Chapter 1 – General Provisions

Section **Contents** **Page**

1.1 Short Title 2
1.2 Authority 2
1.3 Effective Date 2
1.4 Purpose and Intent 2
1.5 Findings 5
1.6 Applicability 6
1.7 Enactment and Repeals 6
1.8 Scope 6
1.9 Consistency with Sustainable Growth Management Plan 6
1.10 Coordination with Other Regulations 6
1.11 Transitional Provisions 7
1.12 Concurrent Processing 8
1.13 Periodic Review 8
1.14 Severability 8
1.15 SLDC Text Amendments or Zoning Map 8

DRAFT 10.20.15

CHAPTER ONE – GENERAL PROVISIONS

1.1. SHORT TITLE. This Ordinance, as amended from time to time, shall be cited as "The Santa Fe County Sustainable Land Development Code" and shall be referred to as "the SLDC."

1.2. AUTHORITY. The SLDC is promulgated pursuant to the authority set forth in Art. IX, X and XIII of the New Mexico Constitution (1912); NMSA 1978 § 4-37-1 (1975), NMSA 1978 §§ 3-21-1 *et seq.* (1965), NMSA 1978 §§ 3-19-1 *et seq.* (1965), NMSA 1978 §§ 3-18-1 *et seq.* (1965), NMSA 1978 §§ 19-10-4.1, 4.2 and 4.3 (1985), NMSA 1978, § 3-20-1 *et seq.* (1973), NMSA 1978, § 3-33-1 *et seq.* (1965), NMSA 1978, § 3-35-1 *et seq.* (1965), NMSA 1978, § 3-45-1 *et seq.* (1965), NMSA 1978, § 4-37-1 *et seq.* (1975), NMSA 1978, § 5-11-1 *et seq.* (2001), NMSA 1978, § 6-27-1 *et seq.* (2004), NMSA 1978, § 7-91-1 *et seq.* (2005), NMSA 1978, § 11-3A-1 *et seq.* (1994), NMSA 1978, § 47-5-1 (1963), NMSA 1978 §§ 47-6-1(1973), NMSA 1978, § 58-18-1 *et seq.* (1975), NMSA 1978 §60-13-1; and Federal Insurance Regulation 1910. The SLDC constitutes an exercise of the County's independent and separate but related law enforcement, zoning, planning, environmental, fiscal and public nuisance powers for the health, safety and general welfare of the County and its residents.

1.3. EFFECTIVE DATE. The SLDC shall become effective thirty (30) days after recordation of the SLDC and the accompanying zoning map.

1.4. PURPOSE AND INTENT.

1.4.1. The SLDC, including all amendments to the SLDC, are intended to implement and be consistent with the goals, objectives, policies, and strategies of the Sustainable Growth Management Plan (SGMP) through comprehensive, concurrent, consistent, integrated, effective, time limited and concise land development approvals. The SLDC is designed to protect and promote the health, safety and general welfare of the present and future residents of the County. The SLDC is a police power, public nuisance, environmental and land use regulation designed to establish separate land use, growth management, environmental, fiscal, adequate public facility, transportation, stormwater management, emergency service and preparedness, health and safety standards. The SLDC is designed to specifically provide protection of environmental, cultural, historical and archeological resources, lessening of air and water pollution, assurance and conservation of water resources, prevention of adverse climate change, promotion of sustainability, green development, and to provide standards to protect from adverse public nuisance or land use effects and impacts resulting from public or private development within the County.

1.4.2. The SLDC Shall:

1.4.2.1. Require that development approval for significant projects not be granted unless there is adequate on and off-site provision of capital facilities and services available to the development at levels of service established in the SGMP, the Capital Improvement Plan ("CIP") and the Official Map established pursuant to the SGMP;

1.4.2.2. Utilize a voluntary development agreement process, where appropriate, to assure that properties receiving development approvals are granted vested rights to assure completion of the project through all stages and phases under the provisions of the SLDC as they existed at the time of submission of a complete application for development approval without fear of being overridden by newly adopted regulations, in exchange for commitments to mitigate environmental degradation, advance adequate public facilities and services for needs generated by new development, to eliminate existing deficiencies and to proportionally meet county and regional facility and service needs;

DRAFT 10.20.15

1.4.2.3. Establish sustainable design and improvement standards and review processes by which development applications shall be evaluated, including the preparation of environmental, fiscal impact, traffic, water availability, emergency service and response, consistency and adequate public facility and services studies, reports and assessments ("SRAs");

1.4.2.4. Require that development and administrative fees; dedications; public improvement district taxes, assessments, charges and fees; homeowner association assessments; public and private utility rates, fees and charges; development fees; and other appropriate mitigation fees and conditions that are required as conditions of development approval, be roughly or reasonably proportional to the need for adequate public facilities and services at adopted levels of service, the need for which is generated by the development at the time of development approval;

1.4.2.5. Designate appropriate zoning districts to implement the SGMP;

1.4.2.6. Designate sustainable development areas (SDA-1, SDA-2, and SDA-3) and identify appropriate regulations and incentives to encourage development within the SDA-1 priority growth areas;

1.4.2.7. Formulate guidelines to implement growth management, sustainable design and improvement standards, renewable energy strategies, techniques, and action programs and adopt appropriate budgets and capital improvement plan and programs to implement them;

1.4.2.8. Enhance the physical, cultural, social, traditional and environmental values treasured by County residents;

1.4.2.9. Provide for objective and fair administrative and quasi-judicial processes, findings and recommendations including, but not limited to, the establishment of a Hearing Officer process;

1.4.2.10. Establish rights for communities, community organizations, registered organizations, acequia associations, Tribal governments, adjoining property owners, neighborhood and homeowner associations and non-profit organizations with respect to attendance at pre-application meetings with applicants for development approval;

1.4.2.11. Accommodate within appropriate zoning districts, regulations for protection and expansion of local small businesses, professions, culture, art and crafts including live/work, home occupations and appropriate accessory uses in order to support a balanced, vigorous local economy;

1.4.2.12. Assure that a diversity of housing choices is available to residents within a wide range of economic levels and age groups;

1.4.2.13. Express and reflect the highly unique sense of place and the desirable qualities of Santa Fe County through innovative and sustainable design and architectural standards for development compatible with compact development and traditional and historic communities;

1.4.2.14. Restrict development within lands containing environmental, ecological, archaeological, historical or cultural sensitivity and preserve agriculture and ranch lands and utilize: clustering; use of purchase and transfer of development rights; federal and

DRAFT 10.20.15

state income tax credits and deductions for donation of development and conservation easements; development of solar and wind resources and other incentives to maximize economic return and to preserve such resources to the maximum extent feasible;

1.4.2.15. Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the SGMP;

1.4.2.16. Reconstitute the County Development Review Committee ("CDRC") as the County's statutorily authorized Planning Commission to carry out the statutory and SLDC duties and responsibilities for reviewing and recommending on amendments to the SGMP, Area, District and Community Plans, the Official Map, the CIP, the SLDC and for the hearing of applications for development approval;

1.4.2.17. Provide for special review of developments of countywide impacts ("DCIs");

1.4.2.18. Create planned development zoning districts ("PDDs") that reflect development patterns that promote walkable mixed use communities without the need for multiple variances or waivers from area, height or use requirements;

1.4.2.19. Provide a procedure for mandatory pre-application review of certain development projects, to afford an opportunity to meet with the developer, the opportunity to review and comment on the project, in order to assess the project's impacts on its surroundings and on the County's resources and to identify issues, solutions and mitigation measures;

1.4.2.20. Ensure that building projects are planned, designed, constructed, and managed: to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Santa Fe County;

1.4.2.21. Prescribe sustainable design and improvement standards for all public and private buildings, structures and land uses;

1.4.2.22. Develop strategies, bonuses, incentives, transfers of development rights, tax credits, monetization of solar, wind and rain water recapture facilities to encourage priority infill development;

1.4.2.23. Respect historical patterns and boundaries in the development approval process for new development and redevelopment;

1.4.2.24. Require that new development reflect the transportation network of the region and provide a framework of inter-connectivity of the road network and pedestrian and bicycle systems;

1.4.2.25. Provide the opportunity for the establishment of a public improvement or assessment district or homeowner associations to finance the capital improvements necessary to meet adequate public facilities and service requirements, including the ongoing maintenance and operation of such facilities and services;

1.4.2.26. Provide the opportunity for appropriate building densities and land uses within walking distance of transit stops in SDA-1 through appropriate zoning; and

1.4.2.27. Require that new development provide a range of parks, open space and trails and community gardens within neighborhoods.

DRAFT 10.20.15

1.4.2.28. Applications for discretionary development approval shall be required to provide the following as a pre-condition to approval:

1. Demonstrated consistency with the SGMP, and applicable Area, District and or Community Plans;

2. Provide certain Studies, Reports and Assessments (SRAs), depending upon the scope of the development proposed in the application, which SRAs may include: a Traffic Impact Assessment ("TIA"); an Adequate Public Facilities Assessment ("APFA "); a Fiscal Impact Assessment ("FIA"); a Water Service Availability Report ("WSAR"); and/or an Environmental Impact Report ("EIR").

3. In the case of developments of county-wide impact ("DCI"):

a. an Emergency Service and Preparedness Report, identifying the name, location and description of all potentially dangerous facilities and Material Safety Data Sheets describing all additives, chemicals and organics to be or currently used on the proposed development site, including but not limited to pipelines, wells and isolation valves, and providing for a written fire prevention, health and safety response plan for any and all potential emergencies, including explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide, methane or other toxic gas emissions or hazardous material spills or vehicle accidents; and

b. a Geo-hydrologic Report, describing any adverse impacts and effects of development with respect to groundwater resources located within geological formations in sufficient proximity to a development project; identifying fractured, faulted and any other formations that would permit extraneous oil, gas, dirty or grey water, rocks, mud or other toxic chemicals, minerals and pollutants to degrade the ground or subsurface water resources, or allow ground or subsurface water resources to be reduced, polluted and unavailable for public or private water supplies.

1.5. FINDINGS. The Board hereby finds, declares and determines that the SLDC:

1.5.1. Promotes the health, safety, and welfare of the County, its residents, and its environment by regulating development activities to assure that development does not create land use and public nuisance impacts or effects upon surrounding property, the County and the region;

1.5.2. Promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services as defined by the SGMP and CIP including roads, fire, law enforcement and emergency response, stormwater detention, parks and recreation, open space, trails, public sewer and water, will be available on or off-site at the time of development approval;

1.5.3. Protects the County's priceless, unique, and fragile ecosystem and environmentally sensitive lands including but not limited to: waterways and streams, wetlands, floodways and flood plains; hillsides and steep slopes; flora and fauna habitats and habitat corridors; air and water quality; eco-tourist sites and scenic vistas; natural resources; and archaeological, cultural, and historical resources;

1.5.4. Requires vertical consistency of the SLDC and related land use, building, housing, public and private utility and environmental codes, with: the SGMP, Area, District and Community

DRAFT 10.20.15

Plans; the CIP; the Official Map; and related regional, state and federal legislation, plans and programs;

1.5.5. Promotes sustainable development, green building and renewable energy standards and practices; and

1.5.6. Provides for efficient, comprehensive, concurrent and timely response to applications for development approval.

1.6. APPLICABILITY. The SLDC shall apply within the exterior boundaries of Santa Fe County. The SLDC shall not apply within the exterior boundaries of a municipality. The SLDC shall not apply to property owned by the United States or held by the United States in trust for a federally-recognized Tribal government, or to property owned by a member of a federally-recognized Indian Pueblo, Reservation or Pueblo and within the exterior boundaries of such federally-recognized Indian Pueblo, Reservation or Pueblo.

1.7. ENACTMENT AND REPEALS. Upon the effective date of the SLDC, the following are hereby repealed in their entirety: the Flood Prevention and Stormwater Management Ordinance, Ordinance No. 2008-10; Ordinance No. 2012-10, the Santa Fe County Land Development Code, Ordinance 1996-10, together with all amendments thereto (except Article III, Sec. ~~4~~ 5 "Mineral Exploration and Extraction"), ~~save and except Ordinances No. 2000-8, 2000-12, 2000-13, 2002-1, 2002-02, 2002-9, 2003-7, 2005-08, 2006-10, 2006-11, 2007-2, 2007-10, and 2008-5, which shall remain in effect to the extent they are consistent with the SGMP until amended following adoption of revised Community Plans that are consistent with the SGMP and the SLDC, together with all amendments thereto~~; the Wireless Communications Ordinance No. 2001-9, the water conservation Ordinance No. 2004-7 and the original Santa Fe County Land Development Code Ordinance No. 1980-6. Ordinance 2008-19 shall remain in effect until amended following adoption of Chapter 11, Developments of County Impact. To the extent there is any conflict between the SLDC and any land-use ordinance that is not repealed by this §1.7 or otherwise addressed in the SLDC, the provisions of the SLDC shall apply.

1.8. SCOPE. All publicly and privately owned buildings, structures, lands, land uses, capital improvements and capital infrastructure projects, including but not limited to city, county, school, authority, assessment or public improvement district, public or private utility, shall be subject to the SLDC where the County has jurisdiction arising under the laws and constitutions of the United States or the State of New Mexico.

1.9. CONSISTENCY WITH SUSTAINABLE GROWTH MANAGEMENT PLAN.

1.9.1. The Sustainable Growth Management Plan (SGMP) adopted by the Board is the County's General Plan. The SLDC shall be consistent with the SGMP. Adopted Area, District and Community Plans that are consistent with the SGMP shall be deemed to be a part of the SGMP or an amendment to the SGMP.

1.9.2. Any amendment to the SLDC shall be consistent with the SGMP and shall satisfy the consistency requirement only if such amendment fully complies with the goals, policies and strategies of the SGMP.

1.10. COORDINATION WITH OTHER REGULATIONS.

1.10.1. Generally. The use of buildings, structures and land is subject to all other County, state or federal statutes, ordinances or regulations as well as the SLDC, whether or not such other provisions are specifically referenced in the SLDC. References to other ordinances, statutes or regulations or to the provisions of the SLDC are for the convenience of the reader. The lack of a

DRAFT 10.23.15

cross-reference does not exempt a land, building, structure or use from other ordinances, statutes or regulations.

1.10.2. SLDC as Paramount Regulation. Where a regulation or standard contained within the SLDC imposes more stringent criteria or standards than those required under another County ordinance or regulation, the regulation adopted under the SLDC controls. If the other County ordinance or regulation imposes higher standards, that ordinance or regulation controls so long as it is consistent with the purposes, findings and intent of the SLDC and with the goals, objectives, policies and strategies of the SGMP. Where a regulation or standard contained in State or Federal laws or regulations imposes less stringent standards than established in the SLDC, the SLDC shall apply.

1.10.3. Rules of Construction. Provisions of the SLDC are basic and minimum requirements for the protection of public health, safety, comfort, convenience, prosperity and welfare. The SLDC shall be liberally interpreted in order to further its underlying purposes, intent, criteria and standards and to implement the goals, objectives, policies and strategies of the SGMP. The meaning of any and all words, terms, or phrases in the SLDC shall be construed in accordance with Appendix A–Rules of Interpretation, Definitions and Acronyms which is incorporated herein by reference. The SLDC contains numerous tables, graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the SLDC. To the extent there is any inconsistency between the text of the SLDC and any such table, graphic, picture, illustration or drawing, the text controls unless otherwise provided in the specific section.

1.10.4. Minimum Requirements. The SLDC establishes minimum requirements for land use and development. The issuance of any development approval or development order pursuant to the SLDC shall not relieve the recipient from the responsibility to comply with all other County, state or federal laws, ordinances or regulations.

1.11. TRANSITIONAL PROVISIONS.

1.11.1 Effect of Zoning Map on Prior Zoning Approvals. The Zoning Map adopted in conjunction with the SLDC shall incorporate zoning or rezoning of property actions completed prior to the effective date of the SLDC.

1.11.2. Prior Development Permits and Approvals. Except as otherwise provided in subsection 1.11.1, development permits and approvals previously granted by the Board, County Development Review Committee or the Administrator before the effective date of the SLDC for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

1.11.3. Permits and Approvals With Vested Rights. Permits and approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of the SLDC for which rights have vested shall be recognized by the County.

1.11.4. Approved Master Plans. Properties that have received final approval of a master plan within five years of the effective date of the SLDC shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than one year after the effective date of the SLDC, or the approval of the master plan shall nevertheless expire. Any zoning established by an expired master plan shall be included in the Zoning Map as described in subsection 1.11.1 of the SLDC.

DRAFT 10.20.15

1.11.5. Approved Preliminary Development Plans or Plats. Properties that have received preliminary development plan, subdivision approval or plat approval but have not received final development plan or plat approval, shall, within 24 months of said approval (or such other period as may be specified in Section 5.8.7. of the SLDC) file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.6. Approved but Unrecorded Final Development Plans and Plats.

1.11.6.1. Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.

1.11.6.2. Properties that have received final development plan or plat approval and have recorded the plan or plat shall apply for construction permits consistent with that plan or plat within 24 months or the approval will expire and standards established by the SLDC for approval of development shall apply to any application for development of the property.

1.11.6.3. Any subdivision for which a Preliminary Plat was approved prior to the effective date of the SLDC may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat. Provided that, if the final plat approval is not received within 24 months of approval of the Preliminary Plat (or such other period as may be specified in Section 5.8.7.), shall file an application for approval of a final plat in accordance with the Preliminary Plat or the approval of the Preliminary Plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.7. Previously Approved Subdivisions and Land Divisions. Previously approved and platted land divisions and subdivisions, and the lots created thereby, shall be recognized as legally existing lots.

1.12. CONCURRENT PROCESSING. Applicants are encouraged to concurrently submit applications for multiple approvals on a single project in order to facilitate, speed up and make more efficient the development approval process. However, each application shall individually comply with all applicable provisions of the SLDC, and if any individual application request is rejected or conditioned in such a way that the subsequent (in approval order) application request cannot reasonably proceed, then the processing of the subsequent application shall not proceed.

1.13. PERIODIC REVIEW. The Board shall periodically review the SLDC and make appropriate amendments. The Board shall review the SLDC at the time of adoption of the Zoning Map and six (6) months thereafter. The Administrator, the Planning Commission, other interested persons or groups may make recommendations to the Board for amendments to the SLDC.

1.14. SEVERABILITY. If any court of competent jurisdiction decrees that any specific provision of the SLDC is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the SLDC cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the SLDC to any other property, building, structure or use not specifically included in the order or judgment.

DRAFT 10.20.15

1.15. SLDC TEXT AMENDMENTS OR ZONING MAP AMENDMENTS. This section provides uniform procedures for amendments to the SLDC text or the zoning map.

