cerrillos Road shall be aligned parallel with the *street frontage* of St. Michael's Drive or Cerrillos Road as applicable.
 - (b) The primary entrance to any new *building* on a *lot* abutting St. Michael's Drive or Cerrillos Road shall be visible from St. Michael's Drive or Cerrillos Road as applicable.
 - (c) *Building walls* along *street frontages* shall not extend more than twenty feet, measured horizontally, without openings. Doors, windows or display windows shall be considered openings.
 - (d) Doors intended for vehicular access to *buildings* on *lots* abutting St. Michael's Drive or Cerrillos Road shall not face St. Michael's Drive or Cerrillos Road as applicable.
 - (e) Except as noted in this subsection, rooftop equipment shall be fully screened so that the equipment is not visible from the adjacent *public rights-of-way*. *Screening* shall be integrated with the associated *building's* architecture, materials and construction. *Screening* of renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on *buildings* is not required; however such equipment shall be incorporated into the architectural design of a *building* to the extent possible.

(9) Landscaping Standards

In addition to the requirements found in Section 14-8.4, Landscape and Site Design, the following provisions shall apply.

- (a) On-site storm water *detention* or *retention* facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an *active water harvesting* system, in which case the *active water harvesting* system shall be incorporated into the architectural design of a *building* to the extent possible.
- (b) *Qualifying residential projects* shall provide a minimum five (5) foot wide landscaped area around the base of exterior *building walls*, except qualifying projects within the Midtown Project Site, which will follow the Façade Zone Standards Section 5.6 and Frontage Type Standards Section 5.7 of the Midtown Development Plan-
- (c) *Street trees* shall be planted at a maximum spacing of thirty (30) feet on-center along the *street frontages* of *development* sites on St. Michael's Drive or Cerrillos Road as applicable. Existing *street trees* within the above areas may be counted toward this requirement. *Street trees* shall have a minimum four (4) inch *caliper* at time of planting and shall have a minimum mature height of twenty-five (25) feet. The required spacing of *street trees* may be adjusted to allow for the clustering of trees as part of a *development's* landscape design as determined by the *land use director*. The location and minimum mature height of *street trees* may be adjusted where conflicts exist with overhead or underground utility lines, *wall-* or *building-*mounted signage, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.
- (d) *Street trees within the -Midtown Project Site shall be planted according to the Thoroughfare Standards Section 5.2 of the Midtown Development Plan.*
- (d) A minimum of thirty (30) percent of required plant material shall be evergreen.
- (e) Areas of the *parkway* that are located along the *street frontages* of *development* sites, and that are not developed with sidewalks as required by Subsection 14-5.5(D)(7)(c), shall be *landscaped* as part of the required *landscaping* of a *development*.
- (f) *Qualifying non-residential projects* and other non-residential *development* adjacent to existing *residential development* located outside of the Midtown LINC Overlay District shall provide a

continuous *landscaped* buffer strip of not less than fifteen (15) feet where abutting the existing *residential development*. Plant material in the *landscaped* buffer strip shall conform to the requirements for open space provided in Subsection 14-8.4(H).

(10) Signage

In addition to the requirements found in Section 14-8.10, Signs, the following provisions shall apply.

- (a) Pole-mounted *signs* are prohibited.
- (b) Monument *signs* shall not exceed four feet in height.
- (c) *Signs* shall be setback a minimum of fifteen (15) feet from any *public right-of-way* unless *wall-* or *building-mounted signs* or *directional signs*.
- (d) *Wall-* or *building-mounted signs* shall not extend above the roofline or parapet.
- (e) Roof-mounted *signs* are prohibited.
- (f) The provisions of Subsection 14-8.10(B)(4), Maximum Number of Colors and Lettering Styles, do not apply within the Midtown LINC Overlay District.
- (g) The provisions of Subsection 14-8.10(B)(5)(d) do not apply to *signs* mounted on the *building walls* of *qualifying projects* within the Midtown LINC Overlay District.
- (h) *Wall signs* associated with a *qualifying project* within the Midtown LINC Overlay District and whose *sign* faces are mounted perpendicular to a *building wall* may extend up to five (5) feet from the *wall*, including *signs* that project over a front property line, providing that such a *sign* shall not impede or endanger pedestrian or vehicular traffic.