1.15.1. Applicability. The provisions of this section shall apply to any application to:

1.15.1.1. Amend the text of the SLDC;

1.15.1.2. Amend the zoning map by reclassifying the zoning district of a tract, parcel or lot from one zoning district to another; or by reclassifying the zoning districts for areas, communities or countywide.

1.15.2. Initiation.

1.15.2.1. SLDC text or map amendments may be initiated by the Board, the Planning Commission, an owner/applicant, or the Administrator for specific tracts, parcels or lots requiring quasi-judicial hearings; or for the SGMP, an Area, District, Community Plan or countywide zoning map or SLDC text changes requiring legislative hearings.

1.15.2.2. No text or map amendments to the SLDC may be proposed by an owner/applicant unless accompanied by a complete application in a form established by the Administrator, which application may require a request by the owner/applicant for discretionary development approval on the same land meeting all requirements of the SLDC for such discretionary development approval.

1.15.2.3. No amendment to the SLDC text or zoning map requiring a quasi-judicial hearing that concerns a single tract, parcel or lot under common ownership, or where the affected land by is predominantly owned by a single person or entity under common ownership, shall be granted unless the Board makes a finding that there has been a substantial change in the conditions of the area surrounding the owner's property or an error or mistake in the SLDC text or zoning map; or the amendment is consistent with the SGMP and any applicable Area, District or Community Plans for the property.

1.15.3. Legislative Hearings. The Planning Commission and Board shall consider amendments to the SLDC during a public hearing. The hearing shall be conducted as a legislative hearing where the SLDC text or map amendment does not concern a single tract, parcel or lot under common ownership, or the land affected by the text or map amendment is not predominantly owned by a single person or entity under common ownership.

1.15.4. Quasi-Judicial Hearings. The public hearing before the Planning Commission and Board shall be quasi-judicial where the proposed SLDC text or map amendment has been filed by an owner/applicant; the text or map amendment concerns a single tract, parcel or lot under common ownership; or the land affected by the text or map amendment is predominantly owned by a single person or entity under common ownership.

1.15.5. Decision. After receipt of the Planning Commission's recommendation, the Board shall approve, conditionally approve or deny the map or text amendment. If the proposed map or text amendment is inconsistent with the General, Area, District, or Community Plan, the proposed amendment shall be denied unless a concurrent application for an amendment to the SGMP, Area, District or Community Plan has been submitted by the owner/applicant, the Board, the Planning Commission or the Administrator, and has been concurrently approved to eliminate any inconsistency.

1.15.6. Approval Criteria. In reviewing an application for an SLDC text or map amendment, the Board shall consider the criteria set forth in this subsection. No single factor is controlling;

DRAFT 10.20.15

each must be weighed in relation to the other. The Board may attach to the development order approving or conditionally approving the application, any and all applicable conditions and mitigation requirements.

1.15.6.1. Consistency. An SLDC text or map amendment shall be consistent with the SGMP, Area, District or Community Plan, the Official Map and the CIP.

1.15.6.2. Criteria.

1. Public Policy. The Board has determined through the SGMP that vast acreages of contiguous single-use zoning produces uniform sprawl with adverse consequences, such as traffic congestion, air pollution, increased energy usage, fiscal impact, inadequate provision of public facilities and services, loss of environmentally sensitive land and ground water pollution. Accordingly, SLDC text or map amendments shall be granted primarily to promote compact development, economic, commercial and residential mixed uses, traditional neighborhood and transit oriented development, sustainable design and higher densities. Important public policies in favor of the SLDC text or map amendment shall be considered, including but not limited to:

a. the provision of a greater amount of affordable housing;

b. economic, non-residential and renewable energy development;

c. advancement of public facilities and services and elimination of deficiencies through use of voluntary development agreements;

d. traditional neighborhood, transit oriented, infill, opportunity center and compact mixed-use development;

e. substantial preservation of open space;

f. sustainable energy efficient construction and neighborhood design; and

g. consistency with the SGMP, Area, District or Community Plan goals, policies and strategies applicable to the property.

2. Adverse Impacts on Neighboring Lands. The Board shall consider the nature and degree of any adverse impacts upon neighboring lands. Tracts, parcels or lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

3. Suitability as Presently Zoned. The Board shall consider the suitability or unsuitability of the tract, parcel or lot for its use as presently zoned. This factor shall however, be weighed in relation to proof of a clerical mistake in the text or map dimensions and uses of the zoning district, substantially changed conditions in the area surrounding the property, or to effectuate the important findings of § ~~1.15.7.2~~1.15.6.2, and is supported by the goals, policies, and strategies of the SLDC, the SGMP, Area, District or Community Plan.

1.15.6.3. Subsequent Applications.

1. Applicability. The provisions of this subsection do not apply to any SLDC text or map amendment that is initiated by the County.

DRAFT 10.20.15

2. Amendments. Any subsequent amendment to the SLDC text or map requires a new application and a new fee and shall be processed as set forth in this section.

3. Scope of Approval. No construction of a building or structure, grading, occupancy or use of the land shall be commenced without the owner/applicant obtaining all further required development approvals.

4. Recording and Publication. The amendment shall be recorded and published in accordance with law. When the amendment involves map changes to existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land, showing the new zoning classifications and designating the new boundaries. The Administrator shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map is physically changed.

1.16. Rural Living In Santa Fe. In rural areas of the County, residents should reference Resolution 2010-233 The Santa Fe County Version Of The Code Of The West, Known As Rural Living In Santa Fe County.

DRAFT 10.20.15

DRAFT 10.20.15

Chapter 2 – Planning

Section **Contents** **Page**

2.1 Plans and Plan Amendments.....14

2.2 Community Participation.....19

DRAFT 10.20.15

CHAPTER TWO – PLANNING

2.1. PLANS AND PLAN AMENDMENTS. This chapter establishes requirements and procedures for community participation and planning including adopting and amending certain County land use plans, including the SGMP and Area, District or Community Plans. A proposed amendment of the plans discussed in this chapter requires legislative Board approval, except where such amendment or approval applies solely or predominantly to a single parcel of land in common ownership, in which event the amendment or approval shall be processed as a quasi-judicial determination. All plans described in this chapter shall be in compliance with the SGMP, and upon adoption constitute amendments to the SGMP.

2.1.1. The Sustainable Growth Management Plan (SGMP). The SGMP shall serve as the constitution to the SLDC. Within the SGMP are the following plan elements relating to particular planning subjects:

2.1.1.1. A Sustainable Vision;

2.1.1.2. Land Use;

2.1.1.3. Economic Development;

2.1.1.4. Agriculture and Ranching;

2.1.1.5. Resource Conservation;

2.1.1.6. Open Space, Trails, Parks and Recreation Areas;

2.1.1.7. Renewable Energy and Energy Efficiency;

2.1.1.8. Sustainable Green Design and Development;

2.1.1.9. Public Safety;

2.1.1.10. Transportation;

2.1.1.11. Water, Wastewater and Storm Water Management;

2.1.1.12. Adequate Public Facilities and Financing;

2.1.1.13. Housing;

2.1.1.14. Governance; and

2.1.1.15. Implementation.

2.1.2. Area Plans.

2.1.2.1. An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP. Area Plans provide basic information on the natural features, resources,

DRAFT 10.20.15

and physical constraints that affect development of the planning area. They also specify detailed land-use designation used to review specific development proposals and to plan services and facilities. An area plan may consist of goals, objectives, policies, and implementing strategies for capital improvement and service programs, zoning, subdivision regulation, official map, the level of service required for adequate public facilities and services; physical and environmental conditions; environmentally sensitive areas; cultural, historic and archeological resources, land-use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions. An area plan provides specific planning, design, and implementation, for the defined geographic area of the County to guide development applications, provision of governmental facilities and services, and to implement the official map, capital improvement and services programs, public and private utility and infrastructure plans, annexations, and creation of assessment and public improvement districts.

2.1.2.2. An Area Plan may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other area needs.

2.1.2.3. An Area Plan is consistent with and is adopted as an amendment to the SGMP.

2.1.2.4. It is the intent of this subsection to establish a process for the adoption of an Area Plan directed by County planning staff following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.3. District Plans.

2.1.3.1. A District Plan provides specific planning and design for single use and mixed use development specialized around a predominant activity. A District plan may contain specific planning and implementation steps and may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other district needs.

2.1.3.2. A District Plan is consistent with and adopted as an amendment to the SGMP and any Area or Community Plan.

2.1.3.3. It is the intent of this subsection to establish a process for the adoption of an Area Plan directed by County planning staff following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.4. Community Plans.

2.1.4.1. A Community Plan provides specific planning, design and implementation for a traditional, contemporary or other geographic community. A Community Plan may be implemented either through the zoning map or through creation of a community district overlay zone as specified in Chapter 9.

2.1.4.2. It is the intent of this subsection to permit communities to create a community planning process, directed by County planning staff. The community planning process is intended to provide diversity of representation during the planning process and provide consistency with the goals and policies of the SGMP and SLDC.

DRAFT 10.20.15

2.1.4.3. The Community Plan is intended to identify development and growth impacts for an area and provide strategies and land use recommendations including a future land use plan consistent with the SGMP.

2.1.4.4. A Community Plan is intended to permit communities to recommend adoption of particular land use regulations based on the needs and goals of the community and shall conform to the procedures set forth in the SLDC, and to subsequently update plans as necessary due to changing circumstances.

2.1.4.5. Area, Community, and District Planning Process.

1. The community planning process is initiated by filing a letter of application with the Administrator. Alternatively, the Administrator may initiate the planning process *sua sponte*. The application shall include:

a. A list of members who are proposed to be the initial members of the planning committee, which shall include residents, property owners and business owners who are generally representative of the community;

b. An explanation of the conditions that justify undertaking the community planning process, or an explanation of conditions that justify amending an existing Community Plan; and

c. A map of the proposed community boundary, or, in the case of an application for amendment of an existing plan, a map of the existing community boundary and a map of the proposed community boundary where a change to the boundary is proposed.

2. The application shall be reviewed by the Administrator for completeness and referred to the Board of County Commissioners. If the application is approved, the Board shall, by resolution, establish the planning committee and, if the application is for a new planning area, establish the planning area. The Board shall approve the planning committee upon recommendation of the Administrator. Once the committee is approved, County planning staff may initiate planning activities. Additional persons may participate as members of the planning committee throughout the planning process without the necessity of appointment by the Board.

3. All planning sessions and activities shall be open to the public and advertised throughout the community and coordinated by County planning staff. Open discussion and diversity of opinion shall be encouraged. The Community Plan shall document resident, property owner and business owner participation and representation.

4. County planning staff in coordination with the planning committee shall develop a public participation plan that assures representation of a diverse cross section of the community. The public participation plan may include public meetings, surveys, establishment of topic specific subcommittees, outreach to community groups and interested parties.

5. County planning staff shall provide planning expertise and administrative support to the planning committee. The planning committee shall determine the planning process to be used and the basic guidelines for consensus decision-making.

DRAFT 10.20.15

6. The planning committee shall work closely with County planning staff to develop and draft a Community Plan or amendment that is consistent with the SGMP.

7. To develop the Community Plan, the planning committee with support and guidance from County staff, shall accomplish each of the following tasks:

a. Compile an initial list of issues, present the list to the community, and take note of all feedback. Analyze all such feedback and make appropriate amendments to the list;

b. Describe and analyze the planning framework;

c. Develop community profile and provide demographic data of plan area;

d. Prepare a community vision statement, which shall be a clear statement of the desired future of the community;

e. Prepare a description of how the community fits within the development patterns within the context of the overall County;

f. Analyze the existing land use and zoning within the community and create a map depicting existing land uses and development patterns;

g. Analyze the local cultural and natural resources, including water quality and availability;

h. Examine the local infrastructure, including utilities, telecommunications, roads and traffic; and

i. Develop a land use plan and implementation strategies which includes a future land use map, proposed zoning and design standards (as applicable).

2.1.4.6. Review and Adoption.

1. County planning staff shall review and analyze the proposed plan for consistency with the SGMP.

2. Once the planning committee has accomplished all the tasks described in § 2.1.4.5.7, the proposed plan shall be referred to the Administrator for referral to appropriate County staff and outside review agencies.

3. The Administrator shall make a determination of consistency before the adoption process begins.

4. Once determined to be consistent, the planning committee, with the assistance of County staff, shall conduct no fewer than two (2) public meetings within the community on the draft community plan or amendment.

5. Notice of the public hearing shall be provided by publication once a week for two consecutive weeks in a newspaper of general circulation within the

DRAFT 10.20.15

community, and by posting notices for at least two weeks prior to the public hearings in a conspicuous place in the community.

6. Following the completion of the public hearings, the Administrator shall review all comments received during the public hearings and make a recommendation on the proposed plan or amendment to the Planning Commission and the Board of County Commissioners.

7. The Board may approve the community plan as submitted, approve with amendments, or deny.

2.1.4.7. Status of Community Plans. After approval by the Board, a community plan shall constitute an amendment to the SGMP.

2.1.4.8. Implementation. Following approval of a Community Plan, County staff shall develop the appropriate overlay district(s) to implement the Community Plan.

2.1.4.9. Periodic Review. Each Community Plan will be reviewed periodically by the planning committee and County staff. The review will be made for recommendations for appropriate amendments and shall include at least one public meeting in the community. The recommendations of the planning committee and any recommendations received during the public meeting, and a recommendation of the Administrator, shall be presented to the Board of County Commissioners.

2.1.5. Plan Amendments.

2.1.5.1. The Board, the Planning Commission or the Administrator may initiate proposed amendments to the SGMP, Area, District or Community Plans. Amendments to an Area, District or Community Plan shall be accomplished through a procedure determined by the Administrator and may involve portions of Section 2.1.4.5, as applicable.

2.1.5.2. No amendment to the future land use maps of the SGMP, Area, District or Community Plan or the zoning map, involving a majority of the land within a single tract or parcel of land in the same ownership shall be adopted unless it is demonstrated that there has been a substantial change in the condition of the area surrounding the owner's property, or there was an error or mistake made in the adoption of the future land use or zoning map and shall be processed according to the procedures set forth in Chapter 4.

2.1.5.3. An application to amend any plan described in this Chapter shall be filed with the Administrator. All such applications shall be considered once a year. The Administrator shall collect all applications for such plan amendments from January 1 until December 31 of each calendar year, and shall submit the applications to the Planning Commission for consideration, beginning with the regular meetings of the Planning Commission held in January for processing.

2.1.5.4. The Administrator shall review the application and shall determine if the application is complete pursuant to the provisions of § 4.4.6. The Administrator shall inform the applicant of the status of the completeness of the application. If the Administrator determines that the application is incomplete, the application shall be returned to the applicant. The applicant shall be instructed in writing as to the reasons for the incompleteness of the application.

2.1.5.5. The Planning Commission shall hold either a legislative or quasi-judicial public hearing upon the proposed plan or zoning map amendment depending upon whether the

DRAFT 10.20.15

proposed amendment is applicable only to a single development tract, parcel or lot or to a single parcel of land under common ownership which constitutes the majority of land affected by the proposed amendment, or whether the proposed amendment is applicable to multiple development tracts, parcels or lots.

2.1.5.6. In determining whether a proposed amendment shall be approved, the Planning Commission and Board shall consider the factors set forth in the SLDC, New Mexico judicial decisions and statutes. No Area, District or Community Plan amendment or SLDC zoning map amendment will be approved unless it is consistent with the SGMP or the applicable Area, District or Community Plan.

2.1.5.7. The applicant, and any person that could have proposed a plan amendment under this chapter, may appeal the decision of the Planning Commission to the Board so long as the person or the applicant files a written notice of appeal with the Administrator within ten (10) days of the date of the Planning Commission's development order or decision.

2.1.5.8. Approval of an amendment to the SGMP or Area, District or Community Plan does not authorize the use, occupancy, or development of property. The approval of a plan amendment shall require the applicant to apply for development approval pursuant to the provisions of the SLDC, which may occur concurrently with the plan amendment process.

2.1.5.9. The Board, Planning Commission or the Administrator shall initiate a county-wide review of future land-use maps of the SGMP, Area, District or Community Plan, and the zoning map, every three (3) to five (5) years.

2.1.6. Consistency. The SLDC and all amendments thereto shall be consistent with the SGMP and applicable Area, District or Community Plans, the CIP and the Official Map.

2.2. COMMUNITY PARTICIPATION.

2.2.1. Intent.

2.2.1.1. In accordance with the SGMP, the community participation provisions of the SLDC are designed to maximize public input in important decisions that affect the County, a community or neighborhood.

2.2.1.2. The establishment of Community Organizations (COs) and Registered Organizations (ROs) is intended to provide improved public participation and to provide an organized and fair process whereby public input may be received on applications for development and community development issues.

2.2.2. Community Organizations.

2.2.2.1. Community Organizations (COs) are hereby established.

2.2.2.2. A CO is a new or pre-existing association or organization that is recognized by resolution of the Board to represent a specified geographical area within the County.

2.2.2.3. A CO must file an application for recognition as a CO in order to be recognized by the Board as a CO. The application must be filed with the Administrator, and shall include all of the following:

DRAFT 10.20.15

1. The name, address, telephone number and e-mail address of the person, who will be designated by the CO to receive notice from the County and to represent the CO in dealings with County staff,

2. A map or written description of the organization's geographical boundaries or geographical interests;

3. A list of the officers of the organization;

4. A signed copy of the relevant organizing documents of the CO;

5. Information concerning the organization's regular meeting location and date;

6. The date the organization was founded; and

7. The number of organization members.

2.2.2.4. The Administrator shall review the application and supporting materials, and shall make a recommendation to the Board which, in its sole discretion, may approve the application, deny it or approve it with conditions.

2.2.2.5. Once approved by the Board, the CO will have the following rights and responsibilities:

1. The right to receive notice and provide written recommendations for any discretionary development application pending within the geographic area designated in the resolution of the Board recognizing the CO or notice of any public hearing or public meeting concerning such application;

2. The right to participate in administrative adjudicatory proceedings pending within the area designated in the resolution of the Board recognizing the CO, and as such will, as appropriate, be permitted to present evidence and witnesses at a quasi-judicial hearing before the Board, Planning Commission, or Hearing Officer;

3. The right to receive notice, participate and make recommendations, as deemed appropriate by the Board, for any amendment to the SGMP, SLDC or an area or Community Plan, within the established geographical boundaries or interests of the CO;

4. The right to participate and make recommendations in the development of a community strategic work plan, studies, CIP, ICIP and public improvement and assessment districts, and levels of service for community infrastructure and services;

5. The right to coordinate with ROs, property owners, business owners and residents within the boundaries of the CO in matters related to a pending discretionary development review or administrative adjudicatory application;

6. The right to meet with the Administrator concerning matters of interest to the CO;

7. The right to participate in Town Hall meetings with the Administrator and appropriate County staff; and

DRAFT 10.20.15

8. The right to participate in CO leadership retreats and training programs.

2.2.3. Registered Organizations.

2.2.3.1. Registered Organizations (ROs) are hereby established.

2.2.3.2. A Registered Organization ("RO") is any organization (unincorporated association, partnership, limited liability company, corporation) interested in development projects or other County activities. An RO may include an acequia or land grant association, assessment and public improvement districts, public or private utility, school district, homeowner association, or neighborhood association.

2.2.3.3. An RO must file an application for recognition as a RO in order to be recognized by the Administrator as an RO. The application must be filed with the Administrator, and shall include all of the following:

1. The name, address, telephone number and e-mail address of the person, who will be designated by the RO to receive notice from the County and to represent the RO in dealings with County staff;

2. A map or written description of the organization's geographical boundaries or geographical interests as appropriate;

3. A list of the organization's topic(s) of interest;

4. A list of the officers and members of the organization, including specifically phone numbers of officers and members of the RO;

5. A signed copy of the relevant organizing documents of the RO;

6. Information concerning the organization's regular meeting location and date;

7. The date the organization was founded; and

8. The number of organization members.

2.2.3.4. In order to preserve the autonomy and independence of COs and ROs, staff support will be limited to administrative functions in support of CO and RO rights, including providing notice, scheduling meetings and receiving comments.

2.2.3.5. The Administrator shall review the application and supporting materials, and in his/her sole discretion, may approve the application, deny it or approve it with conditions.

2.2.3.6. Once approved by the Administrator, the RO will have the following rights and responsibilities:

1. The right to receive notice and provide written recommendations for any discretionary development application pending within the geographic area designated or the topic(s) of interests disclosed in the RO application or notice of any public hearing or public meeting concerning such application;

DRAFT 10.20.15

2. The right to receive notice and provide written recommendations for any application for, or an amendment of, a Development of Countywide Impact pending before the Administrator;

3. The right to receive notice, participate and make recommendations, as deemed appropriate by the Administrator, for any amendment to the SGMP, SLDC or an Area, District or Community Plan within the established geographical boundaries or interests of the RO;

4. The right to coordinate with COs, property owners, business owners and residents within the boundaries of the RO in matters related to a pending discretionary development review or administrative adjudicatory application;

5. The right to meet with the Administrator concerning matters of interest to the RO;

6. The right to participate in Town Hall meetings with the Administrator and appropriate County staff; and

7. The right to participate in RO leadership retreats and training programs.

DRAFT 10.20.15

DRAFT 10.20.15

Chapter 3 – Decision-Making Bodies

Section **Contents** **Page**

3.1 Purpose and Findings 24
3.2 The Board of County Commissioners 24
3.3 Planning Commission 25
3.4 Administrator 26
3.5 Hearing Officer 27

DRAFT 10.20.15

CHAPTER THREE – DECISION-MAKING BODIES

3.1. PURPOSE AND FINDINGS. The purpose of this chapter is to establish the authority of the Board, Planning Commission, Administrator and Hearing Officer.

3.2. THE BOARD OF COUNTY COMMISSIONERS.

3.2.1. Specific Powers and Responsibilities. The Board shall have the responsibilities set forth in the SLDC as well as all powers and duties conferred upon it by State Law. Accordingly, the Board shall have the following powers and duties:

3.2.1.1. To initiate legislative amendments to the SGMP, an Area, District or Community Plan;

3.2.1.2. To initiate legislative amendments to the text and maps of the SLDC including the zoning map;

3.2.1.3. Except where a final development order has been authorized to be issued by the Planning Commission or the Administrator, to approve, approve with conditions or deny specific applications for discretionary development approval, and issue development orders on matters receiving discretionary development approval;

3.2.1.4. To approve, approve with conditions or deny voluntary development agreements;

3.2.1.5. To legislatively adopt and amend the Official Map and CIP;

3.2.1.6. To legislatively establish assessment and public improvement districts or other districts;

3.2.1.7. To legislatively establish and amend schedules for administrative, application and consultant fees, dedications, development fees, money-in-lieu of land, affordable housing fees and security instruments, including but not limited to bonds, letters of credit and cash escrow deposits, for payment and performance of obligations;

3.2.1.8. To initiate litigation and seek equitable and legal remedies to enforce violations of the SLDC, voluntary development agreements and the terms and conditions of development approval and take such any other actions, including the settlement of actions, as is authorized by the SLDC, other ordinances, regulations and statutes;

3.2.1.9. To take such other action not expressly delegated exclusively to any other agency or official by the SLDC as the Board may deem desirable and necessary to implement the provisions of the SLDC and the SGMP;

3.2.1.10. To appoint members of the Planning Commission, Hearing Officers, and other boards and committees that it may create;

3.2.1.11. To the extent permitted by State law, to delegate to the Planning Commission the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning; as well as to retain as much of this power, authority, jurisdiction and duty as the Board deems appropriate; and

DRAFT 10.20.15

3.2.1.12. To hear and rule on appeals from discretionary decisions of the Planning Commission.

3.2.2. Action and Appeals. The Board shall hold public hearings and issue development orders, on applications for legislative or discretionary development approval, except where a final development order is authorized to be issued by the Planning Commission. Where the Planning Commission has authority to issue a development order determining a matter, the Board shall have appellate authority to review such development order if an appeal is properly perfected by the Administrator, the owner/applicant, or any other person or entity with standing to appeal the development order, no more than thirty (30) days from the date of the development order.

3.2.3. Conflict of Interest: Quasi-Judicial Proceedings. A member of the Board of County Commissioners shall not vote or participate in any discretionary development matter pending before the Board as specified in County Code of Conduct.

3.3. PLANNING COMMISSION.

3.3.1. Creation and Responsibilities. There is hereby created a County Planning Commission ("Planning Commission") which shall have the responsibilities and duties specified in the SLDC and in NMSA 1978, § 3-19-1 et. Seq. (1965)(as amended) and NMSA 1978, § 3-21-1 et seq. (1965) (as amended) .

3.3.2. Duties and Powers of the Planning Commission. The duties and authority of the Planning Commission are as follows:

3.3.2.1. To perform the functions specified in NMSA 1978 §§ 3-19-1 and 3-21-7 (1965);

3.3.2.2. To review and recommend to the Board, for adoption, text and map amendments to the SLDC, SGMP amendments and the adoption and amendment of an Official Map, a Capital Improvement Plan ("CIP") and other programs for public improvements and services and financing;

3.3.2.3. To hold public hearings and prepare written recommendations to the Board on certain discretionary development approvals subject to appeal to the Board;

3.3.2.4. To hold public hearings and recommend action on an Area, District or Community Plan, preliminary and final development orders, and quasi-judicial discretionary development applications;

3.3.2.5. To hold public hearings and take final action and issue development orders regarding applications for variances and conditional use permits; and

3.3.2.6. To enter upon any land that is the subject of an application that is the subject of this ordinance, make examinations and surveys, and place and maintain necessary monuments and markers upon the land pursuant to NMSA 1978 § 3-19-4, upon reasonable notice of not less than seventy two (72) hours to the owner/applicant or designated agent of the land to be entered, and after adoption of an order authorizing the time, place and location of the entry onto land or site examination.

3.3.2.7. To make decisions on appeals from final decisions of the Administrator.

3.3.3. Membership and Terms.

DRAFT 10.20.15

3.3.3.1. Number; Appointments; Residency. The Planning Commission shall consist of seven (7) members, appointed by the Board. Planning Commission members shall be registered voters of the County. One member shall reside in each of the Commission Districts in order to provide diversity of representation; the remaining members shall be at large and may reside in any area of the County and be nominated by any Commissioner.

3.3.3.2. Terms and Removal. The initial members of the Planning Commission shall be the current members of the County Development Review Committee, who shall serve out their remaining terms. Thereafter, terms of members of the Planning Commission shall be for two (2) years or until their successors are appointed. Three (3) members shall be appointed in even numbered years and four (4) members shall be appointed in odd numbered years. Members shall serve for no more than three (3) consecutive terms. Members may be removed by the Board after a public hearing solely for reasonable cause set forth in writing and made part of the public record.

3.3.3.3. Vacancies. The Board shall appoint a person to fill a vacancy as soon as practicable after the vacancy is created.

3.3.4. Conduct of Planning Commission Business.

3.3.4.1. Officers; Quorum; Rules of Order. The Planning Commission shall follow the Rules of Order established by the Board for the conduct of meetings in the County.

3.3.4.2. Meetings. The Planning Commission shall meet at least once a month. All meetings of the Planning Commission shall be open to the public. Notice of such meetings shall be given in accordance with the applicable Board approved resolution establishing statutory notice for public meetings.

3.3.4.3. Minutes and Other Records. The County Clerk shall keep minutes of the proceedings of the Planning Commission, which shall reflect the vote on each matter put to a vote or, if a member is absent or fails to vote, reflect such fact; and such other records as are necessary to memorialize its transactions, findings, recommendations, resolutions, determinations and development orders, all of which shall be filed in the Office of the County Clerk.

3.3.4.4. Conflict of Interest. A member of the Planning Commission shall not vote or participate in any discretionary development matter pending before the Planning Commission as specified in County Code of Conduct.

3.3.4.5. Recommendations and Development Orders. The Planning Commission shall not make a recommendation or take final action on any matter without first considering evidence received from the Administrator, planning staff, a Hearing Officer, or owner/applicant, reports of the pre-application neighborhood meeting, other persons with standing, Tribal governments, and other County, regional, state or federal departments or agencies, as determined by law.

3.4. ADMINISTRATOR.

3.4.1. Appointment. A person shall be appointed by the County Manager to serve as the Administrator. Where the SLDC assigns a responsibility to the Administrator, the Administrator may delegate that responsibility to any employee of the County.

DRAFT 10.20.15

3.4.2. Responsibilities. The Administrator shall have the responsibility to administer and enforce the provisions of the SLDC, make advisory opinions on the interpretation of the SLDC, the SGMP, an Area, District or Community Plan, hold and determine the adequacy of security instruments and issue ministerial development orders as set forth in the SLDC, subject to appeal to the Planning Commission. The Administrator shall make a reasonable interpretation of the SLDC that is not inconsistent with the SGMP.

3.4.3. Technical Advisory Committee.

3.4.3.1. Appointment; Responsibilities. A Technical Advisory Committee (TAC) is hereby created, the members of which may be appointed by the Administrator. The TAC shall assist the Administrator as requested with review of applications.

3.4.3.2. Members. The TAC may include representatives, as appropriate, from all County departments. In addition and as appropriate, the TAC may include, for a specific development approval application, representatives of school districts, cities, Tribal governments, public and private utilities, assessment or public improvement districts, acequia associations, regional, state or federal agencies and persons possessing necessary technical expertise.

3.4.3.3. Meetings. The TAC shall meet regularly as required at the request of the Administrator. An owner/applicant shall appear before the TAC prior to filing an application as provided by the Administrator and the SLDC.

3.5. HEARING OFFICER.

3.5.1. Establishment. The SLDC hereby establishes the position of Hearing Officer for the purpose of assisting in the adjudication of quasi-judicial applications for discretionary development approval. More than one (1) Hearing Officer may be appointed, as appropriate.

3.5.2. Referral of Matters for Hearing.

3.5.2.1. Applications shall be referred to a Hearing Officer to conduct public hearings, make written findings of fact, conclusions of law and recommendations, and file written reports with such findings, conclusions of law and recommendations to the Planning Commission or Board for further action, in the matters designated in Table 4-1.

3.5.2.2. The Administrator, the Planning Commission, or the Board may refer other matters to a Hearing Officer, as appropriate.

3.5.3. Term and Removal. A Hearing Officer or Hearing Officers shall be appointed by the Board for a definite term, not to exceed four (4) years, and may be re-appointed at the conclusion of any term. A Hearing Officer may be removed by the Board solely for reasonable cause. Reasonable cause for removal of a Hearing Officer shall include, but not be limited to, violations of the standards set forth in the New Mexico Code of Judicial Conduct, as adopted by the New Mexico Supreme Court.

3.5.4. Qualifications. A Hearing Officer shall have a J.D. degree from a law school certified by the American Bar Association or Association of American Law Schools, with not less than six (6) years of legal experience, and shall be licensed to practice law in New Mexico for a period of not less than three (3) years. A Hearing Officer shall not hold other appointed or elective office or position in government during his/her term.

DRAFT 10.20.15

3.5.5. Powers and Duties. A Hearing Officer shall have all powers necessary to conduct quasi-judicial hearings assigned to a Hearing Officer by the SLDC.

DRAFT 10.20.15

DRAFT 10.20.15

Chapter 4 – Procedures

Section **Contents** **Page**

4.1 Purpose and Findings 30
4.2 Approval Required 30
4.3 Categories of Development Proceedings 30
4.4 Procedural Requirements 30
4.5 Appeals 37
4.6 Notice 38
4.7 Hearing Standards 42

DRAFT 10.20.15

CHAPTER FOUR – PROCEDURES

4.1. PURPOSE AND FINDINGS. The purpose of this chapter is to designate the procedures for filing and processing applications. It is formatted to allow users to quickly and efficiently ascertain the various steps involved in processing applications, from the initiation and filing of an application, review for completeness and compliance with SLDC standards, through public hearings, determination and appeal. The first part of this chapter describes the standards and procedures common to processing most application requests. Procedural requirements for specific types of applications are set out in Table 4-1. Chapter provides specific review and approval requirements for conditional use permits, variances and beneficial use and value determinations.

4.2. APPROVAL REQUIRED. No change in use shall be made, no land division, subdivision, construction, land alteration, land use or development activity and no building or structure shall be erected, added to, or structurally altered or occupied unless all applicable development approvals and the appropriate development order are obtained in accordance with this chapter. Development orders are required for land division, subdivision, construction, land alteration, land use or development activity to ensure compliance with the SLDC, other County ordinances and regulations and applicable state and federal laws and regulations.

4.3. CATEGORIES OF DEVELOPMENT PROCEEDINGS. There are three basic types or categories of proceedings authorized in the SLDC, which are Legislative, Quasi-Judicial and Ministerial:

4.3.1. Legislative. Legislative proceedings involve a change in land-use policy by the Board upon recommendation of the Planning Commission, including adoption of any change in the SGMP or adoption of any change to an Area, District or Community Plan; adoption of or any amendment to the text of the SLDC, the CIP or the Official Map; and approval of any voluntary development agreements that apply either countywide or to a large number of properties under separate ownership. A public hearing is required but the procedural requirements of a quasi-judicial hearing do not apply.

4.3.2. Quasi-Judicial Proceedings. A quasi-judicial proceeding involves the use of a discretionary standard, as specified in the SLDC, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership. Quasi-judicial discretionary proceedings require a public hearing consistent with the standards of procedural due process as established in § 4.8. In making quasi-judicial decisions, the Board, Planning Commission or Hearing Officer shall investigate facts or ascertain the existence of facts, hold hearings, weigh evidence, make written findings of fact, conclusions of law and recommendations and exercise discretion of a judicial nature. In the land-use context, these quasi-judicial decisions generally involve the application of land-use policies to individual properties in common ownership as opposed to the creation of policy. These decisions require an exercise of discretion in applying the requirements and standards of the SLDC, state and federal law.

4.3.3. Ministerial Development Proceedings. Ministerial development proceedings involve nondiscretionary application of the standards of the SLDC to an application. A public hearing is not required for action on an application for ministerial development approval.

4.4. PROCEDURAL REQUIREMENTS.

4.4.1. In General. This section describes the procedural elements applicable to the various types of applications. Generally, the procedures for all applications have the following common

DRAFT 10.20.15

elements, although individual procedures may not apply to every application type. A more detailed explanation of the procedural elements follows.

4.4.1.1. Pre-application meeting with the County Technical Advisory Committee (TAC) and pre-application neighborhood meeting;

4.4.1.2. Submittal of a complete application, including required fees, appropriate affidavits, plats, site development plans, variances requested, and Studies, Reports and Assessments specified in Chapter 6;

4.4.1.3. Review of the application by the Administrator and a determination that the application is complete or incomplete;

4.4.1.4. As appropriate, referral of application to State and Tribal review agencies for review and response;

4.4.1.5. Staff review, and as appropriate, take final action to make recommendation to the Planning Commission or the Board;

4.4.1.6. Notice and publication for applications requiring a public hearing;

4.4.1.7. As appropriate, public hearing before the Hearing Officer, Planning Commission, or Board;

4.4.1.8. Issuance of a development order approving, approving with conditions, or denying the application, together with written findings describing and supporting the action adopted;

4.4.1.9. Any appeal of the development order; and

4.4.1.10. Any application for beneficial use or value determination (BUD).

4.4.2. Procedures Required for Each Application Type. The specific procedural requirements for each type of application are set forth in Table 4-1.

4.4.3. Pre-Application TAC Meeting. Applicants required to conduct a pre-application meeting with the Technical Advisory Committee prior to filing an application. During the meeting, the applicant will discuss the application in general but in enough detail so that a reasonable assessment can be made of its compliance with the SLDC. The meeting should include a discussion of requirements of the SLDC that are applicable to the application, the procedure to be followed, notice to be provided, schedule for review and hearing, the studies, reports and assessments to be undertaken, and other relevant subjects. Technical requirements may also be discussed. After the meeting, County staff will provide the applicant with a written summary of the relevant issues to be covered by the applicant in its submittal materials.

DRAFT 10 20 15

Table 4-1: Procedural Requirements by Application Type

Application Type	Discretionary Review?	Application Requirements			Review/Approval Process				
							Hearing Required?		
		Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Agency review	Approval by Administrator	Hearing Officer	Planning Commission	BCC
Development permit: Residential	no	no	no	no	as needed	yes	no	no	no
Development permit: non-residential, mixed use & multi-family	~~yes~~no	yes	as needed	see Table 6-1	as needed	yes	no	no	no
~~Exempt IL~~and divisions, subdivision exemptions and other plat reviews	no	no	no	no	as needed	yes	no	no	no
Family transfer	no	no	no	no	as needed	yes	no	no	no
Temporary use permit	no	no	no	no	as needed	yes	no	no	no
Minor subdivision - final plat, 5 or fewer lots	~~yes~~no	yes	no	see Table 6-1	as needed	yes	no	no	no
Minor subdivision – final plat, more than 5 lots	yes	yes	no	See Table 6-1	As needed	no	no	no	yes
Major subdivision - preliminary plat	yes	yes	yes	see Table 6-1	yes	no	no	no	yes
Major subdivision final plat	~~no~~yes	yes	No	no	no	no	no	no	yes
Conceptual plan for subdivision – phased or over 24 lots, phased MU, I, IL, CG, CN	yes	yes	Subdivision – yes Others - no	See Table 6-1	As needed	no	no	no	yes
Conceptual plan PDD, CCD	yes	yes	yes	See Table 6-1	yes	no	yes	yes	yes
Vacation of subdivision plat	yes	no	no	no	as needed	no	no	no	yes
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no
Variance	yes	yes	as needed	no	as needed	no	yes	yes	no
Time Extension	yes	no	no	As needed	As needed	No	No	No	yes
Planned development district	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Overlay zones	yes	yes	yes	no	as needed	no	yes	yes	yes
Zoning map amendment (rezoning)	yes	yes	yes	see Table 6-1	as needed	no	yes	yes	yes
Text amendment	yes	yes	no	no	as needed	no	no	yes	yes
Area, District Community Plan, or Plan Amendment	yes	yes	yes	no	as needed	no	no	yes	yes
Development of countywide impact	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Beneficial use determination	yes	yes	no	no	no	no	yes	no	yes
Appeals	See Sec. 4.5	no	no	no	no	no	no	See Sec. 4.5	See Sec. 4.5

4.4.4. Pre-Application Neighborhood Meeting. A pre-application neighborhood meeting shall be conducted as specified in Table 4-1.