(11) Site Furnishings

- (a) A minimum of one bench per ten thousand (10,000) gross square feet of ground-floor *building* area is required on the site and shall be located adjacent to the *street frontage* of the *development*, or to the primary *building* entrance, or within a public or private amenity provided by the *development*.
- (b) At least one bench per *development* shall be shaded by a tree or a shade structure.
- (c) Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.
- (d) All site furnishings on a *development* site, including bicycle racks required by Subsection 14-8.6(E), benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

(12) Outdoor Lighting

In addition to compliance with Section 14-8.9, Outdoor Lighting, the following provisions apply.

- (a) Pole-mounted lights shall not exceed twenty (20) feet in height and shall not be placed within buffer strips as required by Subsection 14-5.5(D)(9)(f).
- (b) Lamps of *building-mounted* light fixtures shall not be placed more than twelve (12) feet above the exterior grade at the perimeter of a *building* unless the outdoor lighting is part of the illumination of a *wall-mounted sign* in accordance with Subsection 14-5.5(D)(10)(g).

(13) Additional Requirements for *Qualifying Projects*

In addition to the requirements of this Subsection 14-5.5(D), *qualifying projects* shall comply with the following requirements:

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- (a) *Qualifying projects* shall utilize a detailed alternative development water budget ("Option B" water budget) in accordance with Subsection 14-8.13(B)(2)(b) and applicable adopted administrative procedures.
 - (b) *Qualifying projects* shall utilize the following water-saving fixtures, appliances, and systems where applicable, throughout all new construction:
 - (i) waterless urinals;
 - (ii) dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons or less per flush);
 - (iii) EPA WaterSense® certified showerheads (or equivalent fixtures rated at 2.0 gallons per minute or less);
 - (iv) ENERGY STAR® compliant clothes washers;
 - (v) *active water harvesting* systems.
 - (c) The *land use director* shall not issue a construction *permit* for a *qualifying project* until a restrictive covenant is recorded by the owner of the *development* at the office of the county clerk that requires that the *development* will contain no uses that do not meet the requirements for a *qualifying project* for a period of at least ten (10) years from the completion of the project's construction. The covenant shall be in a form approved by the *land use director* and the city attorney and shall be notarized prior to recordation. The covenant shall be considered part of a *development* plan approved pursuant to Subsection 14-3.8(B)(9). The *land use director* shall maintain copies of recorded covenants pursuant to the provisions of this subsection.

(14) Fee Incentives for *Qualifying Projects*

The following fee incentives apply to *qualifying projects* within the Midtown LINC Overlay District:

- (a) Construction Permit Fees; Plan Review Fees

Qualifying projects are exempt from the payment of construction permit fees and plan review fees as set by Resolution of the governing body, as may be amended from time to time.
- (b) Development Review Fees

Qualifying projects are exempt from the payment of development review fees as set by Resolution of the governing body, as may be amended from time to time.
- (c) Development Water Budget Fees

Qualifying projects shall obtain water to meet approved *development* water budgets through the water rights transfer program or through the water conservation credit program or through a combination of both, and at the reduced rate specified in Subsection 14-8.13(E).
- (d) Impact Fees

Qualifying projects are exempt from the payment of impact fees in accordance with Subsection 14-8.14(D).
- (e) Wastewater Utility Expansion Charge (UEC)

The wastewater utility expansion charge (UEC) is waived for *qualifying projects* in accordance with Article 22-6.6, Exhibit A, Section 7.
- (f) Water Utility Expansion Charge (UEC)

Qualifying projects are exempt from the payment of the water utility expansion charge (UEC) in accordance with Article 25-4.2, Exhibit B, Rate Schedule 8.

(15) Review

This Subsection 14-5.5(D) shall be reviewed by the governing body three (3) years after the date of its adoption.

(Ord. No. 2019-19 , §§ 1, 2)