4.4.4.1. Notice of Pre-Application Meeting. The following entities and persons shall be invited by a letter sent first class mail, return receipt requested 15 days prior to the pre-application meeting:

1. The applicable CO and/or RO (see § 2.2).

2. Property owners entitled to notice of the application as required in § 4.6;

4.4.4.2. Where Held. The meeting shall be held at a convenient meeting space near the land that is the subject of the application.

4.4.4.3. When Conducted. The pre-application neighborhood meeting shall take place after the pre-application TAC meeting and prior to filing of the application.

4.4.4.4. Materials for the Pre-Application Neighborhood Meeting. The applicant shall prepare an adequate number of the plans described below of the proposed development in rough format to present during the meeting. Plans should include: the boundary lines of the development; the approximate location of any significant features, such as roadways, utilities, wetlands, floodways, hillsides, trails and open space and existing buildings or structures; the proposed uses for the property; the number of dwelling units and approximate square footage for non-residential uses; and the proposed layout including open space, location of buildings, roadways, schools and other community facilities, if applicable.

4.4.4.5. Report on Pre-Application Neighborhood Meeting. At the time of application, the applicant shall furnish a written report to the Administrator on the pre-application neighborhood meeting. At a minimum, the report shall include:

1. date and location of the neighborhood meeting or meetings;

2. a list of persons and organizations invited to the meeting;

3. a copy of the notice of pre-application meeting issued together with return receipts from letters mailed;

4. a list of persons and organizations who attended the pre-application meeting;

5. a copy of all materials distributed at the neighborhood meeting;

6. a summary of all concerns, issues and problems identified at the meeting, including how the applicant has addressed or intends to address the concerns and whether the applicant is unable to address them. Specific attention should be paid to any conditions or mitigating measures agreed to at the meeting.

4.4.4.6. Applicant shall bring to any public hearing determining that applicant's application at least three sets of documents handed out or displayed during the Neighborhood Meeting which shall be put on display for members of the public attending such hearings.

DRAFT 10.20.15

4.4.4.7. Any CO, RO or person entitled to notice of the application shall also have the right to furnish a written report to the Administrator.

4.4.4.8. County staff shall not be expected to attend any pre-application neighborhood meetings.

4.4.4.9. The applicant may hold a land use facilitation meeting to address concerns from the neighborhood pre-application meeting.

4.4.5. Application.

4.4.5.1. Application Form. A completed application form, on a form provided by the Administrator, shall be submitted to the Administrator before an application will be considered.

4.4.5.2. Attachments. Before an application will be considered or processed it shall contain all required attachments and submittals.

4.4.5.3. Fees. Before an application will be deemed complete for consideration, all required application fees as set forth in the Board-approved Permit and Review Fee Ordinance shall be paid to the Administrator.

4.4.5.4. Public Access. All complete applications submitted to the Administrator shall be placed on file and made available to the public; provided that, any information concerning the location of archeological resources shall be removed from the application packet and not be available to the public pursuant to § 18-6-11.1 of the Cultural Properties Act.

4.4.6. Completeness Review.

4.4.6.1. Scope. All applications shall be reviewed by the Administrator for completeness.

4.4.6.2. Completeness Review Determination. The Administrator shall issue a written determination on completeness after review of an application and attachments within fourteen (14) days, which may be extended an additional ten (10) days if determined to be necessary by the Administrator due to the complexity of the application.

4.4.6.3. Determination that an Application is Incomplete. If the Administrator determines that the materials submitted to the review agency or department in support of the application are not complete, any completeness determination may be revised by the Administrator and the applicant shall be notified in writing of the information required. The owner/applicant may resubmit the application with the information required by the Administrator. The owner/applicant shall not be required to pay any additional fees if the application is resubmitted or the Administrator's decision is appealed within six months.

4.4.6.4. Determination Constitutes a Final Development Order. The final determination of the Administrator on completeness of an application constitutes a final development order and is appealable to the Planning Commission.

4.4.6.5. Review by the Planning Commission. The Planning Commission shall issue a final development order on any appeal of a completeness determination of the Administrator at its next available meeting. The development order on completeness,

DRAFT 10.20.15

issued by the Planning Commission upon any appeal, shall be final and not be appealable to the Board.

4.4.6.6. Further Information Requests. After the Administrator or the Planning Commission accepts a development application as complete, the Administrator, the Hearing Officer, the Planning Commission or the Board may, in the course of processing the application, request the owner/applicant to clarify, amplify, correct, or otherwise supplement the information required for the application, if such is required to render a final development order on the merits.

4.4.7. Agency Review and Opinions. Except as otherwise provided in § 5.7.5 (agency review of major subdivisions), the Administrator shall refer applications, as appropriate, to the following federal, State or County agencies for completeness review, substantive review and opinions:

4.4.7.1. the Office of the New Mexico State Engineer (OSE);

4.4.7.2. the New Mexico Environment Department (NMED);

4.4.7.3. the New Mexico Department of Transportation (NMDOT);

4.4.7.4. the applicable Soil and Water Conservation District;

4.4.7.5. the State Historic Preservation Office (SHPO);

4.4.7.6. a Tribal Government within Santa Fe County; and

4.4.7.7. Any County Departments and other public agencies that the Administrator deems necessary to assist the Administrator and staff to determine compliance with this and other relevant Ordinances.

4.4.7.8. The County may hire qualified technical experts to review any application submitted at the expense of the applicant in accordance with the approved fee schedule.

4.4.8. Land Use Facilitation.

4.4.8.1 Purpose. Land use facilitation is intended to provide a means of communication between an applicant proposing a development, and persons that would be impacted by the proposed development. Land use facilitation provides an opportunity for the applicant and residents to exchange information, ask questions, and discuss concerns about the proposed development.

4.4.8.2. In General. Land use facilitation uses a professional facilitator to assist the applicant and residents to discuss issues related to the proposed development, identify and achieve goals and complete tasks in a mutually satisfactory manner. The process uses a facilitator, who will focus on the process and assist and guide the participants in principles of dispute resolution and decision-making. The facilitator is impartial to the issues being discussed, has no advisory role in the content of the meeting, and has no interest in the outcome of the meeting.

4.4.8.3. Types of Cases Referred. In general, any application which presents controversy, in which residents have questions or concerns, or that the applicant feels is appropriate for facilitation, may be referred to facilitation.

DRAFT 10.20.15

4.4.8.4. General Process.

1. Referral. An application may be referred to a land use facilitation by the Administrator or the applicant. A matter may also be referred to land use facilitation following the TAC meeting but, more likely, will be referred to land use facilitation coincidentally with the finding of completeness.

2. Assignment of a Land Use Facilitator. The Administrator shall assign a case referred to facilitation to a land use facilitator contracted or employed by the County. Any facilitator selected for a given case shall have no interest in the case and shall not be an employee of Santa Fe County.

3. Initiation of Process. The facilitator shall contact the applicant and relevant persons affected by the proposed development to determine the level of interest in a facilitated meeting. If the Administrator is aware of a Community Organization or Registered Organization in the vicinity of the proposed development, the facilitator shall contact the Community Organization or Registered Organization. If there is no interest in a land use facilitation or if there is no person affected by the proposed development, the facilitator shall generate a "no facilitation held" report and refer the matter back to the Administrator.

4. Facilitation. If interest exists, the facilitator shall schedule a facilitation. During the facilitation, the applicant shall present the proposed project, followed by a presentation (if any) of residents or homeowners associations, followed by a discussion among the participants. The facilitator shall record comments, questions, concerns and areas of agreement among the parties.

5. Report and Completion of Process. Following the facilitation, the facilitator shall generate a complete and neutral report on the facilitation. All areas of agreement shall be highlighted, and areas of severe disagreement also noted. The report shall be distributed to the Administrator and all participants in the facilitation. Areas in which agreement was reached during the facilitation shall be reported as resolved in the staff report to the decision maker.

6. Timeline. The facilitation described in this subsection shall be completed no later than thirty (30) days from the date of referral, unless waived by the applicant.

7. Costs of Facilitation. All the costs of facilitation shall be paid by the applicant. Following completion of the facilitation, the Administrator shall present a invoice to the applicant.

4.4.9. Review and Final Action by the Administrator. Within ten (10) days of the receipt of all necessary referral comments, or as soon thereafter as possible, the Administrator shall complete the review. If an application has been referred for agency or department review under § 4.4.7 and referral comments have not been received by the Administrator within thirty (30) days, then the Administrator shall complete the application review absent the comments. Provided however, that if a referral agency indicates in writing to the Administrator that more time is needed to complete its review, the Administrator may extend time for completing his/her application review by an additional fifteen (15) days. Following completion of the review, the Administrator may take final action, make the appropriate recommendation to the Planning Commission or the Board, or may take other appropriate action. The Administrator may, in the Administrator's discretion, refer an Application that is committed to the Administrator's authority

DRAFT 10.20.15

for review and final action to the Planning Commission or the Board. Consistent with Chapter 12 herein, all final actions on applications for approval shall contain a finding as to whether the application addresses the adequacy of public facilities and services associated with the proposed development. Failure to meet the adequate public facilities and services requirements in Chapter 12, either because both the proposed development is located in a sustainable development area other than SDA-1 and adequate public facilities are not available, or because a level of service is not met, may result in an application being denied.

4.4.10. Review and Final Action by the Planning Commission or the Board. Upon receipt of a complete application and appropriate recommendation of the Administrator or the Hearing Officer in the seven categories indicated in Table 4-1 where the Hearing Officer may be used to conduct a hearing, the Planning Commission or the Board shall review the application for compliance with the SLDC and other applicable law. Following completion of the review and following a public hearing on the application, the Planning Commission or the Board in the categories indicated in Table 4-1 requiring the Board review/approval, may take final action, make the appropriate recommendation or take other appropriate action.

4.4.11. Conditions. In acting upon an application, the decision-making body shall be authorized to impose such conditions upon the application as allowed by law and as may be necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of the SLDC, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact.

4.4.12. Notice of Decision. Written notice of a final decision of the Administrator to approve or approve with conditions pursuant to NMSA 1978, Sec. 39-3-1.1 shall constitute the issuance of the permit. Written notice of a final decision of the Administrator to deny an application shall be provided to the Applicant and a copy shall be filed in the office of the Administrator. If an Application has not been approved, the specific reasons for disapproval shall be indicated in the written notice.

4.4.13. Findings of Fact, Conclusions of Law. Written notice of a final decision of the Planning Commission or the Board to approve, or approve with conditions, an application pursuant to NMSA 1978, Sec. 39-3-1.1 , which can be in the form of a development order, shall constitute the issuance of the permit. Staff or the Hearing Officer where one is used as indicated in Table 4-1, shall prepare findings of fact and conclusions of law pursuant to NMSA 1978, Sec. 39-3-1.1 to document final action taken on each application. Such findings and conclusions shall be approved by the decision-making body and filed with the County Clerk.

4.4.14. Reapplication. After final action, denial or abandonment of an application, another Application shall not be filed within two years of the date of final action, denial, or abandonment unless the new application is materially different from the prior application (e.g., a new use, a substantial decrease in proposed density and/or intensity).

4.4.15. Withdrawal; Subsequent Applications. An application may be withdrawn by the applicant at any time. However, if an applicant withdraws the application after a public hearing has been noticed in compliance with the SLDC and state law, an application requesting substantially the same use on all or part of the same described land shall not be considered or reconsidered within twelve (12) months of withdrawal.

4.5. APPEALS.

4.5.1. Applicability. Any person with standing may appeal a development order to the Planning Commission or Board, as designated in this chapter.

DRAFT 12.20.15

4.5.2. Appeals of an Administrative Decision of the Administrator. An aggrieved person with standing may appeal the decision of the Administrator to approve, deny or approve with conditions an application. An appeal from a decision of the Administrator shall be filed in writing with the Administrator within five (5) working days of the date of the decision. If no appeal is filed within five (5) days, the decision of the Administrator shall be final and not subject to further appeal, review or reconsideration. The timely filing of an appeal shall stay further processing of the application unless the Administrator certifies to the Planning Commission that special circumstances exist.

4.5.3. Appeals of Subdivision Decisions Under Summary Review. Any person with standing who is or may be adversely affected by a decision approving or disapproving a final plat under summary review must appeal the decision to the Board within five (5) working days of the decision. The Board shall hear the appeal and shall render a final decision.

4.5.4. Appeal of a Final Decision of the Planning Commission. Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within thirty (30) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be forwarded by the Administrator to the Board. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal shall be placed on the docket of the Board for consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

4.5.5. Appeals of Board Decisions. Any person aggrieved by a final decision of the Board pursuant to this section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1 (as amended) and Rule 1-074 NMRA.

4.6. NOTICE.

4.6.1. Generally. The notice requirements for each application are prescribed in the subsections of this chapter and by state law.

4.6.2. Notice of Hearing. Notice of a public hearing to be conducted by the Hearing Officer, Planning Commission, or the Board, shall be provided as described in the resolution adopted by the Board pursuant to the Open Meetings Act. Public hearings shall be conducted according to the Board's rules of order. The name of the applicant and agent if any shall be stated in the notice.

4.6.3. General Notice of Applications Requiring a Public Hearing. All applications not requiring specific notice under subsequent subsections shall provide the following notice:

4.6.3.1. Newspaper. Notice of hearing shall be published by the applicant in a newspaper of general circulation at least fifteen days (15) prior to the date of the hearing. The Administrator shall provide the form of the notice to the applicant.

4.6.3.2. First Class Mail. Notice of the public hearing shall be mailed by the applicant by first class mail at least fifteen days (15) prior to the date of the hearing to the owners, as shown by the records of the County Assessor, of lots or of land within 500 feet of the subject property, excluding public right-of-ways. The Administrator shall provide the form of the notice to the applicant.

DRAFT 10.20.15

4.6.3.3. Posting. Notice of the public hearing shall be posted by the applicant on the parcel at least fifteen (15) days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.6.3.4. Supplemental Notice. Reasonable effort shall be made by the applicant to give notice by first class mail or email, to all persons, COs and ROs who have made a written request to the Board for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

4.6.3.5. Verification. Written verification of the publication, a list of persons sent a mailing, and an affidavit of posting which includes a photograph of the posted notice taken from a public road, shall be provided to the Administrator prior to the public hearing.

4.6.4. Specific Notice of Zoning, Rezoning, Amendment, Repeal.

4.6.4.1. Newspaper. Notice of the public hearing concerning an application to zone a parcel or parcels, or to amend, rezone, supplement or repeal zoning on a parcel or parcel, shall be provided by the Administrator and published by the applicant in a newspaper of general circulation at least fifteen days prior to the date of the hearing.

4.6.4.2. Certified Mail. Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by the applicant by certified mail, return receipt requested, to the owners, as shown by the records of the County Assessor at least fifteen days prior to the date of the hearing, of lots within the area proposed to be changed by the zoning regulation and within 100 feet of subject property, excluding public right-of-way.

4.6.4.3. First Class Mail. Whenever an application proposes to zone a parcel, or to amend, rezone, supplement or repeal zoning of a parcel or parcels for an area of more than one block, notice of the public hearing shall be mailed by the applicant by first class mail to the owners, as shown by the records of the County Assessor at least fifteen days prior to the date of the hearing, of lots or of land within the area proposed to be changed by a zoning regulation and within 100 feet from subject property or area, excluding public right-of-ways. If notice by first class mail to the owner is returned undelivered, the applicant shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

4.6.4.4. Posting. Whenever an application proposes to zone a parcel, or to amend, rezone, supplement or repeal zoning on a parcel or parcels for an area of more than one block, notice of the public hearing shall be posted on the parcel by the Applicant at least fifteen days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property shall be posted as required in this paragraph and a second notice shall be

DRAFT 10.20.15

posted on a public road nearest the property. A posted notice shall be removed by the Applicant no later than seven (7) days after a final decision has been made on the application.

4.6.4.5. Supplemental Notice. Reasonable effort shall be made by the Applicant to give notice to all persons, COs and ROs who have made a written request to the Board for advance notice of its hearings. Notice shall also be given to any public agency that either issued an opinion or withheld an opinion on the basis of insufficient information.

4.6.4.6. Verification. Written verification of the publication, list of persons sent a mailing, certificates of mailing with return receipts and affidavit of posting which includes a photograph of the posted notice shall be provided to the Administrator prior to the public hearing.

4.6.5. Specific Notice Applicable to Subdivisions.

4.6.5.1. Newspaper. Notice of the hearing on an application for approval of a preliminary plat pursuant to NMSA 1978, Sec. 47-6-14(A) shall be provided by the Administrator and shall be published by the applicant at least twenty-one (21) days prior to the hearing date. The notice of hearing shall include the subject of the hearing, the time and place of the hearing, the manner for interested persons to present their views, and the place and manner for interested persons to secure copies of any favorable or adverse opinion and of the developer's proposal. The notice shall be published in a newspaper of general circulation in the county.

4.6.5.2. Posting. Notice of the hearing on an application for approval of a preliminary plat pursuant to NMSA 1978, Sec. 47-6-14(A), shall in addition to newspaper publication, be posted on the property at least fifteen (15) days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the notice on property shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted Notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.6.5.3. Supplemental Notice. Reasonable effort shall be made by applicant to give notice to all persons, COs and ROs who have made a written request to the Board for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

4.6.5.4. Verification. Written verification of the publication, list of persons sent a mailing, and affidavit of posting which includes a photograph of the posted notice shall be provided to the Administrator prior to the public hearing.

4.6.6. Notice of Administrative Action. Notice of a proposed land division, subdivision, multifamily or non-residential use that is to be approved administratively shall provide the following notice:

4.6.6.1. Posting. Notice of the pending application shall be posted on the parcel at least fifteen (15) days prior to the date of the approval of the application. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or

DRAFT 10.20.15

structure is visible from a public road, the property notice shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.6.7. Notice of Issuance of a Development Permit. Notice of issuance of a development permit shall be posted on the property for at least fifteen (15) days subsequent to the issuance of the permit except that a development permit for construction of a building shall remain posted during construction.

4.6.8. Contents of Notice. Published, posted and mailed notice shall include a minimum of the following:

4.6.8.1. The name of the applicant and the name of the person(s) who the applicant is agent for or otherwise representing in the application;

4.6.8.2. The general location of the parcel that is the subject of the application;

4.6.8.3. The road address of the property subject to the application or, if the road address is unavailable, a legal description by metes and bounds;

4.6.8.4. The current zoning classification(s) and zoning district in which the property is located, and the present use of the property;

4.6.8.5. The nature and type of approval requested and a brief description of the proposed development, including proposed density or building intensity, zoning classifications and uses requested;

4.6.8.6. The time, date and location where a decision on the application is expected;

4.6.8.7. A phone number to contact the County; and

4.6.8.8. A statement that interested parties may appear at a public hearing.

4.6.9. Constructive Notice. Minor defects in public notice shall not invalidate proceedings so long as a bona fide attempt has been made to provide notice and that notice was constructively received. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, the body conducting the hearing shall make a finding concerning compliance with the notice requirements of this Ordinance.

4.6.10. Action to Be Consistent with Notice. The Administrator, Hearing Officer, Planning Commission or Board shall only take action, including approval, conditional approval or denial of the application that is consistent with and relates to the notice given.

4.6.11. Minor Amendments Not Requiring Re-notification. The Administrator, Hearing Officer, Planning Commission or Board may allow minor amendments to the application without re-submittal of the entire application. For purposes of this section, “minor amendments” are amendments that do not:

4.6.11.1. Increase the number of dwelling units, floor area, height, impervious surface development, or require any additional land-use disturbance;

4.6.11.2. Introduce different land uses than that requested in the application;

DRAFT 10.20.15

4.6.11.3. Request consideration of a larger land area than indicated in the original application;

4.6.11.4. Request a greater variance than that requested in the application;

4.6.11.5. Request any diminution in buffer or transition area dimensions, reduction in required yards, setbacks or landscaping, increase of maximum allowed height, or any change in the design characteristics or materials used in construction of the structures; or

4.6.11.6. Reduce or eliminate conditions attached to a legislative or quasi-judicial development order unless a new application is filed.

4.7. HEARING STANDARDS.

4.7.1. Legislative Hearings.

4.7.1.1. Conduct of Hearing. Testimony may be presented by the owner/applicant, any member of the public, and by the County or other affected governmental entities. Testimony need not be submitted under oath or affirmation. The Hearing Officer, Planning Commission or Board may establish a time limit for testimony and may limit testimony where it is repetitive.

4.7.1.2. Special Rules: Contested Zoning Matters. If the owners of twenty percent or more of the area of the land or representing more than twenty percent (20%) of the lots included in an area proposed to be changed by a zoning regulation, or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a two thirds vote of the Board. NMSA 1978, §3-21-6(C).

4.7.1.3. Planning Commission Recommendation. The Planning Commission shall make a written recommendation to the Board on any application requiring final approval of the Board that an application be approved, approved with conditions, or denied. If an application requiring final approval of the Board has been duly submitted to the Planning Commission, and the Planning Commission has failed to convene a quorum or to make a recommendation approving, approving with conditions or denying such development approval at two (2) meetings on the application, the application shall move to the Board without a recommendation unless the Applicant waives this requirement and agrees in writing to any additional Planning Commission meetings.

4.7.1.4. Minutes. Written verbatim minutes shall be prepared and retained with the evidence submitted at the final hearing. Verbatim or summary minutes shall be prepared and retained with the evidence submitted at a preliminary hearing.

4.7.1.5. Board Action. The Board shall hold a public hearing to consider a legislative application. The Board shall duly consider the recommendation of the Planning Commission.

4.7.2. Quasi-Judicial Public Hearings.

4.7.2.1. Conduct of Hearing. Any person or persons may appear at a quasi-judicial public hearing and submit evidence, either on their own behalf or as a representative. Each person who appears at a public hearing shall take a proper oath and state, for the

DRAFT 10.20.15

record, his/her name, address, and, if appearing on behalf of an association, the name and mailing address of the association. The hearing shall be conducted in accordance with the procedures set forth in the Board's Rules of Order. At any point, members of the Board, the Planning Commission or the Hearing Officer conducting the hearing may ask questions of the owner/applicant, staff, or public, or of any witness, or require cross-examination by persons with standing in the proceeding to be conducted through questions submitted to the chair of the Board, Planning Commission or to the Hearing Officer, who will in turn direct questions to the witness. The order of proceedings shall be as follows:

1. The Administrator, or other County staff member designated by the Administrator, shall present a description of the proposed development, the relevant sections of the SGMP, area, district or community plans, the SLDC, and state and federal law that apply to the application, and describe the legal or factual issues to be determined. The Administrator or County consultant or staff member shall have the opportunity to present a recommendation and respond to questions from the Board, Planning Commission or Hearing Officer concerning any statements or evidence, after the owner/applicant has had the opportunity to reply;

2. The owner/applicant may offer the testimony of experts, consultants or lay witnesses and documentary evidence that the owner/applicant deems appropriate, subject to cross examination by adverse parties with standing within reasonable time limits established by the Board, Planning Commission or Hearing Officer;

3. Public testimony, including expert, consultant or lay witnesses and relevant documentary evidence for or against the application shall be received, subject to reasonable time limits established by the Board, Planning Commission or Hearing Officer, from the County, other governmental agencies or entities and interested parties with standing, subject to cross examination by the owner/applicant, any adverse interested party with standing, or by the County;

4. The owner/applicant may reply to any testimony or evidence presented, subject to cross examination;

5. The Board, Planning Commission or Hearing Officer may pose questions to the owner/applicant, the County, any consultant or lay witness at any time during the hearing concerning any statements, evidence, or applicability of policies and regulations from the SGMP, the SLDC, other County ordinances and regulations, any applicable area, or community plan, or other governmental law or recommendations; and

6. The Board, Planning Commission or Hearing Officer conducting the hearing shall close the public portion of the hearing and conduct deliberations. The Board or Planning Commission may elect to deliberate in a closed meeting pursuant to the Open Meetings Act, NMSA 1978, §§10-15-1 et seq.

4.7.2.2. When Conducted. For an application for approval of a preliminary plat, the first public hearing shall take place within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the date that all public agencies complete their review of additional information submitted by the subdivider pursuant to NMSA 1978, Sec. 47-6-11. If a requested opinion is not received within the thirty-day period, the public hearing shall be conducted notwithstanding.

DRAFT 10.20.15

4.7.2.3. Minutes. Written verbatim minutes shall be prepared and retained with the evidence submitted at the final hearing conducted on an application.

DRAFT 10.20.15

Chapter 5 – Subdivisions and Land Divisions

Section **Contents** **Page**

5.1 Title and Authority 46
5.2 Purpose.....46
5.3 Applicability and General Rules 46
5.4 ~~Exempt~~ Land Divisions and Subdivision Exemptions 47
5.5 Subdivision Classification and Procedures 48
5.6 Summary Review 49
5.7 Preliminary Plats (Major Subdivisions) 49
5.8 Final Plat 54
5.9 Subdivision Improvements 59
5.10 Inspection and Acceptance of Improvements 61
5.11 Special Procedures 63
5.12 Advertising Standards 66
5.13 Requirements Prior to Sale, Lease or Other Conveyance 66
5.14 Appeals 67

DRAFT 10.20.15

CHAPTER FIVE – SUBDIVISIONS AND LAND DIVISIONS

5.1. TITLE AND AUTHORITY. These subdivision and land division regulations are adopted pursuant to § 47-6-9 NMSA 1978.

5.2. PURPOSE. This Chapter establishes the general rules and regulations governing the preparation, review, and recordation of plats that divide land within Santa Fe County. This Chapter is intended to promote the purposes, intent, findings and substantive provisions of the SLDC and to implement the goals, policies and strategies of the SGMP and any applicable area, district or community plan.

5.3. APPLICABILITY AND GENERAL RULES.

5.3.1. Generally. Unless otherwise stated herein, the provisions of this Chapter apply to any division of a surface area of land into two or more parcels for sale, lease or other conveyance or for building development. Most such divisions are deemed 'subdivisions' subject to the applicable subdivision provisions of this Chapter. However, certain lesser divisions of land, referred to as 'exempt land divisions', are exempt from subdivision requirements but remain subject to zoning requirements and review and approval as provided in § 5.4.

5.3.2. Development Order Required. The owner of any tract of land who desires to divide the land shall obtain a development order approving the division as a major or minor subdivision or an exempt land division prior to recording a plat making the division.

5.3.3. Unapproved Division Prohibited.

5.3.3.1. No person shall divide or subdivide any tract, parcel or lot of land without making and recording a final plat and complying fully with the requirements of the SLDC. No land within the jurisdiction of the County may be divided through the use of any legal description other than with reference to a final plat approved in accordance with the SLDC.

5.3.3.2. No person shall sell, lease or transfer ownership of any tract, parcel or lot of land by reference to a plat or subdivision map before a final plat has been duly recorded with the County Clerk.

5.3.3.3. The County Clerk shall not file or record any final plat or deed that divides or subdivides land until it has been approved in a development order in accordance with this Chapter. The County Clerk shall not file or record any condominium declaration absent certification of the Administrator that the provisions of this Chapter have been met.

5.3.4. Boundary Surveys, Utility or Access Easements. Nothing in this Chapter regulates the recording of a boundary survey, so long as the survey does not purport to divide or subdivide property. Creation of a utility or access easement on a boundary survey is not regulated by this Chapter except to the extent that the creation of such utility or access easement is intended to divide or subdivide property, in which case a development order shall be required.

5.3.5. Commencement and Completion of Development. Commencement of construction or work shall begin within one (1) year of the date of the issuance of the development permit. Construction or work set forth in the development permit shall be completed within two (2) years of the issuance of the development permit unless an extension of time has been obtained from the Administrator.

DRAFT 10.2015

5.4. ~~EXEMPT~~ LAND DIVISIONS AND SUBDIVISION EXEMPTIONS.

5.4.1. Applicability. Certain land divisions are not deemed subdivisions under New Mexico law (NMSA 1978, § 47-6-2) and therefore are not subject to the subdivision requirements of this Chapter. Such divisions are referred to as ~~exempt~~ land divisions and subdivision exemptions and are listed in § 5.4.3 below. Regardless of being exempted from subdivision requirements, these ~~exempt~~ land divisions and subdivision exemptions remain subject to all other provisions of the SLDC and therefore require review and approval of a final plat by the Administrator and shall be required to comply with the requirements of final plats and all applicable design standards of Chapter 7. The applicable procedures for review and approval of exempt land divisions are set forth in Table 4-1.

5.4.2. Approval Criteria. No discretionary or ministerial development approval shall be granted for any exempt land division until it is demonstrated that all resulting tracts, parcels or lots meet all applicable sections of SLDC including the requirements of the zoning district in which they are located.

5.4.3. ~~Qualifying Exempt~~ Land Divisions and Subdivision Exemptions. The following land divisions shall not be deemed subdivisions and are exempt from the imposition of subdivision requirements of this Chapter.

5.4.3.1. Lot Line Adjustment. A lot line adjustment is and means the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. A lot line adjustment shall be administratively reviewed and approved by the Administrator.

5.4.3.2. Family Transfer. A division of land to create a parcel that is sold or donated as a gift to an immediate family member. A donor may sell or give no more than one parcel per tract of land per immediate family member without having to comply with the subdivision regulations set forth in this Chapter and the New Mexico Subdivision Act, § 47-6-1 *et seq*. NMSA 1978.

5.4.3.3. Large Agricultural Tracts. A sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve-month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978, for the preceding three years.

5.4.3.4. Apartments or Offices. A sale or lease of apartments, offices, stores or similar spaces within a building.

5.4.3.5. Land Divisions within Municipalities. A division of land within the boundaries of a municipality.

5.4.3.6. Severance of Mineral Interests. A division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land; however, oil and gas exploration and production is otherwise regulated by Ordinance No. 2008-19.

5.4.3.7. Court Ordered Divisions. A division of land created by court order where the order creates no more than one parcel per party.

DRAFT 10.20.15

5.4.3.8. Grazing or Farming. A division of land for grazing or farming activities; provided the land continues to be used for grazing or farming activities.

5.4.3.9. Burials. A division of land to create burial plots in a cemetery.

5.4.3.10. Security Interests. A division of land created to provide security for mortgages, liens or deeds of trust; provided that the division of land is not the result of a seller-financed transaction.

5.4.3.11. Large Parcels. A sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres.

5.4.3.12. Certain Donations. A division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity.

5.4.3.13. Single Parcels in Less than Five Year Increments. A sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five-year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and the SLDC; provided further that a survey shall be filed with the county clerk indicating the five-year holding period for both the original tract and the newly created tract.

5.5. SUBDIVISION CLASSIFICATION AND PROCEDURES.

5.5.1. Classification. For purposes of this Chapter, subdivisions are classified as either major or minor. Table 5-1 indicates which subdivisions are classified major or minor.

Table 5-1: Classification of Subdivisions.

Major Subdivisions	Minor Subdivisions
Type One: 500+ parcels*	*Type Three (minor)*: 2-5 parcels*
Type Two: 25-499 parcels*	
Type Three (major): 6-24 parcels*	*Type Five*: 2-24 parcels**
Type Four: 25+ parcels**	

* Where any parcel is less than ten (10) acres in size.
** Where each parcel is greater than ten (10) acres in size.

5.5.2. Applicability. Major and minor subdivisions are subject to the standards set forth in this Chapter for approval of subdivision plats.

5.5.3. Determination by Administrator. The Administrator, as part of the completeness review, shall determine whether a proposed subdivision constitutes a minor or major subdivision

DRAFT 10.20.15

and notify the applicant of the classification when the applicant is notified of the decision concerning completeness review.

5.5.4. Review Procedures. Separate procedures are prescribed for review of major and minor subdivisions in Table 4-1 to reflect differing levels of complexity in the applications. Before any land is subdivided, the applicant shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

5.5.4.1. Major Subdivision: In the case of major subdivisions, the procedure shall include two principal steps: (i) preliminary plat approval and (ii) final plat approval. In addition to the above, all major subdivisions creating more than 24 lots and any phased major subdivision shall be required to submit a conceptual plan.

5.5.4.2. Minor Subdivision. In the case of minor subdivisions creating no more than five (5) lots, the procedure shall include administrative approval of the final plat in a single step known as summary review. The final plat for minor subdivisions creating over five (5) lots will be approved by the Board. Preliminary plat review is not required for minor subdivisions.

5.5.5. Compliance with SLDC. All subdivisions shall comply with the applicable provisions of the SLDC including, but not limited to, the lot size, density and zoning provisions of Chapter 8 and the design standards of Chapter 7.

5.5.6. Timing. The timelines for approval of a preliminary plat application are covered by § 5.7.6.

5.6. SUMMARY REVIEW.

5.6.1. Applicability. All minor subdivisions are subject to summary review, the procedures for which are set forth in Table 4-1 and this section. While summary review involves review of a final plat by the Administrator (no preliminary plat required), minor subdivisions still shall comply with all requirements of the SLDC including the requirements and submittals imposed on both preliminary and final plats.

5.6.2. Grant of Authority. Pursuant to NMSA 1978, § 47-6-11(M), the Board hereby delegates its approval authority for minor subdivisions to the Administrator.

5.6.3. Subdivision Approval Standards and Requirements. The Administrator shall not approve or conditionally approve an application for minor subdivision unless it is determined that:

5.6.3.1. the minor subdivision plat conforms to the final plat requirements of § 5.8.4;

5.6.3.2. the applicant can fulfill the proposals contained in the subdivision disclosure statement required by § 5.13; and

5.6.3.3. the subdivisions conforms with the New Mexico Subdivision Act and the applicable provisions of the SLDC.

5.6.4. Timing. A final plat for minor subdivision shall be approved or disapproved within thirty (30) days of the application being deemed complete by the Administrator. If the Administrator does not act on the minor subdivision plat application within the required period of time, the applicant shall give the Administrator written notice of his failure to act. If the Administrator fails to approve or reject the minor subdivision plat within thirty (30) days after that notice, the

DRAFT 10.20.15

Administrator shall, upon written demand from the applicant, issue a certificate stating that the minor subdivision plat has been approved.

5.7. PRELIMINARY PLATS (MAJOR SUBDIVISIONS).

5.7.1. Applicability. Preliminary plat approval is required for all major subdivisions in accordance with this section and the procedures as set forth in Table 4-1.

5.7.2. Application. An application for preliminary plat approval shall be filed with the Administrator and include all information and submittals required by this Chapter and any additional submittals required by the Administrator as provided in the application form.

5.7.3. Preliminary Plat Requirements. The application for preliminary plat approval shall, at a minimum, include all of the following:

5.7.3.1. A proposed disclosure statement consistent with NMSA 1978, § 47-6-17;

5.7.3.2. All documentation required by NMSA 1978, § 47-6-11 and by the SLDC for the purpose of demonstrating:

1. water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use;

2. water of an acceptable quality for human consumption and measures to protect the water supply from contamination;

3. satisfactory means of liquid waste disposal;

4. satisfactory means of solid waste disposal;

5. satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;

6. satisfactory terrain management to protect against flooding, inadequate drainage and erosion; and

7. satisfactory protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act.

5.7.4. Endorsements.

5.7.4.1. The application shall contain adequate information to assure the Board that the legal owner is participating in the development approval process and consents thereto, and authorizes County access to the subject property for site inspection purposes.

5.7.4.2. The application shall provide proof that all taxes due on the property have been paid in full. Applicants should be aware that NMSA 1978, § 7-38-44.1, which was enacted into law and became effective on April 2, 2013, amended the Property Tax Code. That amendment requires a taxpayer to pay the taxes, penalties and interest due on real property divided or combined through the table year in which the property is divided or combined prior to filing a plat. The amendment also provides for a county assessor to determine the tax rate and amount of taxes due on such property and requires the assessor

DRAFT 10.20.15

to proceed to immediately collect those taxes, penalties, interest and fees determined to be due for the taxable year in which the property is divided or combined.

5.7.4.3. The application shall provide proof of legal access to the property.

5.7.5. Review by Certain Agencies and Tribal Governments.

5.7.5.1. Reviewing Entities. In determining whether an application can fulfill the requirements of the SLDC and whether the required findings can be made, the Administrator shall, within ten (10) days after the preliminary plat approval application is deemed complete, request opinions from:

1. the Office of the State Engineer, who shall determine:

a. whether the applicant can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses; and

b. whether the applicant can fulfill the proposals in the proposed disclosure statement concerning water, excepting water quality;

2. the New Mexico Environment Department to determine:

a. whether the applicant can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations promulgated pursuant to the Environmental Improvement Act;

b. whether there are sufficient liquid and solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations promulgated pursuant to the Environmental Improvement Act, the Water Quality Act and the Solid Waste Act; and

c. whether the applicant can fulfill the proposals contained in the proposed disclosure statement concerning water quality and concerning liquid and solid waste disposal facilities;

3. the New Mexico Department of Transportation to determine whether the applicant can fulfill the state highway access requirements for the subdivision in conformity with state regulations promulgated pursuant to NMSA 1978 § 67-3-16;

4. the applicable soil and water conservation district to determine:

a. whether the applicant can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion; and

b. whether the applicant can fulfill the proposals contained in the proposed disclosure statement concerning terrain management;

5. each Indian nation, tribe or pueblo with a historical, cultural or resource tie with the County that submits at least annually, via certified mail, return receipt requested, a written request for notification to the Board, which request indicates the Indian nation, tribe or pueblo's historical, cultural or resource tie with the

DRAFT 10.20.15

county, its contact information and a listing of the types of documentation required to be submitted by a applicant to the county that may be necessary for its review to determine:

a. whether the applicant can furnish, fulfill or otherwise meet the requirements set forth in § 5.7.5.1.1 through § 5.7.5.1.4; and

b. how the proposed plat may directly affect cultural properties, archaeological sites and unmarked burials; and

6. such other public agencies as the Administrator deems necessary, such as local school districts and fire districts, to determine whether there are adequate facilities to accommodate the proposed subdivision.

5.7.5.2. **Affirmative Opinions**. If, in the opinion of each appropriate public agency or Indian nation, tribe or pueblo, the applicant can fulfill the requirements of § 5.7.5.1, the Board shall weigh these opinions in determining whether to approve the preliminary plat at a public hearing to be held in accordance with NMSA 1978 § 47-6-14.

5.7.5.3. Adverse Opinions. If, in the opinion of the appropriate public agency or Indian nation, tribe or pueblo, an applicant cannot fulfill the requirements of § 5.7.5.1 or, if the appropriate public agency or Indian nation, tribe or pueblo does not have sufficient information upon which to base an opinion on any one of these subjects, the applicant shall be notified of this fact by the Administrator. If the appropriate public agency or Indian nation, tribe or pueblo has rendered an adverse opinion, the Administrator shall provide a copy of the opinion to the applicant. The Administrator shall give the applicant thirty (30) days from the date the applicant is notified of the deficiencies to submit additional information to the public agency or the Indian nation, tribe or pueblo through the Administrator. The public agency or the Indian nation, tribe or pueblo shall have thirty (30) days from the date the additional information is submitted to change its opinion or issue a favorable opinion when it has withheld one because of insufficient information. Where the public agency has rendered an adverse opinion, the applicant shall have the burden of showing that the adverse opinion is incorrect either as to factual or legal matters. Where the Indian nation, tribe or pueblo has rendered an adverse opinion, the applicant may submit additional information to the Board. If a public agency disagrees with an adverse opinion rendered by an Indian nation, tribe or pueblo, that agency shall submit a response to the Board.

5.7.6. Consideration of Application; Public Hearing; Development Order.

5.7.6.1. A quasi-judicial public hearing on the preliminary plat application shall be conducted within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the date of receipt of a revised opinion following review of any additional information submitted by the applicant pursuant to NMSA 1978 § 47-6-11. If the Board does not receive a requested opinion within the thirty day period specified, the Board shall proceed. The hearing shall be conducted in accordance with the provisions of NMSA 1978 § 47-6-14 and the SLDC.

5.7.6.2. At the hearing on the application, the Board shall:

1. consider all of the information comments, opinions and recommendations provided, the recommendation of the Administrator, the SRAs required by Chapter 6, the documentation required pursuant to NMSA 1978 § 47-6-1, and the testimony and documentary evidence submitted;

DRAFT 10.20.15

2. determine whether the application meets the requirements of the SLDC; and

3. make the specific findings required in § 5.7.7 of this Chapter.

5.7.6.3. Not more than thirty (30) days after the conclusion of the public hearing the Board shall approve, approve with conditions, or disapprove the application by approving its findings of fact and conclusions of law at a public meeting of the Board. A development order shall be issued to reflect the Board's action. The thirty (30) day period may be extended by mutual consent of the parties.

5.7.6.4. The applicant may withdraw its application at any time prior to the Board's determination by submitting a written notice of withdrawal to the Administrator. Reapplication will thereafter be subject to the applicable provisions of the SLDC.

5.7.7. Preliminary Plat Approval Standards and Requirements. The Board shall not approve or conditionally approve an application for preliminary plat unless the following findings are made in writing:

5.7.7.1. the proposed subdivision conforms to all provisions of the SLDC;

5.7.7.2. the applicant can fulfill the requirements of § 5.7.3.2;

5.7.7.3. the applicant can fulfill all of the proposals contained in its disclosure statement; and

5.7.7.4. the subdivision will conform to the New Mexico Subdivision Act.

5.7.8. Conditions of Approval. In considering an application for preliminary plat, the Board may impose mitigation requirements or conditions to the extent that such requirements or conditions are necessary to ensure compliance with the standards, requirements or criteria of the SLDC, including:

5.7.8.1. protection of environmentally sensitive, archaeological, cultural and historic lands;

5.7.8.2. prevention of air and water pollution;

5.7.8.3. provision of adequate public facilities and services;

5.7.8.4. mitigation of traffic congestion;

5.7.8.5. avoidance of negative fiscal impacts; and

5.7.8.6. ensuring sustainability.

5.7.9. Preliminary Plat Amendments. Proposed amendments to an approved preliminary plat shall be made prior to filing an application for final plat approval and shall be reviewed and processed as follows:

5.7.9.1. Minor amendments may be approved by the Administrator without a public hearing and without the filing of a new preliminary plat. Minor amendments are limited to the following:

DRAFT 10.20.15

1. changes in the internal alignment of roads that do not affect external properties or the connectivity of roads;

2. changes in internal parcel or lot boundaries;

3. changes in setbacks along internal property lines;

4. changes to lot numbering or addressing; or

5. changes in the internal routing of trails and pedestrian ways.

5.7.9.2. No minor amendment authorized by this section may cause any of the following:

1. change in the permitted uses;

2. increased intensity of use as measured by the number of dwelling units or square footage of nonresidential building area;

3. increased need for environmental mitigation, adequate public facilities or services, trip generation or demand for public utilities;

4. decreased public or private open space area; or

5. increased volume or velocity of storm water runoff from the development.

5.7.9.3. Any change to an approved preliminary plat other than those set forth in this § 5.7.9 shall constitute a major amendment that shall be processed the same as the original preliminary plat, including the requirement of Board approval.

5.7.10. Filing of Preliminary Plat. An executed original preliminary plat, along with any approved amendments thereto, shall be filed with the Administrator, but shall not be filed in the Office of the County Clerk.

5.7.11. Expiration of Preliminary Plat. An approved or conditionally approved preliminary plat shall expire unless the applicant obtains a development order granting approval of the final plat within twenty-four months (24) from the date of preliminary plat approval or conditional approval. Prior to the expiration of the approved or conditionally approved preliminary plat, the applicant may submit an application for extension , for approval by the Board, for a period of time not to exceed a total of thirty-six (36) months from the original approval date. No further extension shall be granted under any circumstances and the preliminary approval shall become null and void upon expiration of the preliminary plat. No application for final plat approval shall be allowed to be submitted after the preliminary plat has expired. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

5.7.12. Phased Development. The Board may approve a sectionalized phasing plan extending the effective period of the preliminary plat approval where it is the intent of the applicant to proceed to a final plat covering only a section or phase of the site at any one time. Each filing of a final plat shall extend the expiration of the approved or conditionally approved preliminary plat for an additional thirty-six (36) months from the date of its expiration or the date of the previously filed final plat, whichever is later. Once a preliminary plat has expired, the phased preliminary plat approval development order shall be null and void.

5.8. FINAL PLAT.

DRAFT 10.20.15

5.8.1. When Required. Final plat approval is required for all subdivisions, both major and minor. No final plat shall be recorded until a final plat has been approved as provided in this section, or in the case of a minor subdivision as provided in § 5.6.

5.8.2. Application. An application for final plat approval shall be filed with the Administrator and include all information and submittals required by this Chapter. If the approved preliminary plat permitted phasing or sectionalizing, the application shall submit an application only for the phase(s) proposed.

5.8.3. Compliance with Preliminary Plat (major subdivisions). The final plat for a major subdivision shall conform to the approved or approved amended preliminary plat, including all conditions and mitigation requirements contained within the development order approving the preliminary plat. No deviation from the approved or approved amended preliminary plat, together with all conditions and mitigation requirements, shall be authorized to be granted at final approval; any deviation from the development order granting the preliminary plat approval shall require an amendment as provided in § 5.7.9.

5.8.4. Final Plat Requirements.

5.8.4.1. Document Preparation. Final plat documents shall be prepared as specified in this §5.8. In accordance with NMSA 1978 § 47-6-3, the final plat shall:

1. be prepared and certified by a surveyor registered in the State of New Mexico;

2. define the subdivision and all roads by reference to permanent monuments;

3. accurately describe legal access to, roads to and utility easements for each parcel, and if the access or easements are based on an agreement, the recording data in the land records for the agreement;

4. number each parcel in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land;

5. delineate those portions of the subdivision that are located in a floodplain; and

6. delineate buildable areas and no build areas in accordance with §§ 7.17.3 and 7.17.4.

5.8.4.2. Statements; Acknowledgments. The final plat shall:

1. contain a statement that the land being subdivided is subdivided in accordance with the final plat;

2. contain a statement indicating the zoning district in which the subdivision is located;

3. be acknowledged by the owner and applicant or their authorized agents in the manner required for the acknowledgment of deeds; and

DRAFT 10.20.15

4. be accompanied by an affidavit of the owner and applicant or their authorized agents stating whether or not the proposed subdivision lies within the subdivision regulation jurisdiction of the county.

5.8.4.3. Offers of Dedication.

1. The final plat application shall be accompanied by formal, irrevocable offers of dedication either pursuant to a voluntary development agreement entered into between the applicant and the County, or as required by the development order issued with respect to preliminary plat approval. The application shall be accompanied with appropriate instruments of conveyance granting fee title or easement rights, in a form approved by the County Attorney, for all:

a. roads;

b. public infrastructure;

c. easements;

d. affordable housing sites, as applicable;

e. parks and recreation lands;

f. school and library sites;

g. open space;

h. transfers of development rights;

i. archaeological, cultural and historic sites;

j. wetlands, floodways, streams, hillsides and environmentally sensitive areas;

k. agricultural preservation and protection areas; and

l. bicycle and pedestrian trails and lands to be set aside for other public improvements and services.

2. The final plat shall be marked with a notation indicating the formal offers of dedication as follows:

The Owner does hereby irrevocably offer for dedication to the County or other designated governmental or non-profit association, shown on the final plat and construction plans as required by the development order approving the final plat in accordance with an irrevocable offer of dedication dated _____, and recorded in the Santa Fe County Clerk's office.

*By*_____ *Date*_____
Owner

DRAFT 10.20.15

3. The final plat shall contain a certificate stating that the Board accepted, accepted subject to improvement or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. Upon full conformance with county road construction and acceptance standards, roads may be accepted for maintenance. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk or a resolution of acceptance by the Board is filed in such office.

4. Acceptance of improvements is described in § 5.10.

5.8.4.4. Subdivision Improvement Agreement.

1. The final plat shall not be approved until the applicant enters into a subdivision improvement agreement with the County, accompanied by a financial guaranty in a form acceptable by the County.

2. All subdivision improvements shall be completed no later than two (2) years following the date upon which the final plat is recorded. An additional one (1) year may be obtained upon approval of the Administrator.

3. The subdivision improvement agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs, and assignees of the owner. The subdivision improvement agreement shall be recorded by the County Clerk within the applicant's chain of title.

4. Where no other primary or secondary (emergency) access is available, the first priority of the subdivision improvement agreement shall be installation of base course for the roads within the final plat or a section of the final plat to provide emergency access. No land use alteration or grading, construction of any building or structure or improvement shall be undertaken until such emergency access is provided, unless the alteration or grading, construction of any building or structure or improvement is necessary to construct emergency access.

5.8.4.5. Water permit required for final plat.

1. Pursuant to NMSA 1978, § 47-6-11.2 (2013), before approving the final plat for a subdivision containing ten (10) or more parcels, any one of which is two (2) acres or less in size, the Administrator shall:

a. require that the subdivider provide a proof of service commitment from a water provider as well as an opinion from the OSE that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1), or provide a copy of a permit obtained from the OSE, issued pursuant to NMSA 1978, §§ 72-12-3 or 72-12-7 for the subdivision water use.

b. not approve the final plat unless the OSE has so issued a permit for the subdivision water use or the subdivider has provided proof of a service commitment from a water provider and the OSE has provided an opinion that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1).

DRAFT 10.20.15

c. not approve the final plat based on the use of water from any permit issued pursuant to NMSA 1978, § 72-12-1.1.

5.8.5. Development Agreement. All major subdivisions are encouraged to enter into a voluntary development agreement pursuant to the provisions of Chapter 12.

5.8.6. Consideration and Approval of Final Plat.

5.8.6.1. Timing. The Board shall approve, conditionally approve or reject the application for final plat at a public meeting within thirty (30) days after the application is deemed complete by the Administrator pursuant to § 4.4.6.

5.8.6.2. Failure to Act. If the Board does not act on a final plat application within the required period of time, the applicant shall give the Board written notice of its failure to act. If the Board fails to approve or reject the final plat within thirty (30) days after that notice, the Board shall, upon written demand from the applicant, issue a certificate stating that the final plat has been approved.

5.8.6.3. Review Standards. The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the approved preliminary plat. However, the Board shall not issue a development order approving a final plat unless and until:

1. the final plat approval application has been received and deemed complete;

2. the final plat substantially conforms to the preliminary plat and all conditions and requirements are complied with;

3. the final plat and all documents required are in a form acceptable for recording with the County Clerk;

4. the development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed; and

5. the administrative and final plat fees have been deposited with the Administrator, together with proper security.

5.8.6.4. Conditions. The Board may introduce conditions or mitigation requirements not a part of the preliminary plat only upon finding that:

1. key elements of the application were incorrect and the approval relied on the incorrect facts;

2. there is a change in state or federal law; or

3. approval of the final plat will create conditions substantially affecting the public health, welfare or safety.

5.8.6.5. Scope of Approval. Approval of the final plat by the Board shall not be deemed to constitute acceptance of any offer of dedication, or deposit of any deed or grant of easement until all improvements have been constructed and satisfactorily completed by the developer in accordance with the development order approving the final plat, the

DRAFT 10.20.15

approved construction plans and any development or subdivision improvement agreement entered into.

5.8.6.6. Denial of Final Plat. A denial of a final plat by the Board shall be accompanied by a finding identifying the requirements that have not been met.

5.8.7. Expiration of Final Plat. Any approved or conditionally approved Final Plat, shall be recorded within twenty-four (24) months after its approval or conditional approval or the Plat shall expire. Prior to the expiration of the Final Plat, the subdivider may request, from the Board, an extension of the Final Plat for a period of time not exceeding thirty-six (36) months.

5.8.8. Recording. Upon approval of a final plat, the final plat, subdivision covenants, disclosure statement, and any other relevant document(s) shall be recorded in the office of the County Clerk. The original Mylar drawing, together with related documents, shall be dated and signed by the Board Chair, the Administrator, Rural Addressing, Fire Marshal, appropriate utility companies, and other appropriate signatures. The County Clerk shall not accept for filing any final plat subject to the New Mexico Subdivision Act that has not been approved as provided in the Subdivision Act and the SLDC. Whenever separate documents are to be recorded concurrently with the final plat, the county clerk shall cross-reference such documents.

5.8.9. Expiration period. Where no expiration period is provided for in a development order or development agreement, all approvals of development orders or voluntary development agreements shall expire after:

5.8.9.1. the failure to commence the development within three years after approval,

5.8.9.2. the failure to have completed 25% of the development within four years after approval,

5.8.9.3. the failure to have completed 50% of the development within five years after approval,

5.8.9.4. the failure to have completed 75% of the development within six years after approval; or

5.8.9.5. the failure to have completed 100% of the development within seven years after final development approval.

5.9. SUBDIVISION IMPROVEMENTS.

5.9.1. Monuments.

5.9.1.1. All primary subdivision boundary corners and the intersections of road centerlines shall be marked with permanent monuments at that point or if necessary with an offset marking.

5.9.1.2. A permanent monument shall be concrete with a brass or aluminum cap. The concrete monument shall be a minimum of six (6) inches in diameter and shall be extended thirty (30) inches below the finished grade.

DRAFT 10.20.15

5.9.1.3. Any described mark shall be permanently affixed to rock or concrete through the use of an expansion bolt, set in a drilled hole with a ferrous metal rod (rebar or pipe) of a minimum length of forty eight (48) inches, a survey post approved by the Bureau of Land Management, or any monument of higher standards.

5.9.1.4. Secondary monuments may be rebar, pipe or other metal rod, not less than 1/2" diameter and 16" in length with surveyor's registration number on cap which may be aluminum, plastic, brass or comparable material. Secondary monuments shall be set at all lot corners, points of curve and boundary angle points.

5.9.2. Road Development.

5.9.2.1. Roads within a subdivision shall be constructed only on a schedule approved by the Board. In approving or disapproving an applicant's road construction schedule, the Board shall consider:

1. the proposed use of the subdivision;

2. the period of time before the roads will receive substantial use;

3. the period of time before construction of homes will commence on the portion of the subdivision serviced by the road;

4. the requirements of this Chapter governing phased development; and

5. the needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

5.9.2.2. All proposed roads shall conform to minimum safety and design standards established in Chapter 7.

5.9.2.3. The Board shall not approve the grading or construction of roads unless and until the applicant can reasonably demonstrate that the roads to be constructed will receive use and that the roads are required to provide access to parcels or improvements within twenty-four (24) months from the date of construction of the road.

5.9.2.4. It is unlawful for the applicant to grade or otherwise commence construction of roads unless the construction conforms to the schedule of road development approved by the Board.

5.9.2.5. Before approving an application for approval of a final plat pursuant to this Chapter, the Administrator shall ensure that the Board has approved the schedule of road development. Failure to obtain Board approval of the schedule shall mean that the application shall not be deemed complete.

5.9.3. Construction Plans.

5.9.3.1. Construction plans shall be submitted to the Administrator along with the application.

5.9.3.2. All required improvements shall be constructed in accordance with the applicable requirements of Chapter 7 and any applicable design and improvement standards required by federal or state agencies, public or private utilities, schools, assessment or public improvement districts or other applicable entities.

DRAFT 10.20.15

5.9.3.3. The Administrator shall review construction plans for compliance with the preliminary plat, the SLDC, and other applicable requirements, and may consult with the TAC on technical matters.

5.9.4. Modification of Construction Plans.

5.9.4.1. All installations of improvements and all construction shall substantially conform to the approved construction plans. If the applicant chooses to make minor modifications in the construction plans' specifications after the recording of the final plat and during construction, such changes shall be made only with the written approval of the Administrator.

5.9.4.2. It shall be the responsibility of the applicant to notify the Administrator in advance of any substantial changes to be made from the approved specifications or drawings.

5.9.4.3. In the event that actual construction work substantially deviates from that shown on the approved construction plans, and such deviation was not approved in advance by the Administrator, the applicant may be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as deemed appropriate, including, but not limited to, recommending revocation or suspension of development approvals already issued or withholding of future development approvals.

5.9.5. As-Built Drawings.

5.9.5.1. Submittal. Prior to final inspection of the required improvements, and prior to the issuance of any ministerial development approval for any tract, parcel or lot in the subdivision, the applicant shall submit to the Administrator a digital disk and two prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be recertified by the applicant's professional engineer, indicating the date when the as-built survey was made.

5.9.5.2. Sewer and Storm Drainage. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers; rainwater capture swales, pervious pavements, filtering and treatment facilities; manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. Sewer and storm drain lines shall be videotaped and a copy of the videotape shall be provided with the as-built drawings. Copies of any and all test results or other investigations shall be provided to the Administrator.

5.9.5.3. Water. As-built drawings shall depict water lines, valves, fire hydrants, and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and the location and description of valves with dimensional ties. Copies of any and all test results or other investigations shall be provided to the Administrator.

5.9.5.4. Roads, Sidewalks, Bicycle and Equestrian Trails and Paths. As-built drawings shall depict the location, road right-of-way, width, materials and vertical elevation.

DRAFT 10.20.15

5.9.5.5. Control Points. As-built drawings shall show all control points and monuments.

5.10. INSPECTION AND ACCEPTANCE OF IMPROVEMENTS.

5.10.1. Inspection Required. During the preparation of land and the installation of general improvements, periodic inspections may be made by the Administrator to ensure conformity with the SLDC, all conditions and mitigation requirements in the development order approving the final plat, the development and subdivision improvement agreements, and the specifications and standards of the approved construction plans. Other appropriate governmental agencies and public and private utilities may make inspections at any time during the progress of work. All improvements required by this Chapter shall be inspected prior to acceptance by the Administrator. Where inspections are made by governmental agencies and public and private utilities or agencies other than the Administrator, the applicant shall provide a written report of each inspection to the Administrator.

5.10.2. Inspection Schedule. The applicant shall notify the Administrator of the commencement of construction of improvements not less than twenty-four (24) hours prior thereto. Inspections are required at each of the following stages of construction or as otherwise determined in the development and subdivision improvement agreements:

5.10.2.1. site grading/erosion control and stormwater management completion;

5.10.2.2. prior to permanent burial of underground utility or other public improvement installations;

5.10.2.3. prior to aggregate base installation;

5.10.2.4. prior to curb and gutter or swale installation;

5.10.2.5. prior to binder placing; and

5.10.2.6. prior to final porous material surfacing prior to seal coat.

5.10.3. Compliance with Standards. The applicant and any third party construction contractor engaged by the applicant shall bear joint and several liability and responsibility for the installation and construction of all required improvements according to the provisions of the development order approving the final plat, the development and subdivision improvement agreements, the sustainable design and construction standards of the SLDC, and the applicable standards and specifications of other governmental entities.

5.10.4. Acceptance of Land and Improvements.

5.10.4.1. Approval of the installation and construction of improvements shall not constitute acceptance by the County of the improvements or offers of dedication. The installation of improvements in any subdivision shall in no case serve to bind the County to accept such improvements for maintenance, repair, or operation thereof. Such acceptance shall be subject to the requirements of the SLDC and applicable statutes concerning the acceptance of each type of improvement and any offer of dedication, deed or easement. Subdivision approval does not impose on the County any duty regarding operation, maintenance or improvement of any dedicated lands or improvements parts until the Board adopts a resolution or ordinance formally accepting the dedication.

DRAFT 10.20.15

Denial of subdivision approval shall be considered a refusal by the Board to accept a dedication indicated on the plat.

5.10.4.2. The County shall not have title to or responsibility for any improvements until the improvements have been accepted as provided in this subsection.

5.10.4.3. When improvements have been constructed in accordance with the standards and requirements of the SLDC, the conditions of approval in the final plat development order, the adopted development and subdivision improvement agreements, and approved as-built plans, the Administrator shall place the acceptance of the improvements and land dedications on the regular agenda of the Board, which may accept, reject or accept with conditions the dedication of the land and improvements.

5.10.4.4. The provisions in § 5.10.4.1 shall not relieve the applicant or the applicant's contractor of any responsibility for notifying the Administrator or other governmental entity, public or private utility, school, assessment or public improvement district of the completed work accompanied by a formal request for inspection of same, prior to acceptance. The Administrator and other approving authorities having jurisdiction shall inspect and approve all completed work prior to the release of any escrow funds, payment and performance bonds, letters of credit or other sureties.

5.10.5. Site Cleanup. The applicant and applicant's contractor shall be responsible for removal of all equipment, material, stockpiles of dirt or construction materials, and general construction debris from the subdivision and from any lot, road, public way, or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property, or onto other land in the County is prohibited and unlawful.

5.10.6. Failure to Complete Improvements. If the applicant or the applicant's contractor fails to install and construct the public improvements pursuant to the terms and conditions of the final development order, the construction plans and the development and subdivision improvement agreements, the Administrator shall:

5.10.6.1. declare the agreements and final plat approval to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreements are declared to be in default;

5.10.6.2. obtain the escrow funds deposited for security, enforce the performance and payment surety bond or letter of credit and complete the public improvements by the County or through a third party contractor;

5.10.6.3. assign the County's right to receive funds pursuant to the deposit of escrow funds, any performance and payment bond or letter of credit, in whole or in part to any third party, in exchange for an agreement of the third party to provide a new performance and payment bond, escrow funds or a letter of credit in sufficient amount to complete the required public improvements; or

5.10.6.4. exercise any other rights available under the SLDC, the voluntary development agreement, the subdivision improvement agreement and state law.

5.11. SPECIAL PROCEDURES.

DRAFT 10.20.15

5.11.1. Succeeding Subdivisions. Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

5.11.1.1. a part of a previous subdivision that has been created in the preceding seven (7) year period; or

5.11.1.2. any land retained by an applicant after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

5.11.2. Vacation of Approved Plat.

5.11.2.1. Applicability. Any final plat filed in the office of the county clerk may be vacated, or a portion of the final plat may be vacated, if:

1. the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated; ~~and~~

2. the statement is approved by the Board~~.~~; and

3. if the plat, or portion of plat, to be vacated was initially approved through an administrative process, the Administrator may approve the vacation or partial vacation of the plat.

5.11.2.2. Application. The owners of all or a portion of the lots in any approved subdivision or land division, may initiate a plat vacation by filing an application with the Administrator. The application shall include the acknowledged statement required by § 5.11.2.1.1. The application requesting vacation of the plat and an application requesting a re-subdivision of the plat may be filed concurrently.

5.11.2.3. Review.

1. Process. The Administrator shall review and process the application and the acknowledged statement of plat vacation as provided Table 4-1. The application and acknowledged statement shall be approved, conditionally approved, or disapproved at a regular public meeting of the Board, or by the Administrator in accordance with Section 5.11.2.1.3. above.

2. Standards. The Board shall approve the application for vacation on such terms and conditions as are reasonable to protect the public health, safety, and welfare. The Board shall not approve an application for vacation if it will adversely affect the interests of persons on contiguous land or persons within the subdivision being vacated.

5.11.2.4. Roads.

1. The Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.

2. The owners of parcels on the vacated portion of the final plat may enclose in equal proportions the adjoining roads and alleys that are authorized to be abandoned.

DRAFT 10.20.15

5.11.2.5. Effect of Approval. Upon the execution and recording of the vacating instrument, the plat shall be vacated. The rights of any utility existing prior to the vacation, total or partial, of any final plat are not affected by the vacation of a final plat. The re-subdivision of the land covered by a plat that is vacated shall be governed by the SLDC.

5.11.2.6. Recording. The development order declaring the vacation and the vacation plat shall be recorded in the manner prescribed for the approval and recording of the original final plat. The County Clerk shall write legibly on the vacated plat the word "vacated" or the phrase "partially vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

5.11.3. Amendment of Final Plat.

5.11.3.1. Applicability. A final plat may be amended for one or more of the following reasons:

1. to correct an error in a course or distance;

2. to add a course or distance that was omitted;

3. to correct an error in a real property description;

4. to locate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments on the plat;

5. to designate the correct location or character of a monument that is shown incorrectly;

6. to correct any other type of scrivener or clerical error on the previously approved final plat, including lot numbers, acreage, road names, and identification of adjacent recorded plats;

7. to correct an error in courses and distances of lot lines between two adjacent lots where:

a. both lot owners join in the application,

b. neither lot is abolished,

c. the amendment does not attempt to remove recorded covenants or restrictions; and

d. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;

8. to relocate a lot line or easement to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

9. to relocate one or more lot lines between one or more adjacent lots or remove a lot line between adjacent lots if:

DRAFT 10.20.15

a. the owners of all those lots join in the application for amending the plat,

b. the amendment does not attempt to remove recorded covenants or restrictions, and

c. the amendment does not increase the number of lots.

5.11.3.2. Application. An applicant wishing to amend an approved final plat shall file with the Administrator the amendment plat, together with a copy of the final plat being amended and a statement detailing the basis for the amendments being proposed.

5.11.3.3. Processing; Review. The amendment plat shall be processed by the Administrator in the same manner as a minor subdivision. If the plat being amended has been recorded, the amendment plat shall be clearly marked as follows: *Amending plat of [name of development]. This plat amends the plat previously recorded in the County Clerk's records of Santa Fe County, at _____ [INSTRUMENT NUMBER] and _____ [BOOK AND PAGE].*

5.11.3.4. Recording. The amendment plat shall be recorded as in the manner prescribed for the approval and recording of the original final plat. The County Clerk shall write legibly on the original final plat the word "amended" and shall enter on the final plat a reference to the volume and page at which the amendment plat is recorded. Once recorded, the amendment plat is controlling over the original final plat.

5.12. ADVERTISING STANDARDS.

5.12.1. Advertising Requirements. Brochures, disclosure statements, publications and advertising of any form relating to subdivided land shall:

5.12.1.1. not misrepresent or contain false or misleading statements of fact;

5.12.1.2. not describe deeds, title insurance or other items included in a transaction as "free" and shall not state that any parcel is "free" or given as an "award" or "prize" if any consideration is required for any reason;

5.12.1.3. not describe parcels available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized or when additional parcels must be purchased at a higher price;

5.12.1.4. not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;

5.12.1.5. if subdivision illustrations are used, accurately portray the subdivision in its present state, and if illustrations are used portraying points of interest outside the subdivision, state the actual road miles from the subdivision;

5.12.1.6. not contain artists' conceptions of the subdivision or any facilities within it unless clearly described as such and shall not contain maps unless accurately drawn to scale with the scale indicated;

5.12.1.7. not contain references to any facilities, points of interest or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and

DRAFT 10.20.15

5.12.1.8. refer to where the applicant's disclosure statement may be obtained.

5.12.2. Filing of Copies. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Administrator and the Attorney General within fifteen (15) days after initial use by the applicant.

5.13. REQUIREMENTS PRIOR TO SALE, LEASE OR OTHER CONVEYANCE.

5.13.1. Disclosure Statement. Prior to selling, leasing or otherwise conveying any land in a subdivision, the applicant shall disclose in writing such information as required by NMSA 1978 § 47-6-8 and the Board to permit the prospective purchaser, lessee or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease or other conveyance of land. It is unlawful to sell, lease or otherwise convey land in a subdivision until:

5.13.1.1. the required disclosure statement has been filed with the county clerk, the Board and the attorney general's office; and

5.13.1.2. the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

5.13.2. Substitute Disclosure. Any applicant who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit his approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the applicant's statement of record shall be attached to the statement of record.

5.13.3. Final Plat to Purchaser. A copy of the final plat shall be provided to every purchaser, lessee or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance.

5.13.4. Additional Statutory Conditions. Pursuant to NMSA 1978 § 47-6-8, it is unlawful to sell, lease or otherwise convey land within a subdivision before the following conditions have been met:

5.13.4.1. the final plat has been approved by the Board and has been filed with the Santa Fe County Clerk. Where a subdivision lies in more than one county, the final plat shall be approved by the board of county commissioners of each county in which the subdivision is located and shall be filed with the county clerk of each county in which the subdivision is located;

5.13.4.2. the applicant has furnished the Board a sample copy of his sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land; and

5.13.4.3. all corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

5.14. APPEALS.

5.14.1. Applicability. Except as provided in this subsection, appeals regarding decisions made under this Chapter shall be addressed as provided in Chapter 4.

DRAFT 10.20.15

5.14.2. Appeal of Administrative Decisions. A party who is or may be adversely affected by a decision of a delegate of the Board, shall appeal the delegate's decision to the Board within thirty (30) days of the date of the delegate's decision. The Board shall hear the appeal and shall render a decision within thirty (30) days of the date the Board receives notice of the appeal. Thereafter, the procedure for appealing the decision of the Board in § 5.14.3 shall apply.

5.14.3. Appeal of Board Decisions. A party who is or may be adversely affected by a decision of the Board may appeal to the district court pursuant to the provisions of NMSA 1978 § 39-3-1.1.

DRAFT 10.20.15

Chapter 6 – Studies, Reports and Assessments (SRAs)

Section **Contents** **Page**

6.1 Generally....70
6.2 Preparation and Fees....71
6.3 Environmental Impact Report (EIR)....72
6.4 Adequate Facilities & Services Assessment (APFA)....77
6.5 Water Service Availability Report (WSAR)....80
6.6 Traffic Impact Assessment (TIA)....83
6.7 Fiscal Impact Assessment....88

DRAFT 10.20.15

CHAPTER SIX – STUDIES, REPORTS AND ASSESSMENTS (SRAs)

6.1. GENERALLY.

6.1.1. Purpose. Studies, Reports, and Assessments (SRAs) facilitate the review of applications subject to discretionary review. The applicant shall prepare and submit the SRAs required by Table 4-1 in a form and format established in this chapter. SRAs shall be submitted at the time application is made. The pre-application TAC meeting required by Chapter 4 (see § 4.4 and Table 4-1) provide an opportunity for the applicant and staff to discuss and clarify the details of the required SRAs.

6.1.2. Types. Although SRAs are referred to collectively, they are comprised of individual studies, reports and/or assessments that may or may not be required for a particular project as set forth in table 6-1 below. The different SRAs are as follows, with reference to the applicable explanatory section of this chapter:

6.1.2.1. Environmental Impact Report (EIR). This report analyzes adverse effects and impacts on natural habitats and corridors; flood plains, floodways, stream corridors and wetlands; steep slopes and hillsides; air and water pollution; archeological, historical and cultural resources. See § 6.3.

6.1.2.2. Adequate Public Facilities and Services Assessment (APFA). This assessment indicates whether public facilities and services, taking into account the County's Capital Improvement and Service Program, are adequate to serve the proposed development project. See § 6.4.

6.1.2.3. Water Service Availability Report (WSAR). This report determines the permanent availability of and impacts to groundwater and surface water resources See § 6.5.

6.1.2.4. Traffic Impact Assessment (TIA). This assessment determines the effects of traffic created by the development upon County, state and local roads and highways. See § 6.6.

6.1.2.5. Fiscal Impact Assessment (FIA). This study describes the effects and impacts of the project upon County revenue and costs necessitated by additional public facilities and services generated by the development project and the feasibility for financing such facility and service costs. See § 6.7.

6.1.3. Applicability. Table 4-1 states generally whether SRAs are required to be submitted with a particular application, but it does not delineate which specific studies, reports and/or assessments are required. This specificity is included in Table 6-1 below, where the various document submittals are set forth by application type.

DRAFT 10.20.15

Table 6-1: Required Studies, Reports and Assessments (SRAs).

	SRA Type				
Application Type	TIA	APFA	WSAR	~~FIS~~FIA	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (between 10k sf and 25,000 sf)	yes*	yes	as needed**	no	no
Development Permit-non-residential (over 25k sf)	yes*	yes	yes	yes	yes
Minor subdivision	yes	yes	no	no	no
Major subdivision 24 or fewer lots	yes*	yes	as needed	as needed	as needed
Major subdivision more than 24 lots	yes	yes	yes	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

* See NMDOT State Access Manual
** As part of the pre-application TAC meeting process (see § 4.4), the Administrator will determine which SRAs are applicable based on the scope and impact of the proposed project.

6.1.4. Discretion of Administrator. The Administrator shall have the authority to exempt the applicant from a required SRA if the Administrator reasonably determines either that the information that would likely result from the study, report, or assessment is either (a) already known and can be supplied by other means, or (b) will have no reasonable bearing on the evaluation of the application.

6.1.5. Non-limitation. Nothing in the SLDC shall abrogate the County's authority to require the applicant to prepare necessary studies, analyses or reports required as a part of the development approval process.

6.2. PREPARATION AND FEES.

6.2.1. Applicant prepared. ~~Except for DCIs, an~~ An applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. The applicant shall deposit, as determined in the Fee Schedule approved by the Board, cash, a certified check, bank check or letter of credit, to cover all of the County's expenses in reviewing the SRA, including engaging consultants.

6.2.2. ~~County prepared~~Expert Review. The County may hire outside experts to review any of the submitted SRAs at the expense of the applicant in accordance with the approved fee schedule. ~~All SRAs concerning an application for approval of a DCI shall be prepared by the County. Upon submittal of an application for a DCI, the applicant shall pay to the Administrator the actual administrative cost and consultant fees of the SRAs in order to cover the costs of the County preparing the SRAs, including but not limited to, staff time and the employment of independent consultants retained by the County.~~

DRAFT 10.20.15

6.2.3. Project Overview Documentation. In addition to the technical reports required under Table 6-1 and detailed below, every SRA submittal shall include basic project information to facilitate in the evaluation of the application. At a minimum, the project overview documentation shall include the following:

6.2.3.1. an accurate map of the project site, depicting: existing topography; public or private buildings, structures and land uses; irrigation systems, including but not limited to acequias; public or private utility lines and easements, under, on or above ground; public or private roads; public or private water or oil and gas wells; known mines; parks, trails, open space and recreational facilities; fire, law enforcement, emergency response facilities; schools or other public buildings, structures, uses or facilities; nonconforming building, structures or uses; environmentally sensitive lands; archaeological, cultural or historic resources; scenic vistas and eco-tourist sites; agricultural and ranch lands; and all other requirements of the Administrator as established at the Administrator's pre-application meeting with the applicant;

6.2.3.2. a detailed description of the development uses, activities and character of the development proposed for the project site;

6.2.3.3. the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities, public and private utility lines and facilities, public buildings, structures or facilities, community centers, and other non-residential facilities and structures within one (1) mile of the site perimeter;

6.2.3.4. the approximate location, arrangement, size, floor area ratio (FAR) of any buildings and structures and parking facilities proposed for construction within the development project;

6.2.3.5. the proposed traffic circulation plan, including the number of daily and peak hour trips to and from the site and the proposed traffic routes to the nearest intersection with a state road or interstate;

6.2.3.6. the approximate location of all fire, law enforcement, and emergency response service facilities and all roads and public facilities and utilities shown on the capital improvement and services plan; floodways, floodplains, wetlands, or other environmentally sensitive lands and natural resources on the applicant's property; location of historic, cultural and archeological sites and artifacts; location of slopes greater than 15% and 30%; wildlife and vegetation habitats and habitat corridors within one (1) mile of the proposed project site perimeter;

6.2.3.7. a statement explaining how the proposed project complies with the goals, objectives, policies and strategies of the SGMP and any area or community plan covering, adjacent to, or within one (1) mile of the proposed project site perimeter;

6.2.3.8. a statement or visual presentation of how the project will relate to and be compatible with adjacent and neighboring areas, within a one(1) mile radius of the project site perimeter;

6.3. ENVIRONMENTAL IMPACT REPORT (EIR).

6.3.1. EIR as Informational Document. The EIR shall be prepared as a separate document apart from any other document required to be submitted by application of this Chapter. The EIR shall inform the County, the public and the applicant of the significant environmental effects and impacts of a project, identify possible ways to minimize the significant adverse effects or impacts,

DRAFT 10.20.15

and describe reasonable alternatives to the project. The County shall consider the information in the EIR along with other information which may be presented to the County by the applicant or interested parties. While the information in the EIR does not control the County's ultimate discretion on the project, the EIR shall propose mitigation of each significant effect and impact identified in the EIR. No EIR or SRA prepared pursuant to this Chapter that is available for public examination shall require the disclosure of a trade secret, except where the preservation of any trade secret involves a significant threat to health and safety. No specific location of archaeological, historical or cultural sites or sacred lands shall be released to the public, but the EIR shall thoroughly discuss all environmental issues relating to a proposed project and affecting any such sites.

6.3.2. Contents of Report. The EIR shall consist of a series of elements which shall contain the information outlined in this section. Each required element shall be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.

6.3.3. Summary. The EIR shall contain a summary of the proposed actions and their consequences. The language of the summary should be as clear and simple as reasonably practical. The summary shall identify:

6.3.3.1. Each significant adverse effect and impact with proposed mitigation measures and alternatives that would reduce or avoid that effect or impact;

6.3.3.2. Areas of potential controversy identified in the pre-application TAC meeting; and

6.3.3.3. Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

6.3.4. Project Description. The description of the project shall contain the following information but shall not supply extensive detail beyond that needed for evaluation and review of the environmental impact:

6.3.4.1. The precise location and boundaries of the proposed development project. Such location and boundaries shall be shown on a detailed topographical map. The location of the project shall also appear on a regional map.

6.3.4.2. A statement of the objectives sought by the proposed development project. The statement of objectives should include the underlying purpose of the project.

6.3.4.3. A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.

6.3.5. Environmental Setting. The EIR shall include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the environmental analysis is commenced, from the County, area, community, regional, and state perspectives. This environmental setting will constitute the baseline physical conditions by which the County determines whether an adverse effect or impact is significant. Knowledge of the County and the regional setting is critical to the assessment of environmental impacts, and shall analyze environmental, archaeological, cultural, historic, habitat and scenic resources that are rare or unique to the County and region and would be affected by the project. The EIR shall demonstrate that the significant environmental effects and impacts of the proposed project were adequately investigated and discussed and it shall permit the significant adverse effects or impacts of the

DRAFT 10.20.15

project to be considered in the full environmental context. A geotechnical investigation and report shall be required.

6.3.6. Significant Environmental Effects. The EIR shall identify and focus on the significant environmental effects of the proposed development project. In assessing the impact of a proposed project on the environment, the EIR shall limit its examination to changes in the existing physical conditions in the affected areas as they exist at the time environmental analysis is commenced. Direct and indirect significant effects and impacts of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects and impacts. The discussion shall include relevant specifics of the area, the resources involved, physical changes and alterations to soil conditions, water, environmentally sensitive lands and ecological systems, changes induced in the human use of the land, health and safety problems caused by physical changes, and other aspects of the resource base such as historical, cultural and archaeological resources, scenic vistas.

6.3.7. Significant Environmental Effects Which Cannot Be Avoided. The EIR shall describe significant adverse effects and impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are effects and impacts that cannot be alleviated without an alternative design, their implications and the reasons why the development project is being proposed shall be described.

6.3.8. Significant Irreversible Environmental Changes. Uses of nonrenewable resources during the initial and continued phases of the development project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary effects and impacts and, particularly, secondary effects and impacts (such as highway improvements required to provide access to a previously inaccessible area) generally commit future generations to similar uses. Irreversible damage can result from environmental and other accidents associated with the development project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. Applicant shall comply with all federal and New Mexico statutes and regulations regarding climate change.

6.3.9. Other Adverse Effects. The EIR shall discuss other characteristics of the project which may significantly affect the environment, either individually or cumulatively. The EIR shall discuss the characteristics of the project which may decrease the area's suitability for other uses, such as mixed use, industrial, residential, commercial, historical, cultural, archaeological, environmental, public and non-profit facilities, eco-tourism or scenic uses.

6.3.10. Mitigation Measures.

6.3.10.1. The EIR shall identify mitigation measures for each significant environmental effect identified in the EIR, which impacts include but are not limited to: inefficient and unnecessary consumption of water and energy; degradation of environmentally sensitive lands; sprawl; and noise, vibration, excessive lighting, odors or other impacts.

6.3.10.2. Where several measures are available to mitigate an effect or impact, each shall be discussed and the basis for selecting a particular measure shall be identified. Formulation of mitigation measures shall be identified at the first discretionary approval and under no circumstances deferred until the ministerial development process. Measures shall specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

6.3.10.3. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.

DRAFT 10.20.15

6.3.10.4. If a mitigation measure would cause one or more significant effects and impacts in addition to those that would be caused by the project as proposed, the adverse effects and impacts of the mitigation measure shall be discussed.

6.3.10.5. Mitigation measures described shall be fully enforceable through conditions or a voluntary development agreement.

6.3.10.6. In some circumstances, documentation of a historical, cultural, or archaeological resource, by way of historic narrative, photographs or architectural drawings, as mitigation for any identified impacts will not serve to mitigate the effects and impacts to a point where clearly no significant effect or impact on the environment would occur. All of the following shall be considered and discussed in the draft EIR for a development project involving such a cultural, historic or archaeological site:

1. Preservation in place is the preferred manner of mitigating impacts to historic, cultural or archaeological sites. Preservation in place maintains the relationship between artifacts and the historical, cultural, and archaeological context. Preservation shall also avoid conflict with religious or cultural values of Indian communities associated with the site.

2. Preservation in place may be accomplished by, but is not limited to, planning construction to avoid all historical, cultural or archaeological sites; and incorporation of sites within parks, green-space, or other open space;

3. When data recovery through excavation is the only feasible mitigation, a data recovery plan which makes provision for adequately recovering the scientifically consequential information from and about the historical, cultural, or archaeological resource, shall be prepared and adopted prior to any excavation being undertaken. If an artifact must be removed during project excavation or testing, storage of such artifact, under proper supervision, may be an appropriate mitigation.

4. Data recovery shall not be required for an historical, cultural or archaeological resource if the appropriate entity determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the draft EIR.

6.3.11. Consideration and Discussion of Alternatives to the Proposed Project.

6.3.11.1. Alternatives to the Proposed Project. The EIR shall describe a range of reasonable alternatives to the project, or to the location, which would feasibly attain some of the basic objectives of the project but would avoid or substantially lessen the significant and adverse impacts or effects of the project, and evaluate the comparative merits of the alternatives, even if those alternatives would impede the attainment of the project objectives or would be more costly.

6.3.11.2. Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant or adverse environmental effects and impacts of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant or adverse effects or impacts in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed.

DRAFT 10.20.15

6.3.11.3. Selection of a range of reasonable alternatives. The EIR shall briefly describe the rationale for selecting the alternatives to be discussed. The EIR shall also identify any alternatives that were considered but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the determination.

6.3.11.4. "No project" alternative.
The specified alternative of "no project" shall be evaluated along with its effects and impacts. The purpose of describing and analyzing a "no project" alternative is to allow a comparison of any adverse effects and impacts of the proposed project with effects and impacts if the project were not accomplished. The "no project" alternative analysis is not the baseline for determining whether the proposed project's environmental effects or impacts may be significant or adverse, unless it is identical to the existing environmental setting analysis which does establish that baseline.

1. The "no project" analysis shall discuss the existing conditions at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the development project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally preferred alternative is the "no project" alternative, the draft EIR shall also identify an environmentally preferred alternative among the other alternatives.

2. A discussion of the "no project" alternative shall proceed as follows: (i) The "no project" alternative is the circumstance under which the development project does not proceed. Discussion shall compare the environmental effects of the property remaining in its existing state against the environmental and adverse effects which would occur if the project were to be approved; (ii) If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other development project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" so the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval.

6.3.11.5. Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic use and value viability, availability of infrastructure, jurisdictional boundaries (projects with a significant effect or impact should consider the county wide context), and whether the applicant can reasonably acquire, control or otherwise have access to an alternative site in the common ownership. No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

6.3.11.6. Alternative locations. The essential issue for analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project should be included in the EIR. The EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

6.3.12. Organizations and Persons Consulted. The EIR shall identify all federal, state, or local agencies, tribal governments, or other organizations or entities, and any interested persons consulted in preparing the draft.

DRAFT 10.2015

6.3.13. Discussion of Cumulative Impacts. The EIR shall discuss cumulative effects of a project. A cumulative effect and impact is created as a result of the combination of the project evaluated in the EIR together with other development projects causing related effects and impacts. The discussion of cumulative effects and impacts shall reflect the severity of the effects and impacts and their likelihood of occurrence.

6.3.13.1. The discussion should focus on the cumulative effects and impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative effect and impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

1. A list of past, present, and probable future development projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the County (when determining whether to include a related development project, factors to consider should include, but are not limited to, the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue or when an impact is specialized, such as a particular air pollutant or mode of traffic);

2. The EIR shall define the geographic scope of the area affected by the cumulative effect and impact and provide a reasonable explanation for the geographic scope utilized;

3. A summary of the expected environmental effects to be produced by those projects with the specific reference to additional information stating where that information is available;

4. A reasonable analysis of the cumulative impacts of the relevant projects. A draft EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects or impacts; and

6.3.13.2. Approved land use documents, including the SGMP and any applicable area, district or community plans, shall be used in cumulative impact analysis. A pertinent discussion of cumulative effects and impacts, contained in one or more previously certified final EIR development projects may be incorporated by reference.

6.4. ADEQUATE PUBLIC FACILITIES & SERVICES ASSESSMENT (APFA).

6.4.1. Purpose and Implementation. The Adequate Public Facilities and Services Assessment ("APFA") ties development approval of an application for a project to the present availability of infrastructure and public service capacity measured by levels of service ("LOS") adopted in Chapter 12. The provision of adequate public facilities in a timely manner is a necessary precondition to development in order to prevent sprawl, assure a positive fiscal impact for the County, provide a high quality of life through infrastructure and services, implement the goals, policies of the SGMP, and any applicable area or community plan, and protect the public health, safety and general welfare of the community.

6.4.2. Requirements. The review of adequacy of public facilities and services shall compare the capacity of public facilities and services to the maximum projected demand that may result from the proposed project based upon the maximum density in the project and relevant affected areas. The APFA shall study the impacts of the proposed development on all of the following:

DRAFT 10.20.15

6.4.2.1. Roads. The APFA shall calculate the LOS for roads consistent with Table 12-1. The impact of the proposed development shall be measured by average daily trips and peak-hour trips based upon the Transportation Research Board's "Highway Capacity Manual 2000". The APFA shall describe the means by which the transportation capacity of the system will be expanded without destroying historic and traditional built environment. For purposes of the APFA, average daily traffic assumes 10 trips per day per dwelling unit or building lot.

6.4.2.2. Fire, Law Enforcement, and Emergency Response Services. For Law Enforcement (including emergency dispatch), and Fire and Emergency Response, the APFA shall calculate the LOS consistent with Table 12-1. In determining the impact of the proposed development on fire, law enforcement, and emergency service LOS, the approving agency shall primarily take into consideration the number and location of available apparatus and fire, law enforcement, and emergency service stations.

6.4.2.3. Water. For water supply, if the County's water utility or water and sanitation district or a public water system provides potable water to a proposed development and has issued a letter indicating it is ready, willing and able to serve, no APFA is required for water. For a proposed development that does not propose the use of a public water system, the APFA shall demonstrate that the project will provide the LOS consistent with Table 12-1. The APFA shall analyze the availability of adequate potable water, and shall analyze all of the following information, as appropriate pursuant to Table 7-17:

1. System capacity and availability of water rights;

2. Capacity of the well field, or other source of raw water supply;

3. Historical average flow of potable water;

4. Historical peak flow of potable water;

5. Number of hook-ups and the estimated potable water demand per hook-up; and

6. Number of hook-ups for which contractual commitments have been made.

7. Development approval applications shall be analyzed with respect to the availability of adequate potable water supply, and shall be evaluated according to the following factors using the information provided in a Water Service Availability Report:

a. Whether a public water system with a forty-year water plan on file with the Office of the State Engineer has a forty (40) year supply of water is available to provide service;

b. Whether a grey water reuse system will be provided and whether that system is tied to a public or community sewer treatment facility;

c. Whether rainwater capture and reuse system will be used;

d. Whether existing hook-ups and hook-ups for which contractual commitments have been made; and whether the estimated potable water demand per hook-up is excessive;

DRAFT 10.20.15

e. Whether the water service availability report provided substantial evidence that the project is within the service area of the County, or public or private water utility service area. If the ability of a provider to serve a proposed development is contingent upon planned facility expansion in accordance with a CIP, details regarding such planned improvements shall be submitted.

6.4.2.4. Sewer. The APFA shall demonstrate that the project will provide the LOS consistent with Table 12-1. The Applications shall be analyzed with respect to the availability of adequate sanitary sewer capacity, and shall be determined pursuant to the following information:

1. The public or private sewer system capacity;

2. Historical average daily flow of treated sewage;

3. Historical peak flow of treated sewage;

4. Number of hook-ups and estimated sewer demand per hook-up;

5. Number of hook-ups for which contractual commitments have been made;

6. The availability of hook up to the County or a PID public sewer system, or to a public or private community sewer treatment plant that provides tertiary sewage treatment; and

7. If the ability of a provider to serve a proposed development is contingent upon planned facility expansion in accordance with a CIP, details regarding such planned improvements shall be submitted.

6.4.2.5. Community Parks, Recreation Areas, and Trails. All County and community parks, recreation areas and trails shall be identified in the CIP and the land and right-of-way of those sites shall be placed on the Official Map. In determining compliance with the LOS standard for County and community parks, recreation areas and trails, nearby County or community parks, recreation areas or trails may be considered.

6.4.2.6. Existing Deficiencies. Subsection 12.2.3.2 of the SLDC describes the ramifications of an existing failure of infrastructure and services to meet the LOS specified in the SLDC. Existing deficiencies that affect the proposed development project shall be identified and any proposed projects that will address the deficiency in the CIP shall be identified.

6.4.3. Future Available Capacity. When a proposed development project is approved, the public facilities that the project utilizes shall be quantified and debited against available capacity for future projects.

6.4.4. Mitigation. The APFA may propose mitigation measures, or a combination of measures, as described in this section, as an alternative to denial of the application. These measures shall be included as a condition for approval of the application. Mitigation measures may include**:**

6.4.4.1. Phasing of the project, so that no development approval is issued before roads or other transportation facilities needed to achieve the LOS standard are constructed;

DRAFT 10.20.15

6.4.4.2. Measures that allow the transportation network to function more efficiently by adding additional capacity to the off-site road system, including, but are not limited to: pavement widening or narrowing; turn lanes; median islands, access controls, or traffic signalization; and

6.4.4.3. Transportation congestion management measures that allow the transportation network to function more efficiently by adding sufficient capacity to the off-site road system.

6.4.5. Approval of applications subject to discretionary action. The discretionary development approval application may be approved if adequate public facilities and services are available at the adopted LOS, may be denied if adequate public facilities are not available, and may be conditionally approved subject to phasing of development until all public facilities are available for the year the CIP shows that adequate public facilities for the entire proposed development will be built at the adopted LOS. (See Table 4-1 for applications subject to discretionary review.)

6.5. WATER SERVICE AVAILABILITY REPORT.

6.5.1. A Water Service Availability Report is required to analyze the availability of adequate potable water for a proposed project. WSARs may include the use of groundwater supplies for water availability and additional review factors such as more detailed analysis of the basin or basins involved, the outcome of any adjudication of the resource, State Engineer reports on the source and an analysis of the sufficiency of the groundwater source to meet the projected water demand from the proposed project.

6.5.2. The applications of Applicants required to submit a WSAR shall be analyzed with respect to the availability of adequate potable water.

6.5.3. The WSAR shall contain a detailed analysis of the following matters: existing system capacity of the public water or wastewater supply proposed for use; capacity of a well field (as applicable), stream, spring, or other source of raw water supply (as applicable); historical average use of potable water; and historical peak use of potable water; the number of hook-ups and the estimated potable water demand per hook up; and the number of hook-ups for which contractual commitments have been made or previous development orders have been approved. Applications requiring use of the County system or a public water or wastewater system, as described on Tables 7-17 and 7-18 and the accompanying text, need only supply the letter from the relevant supplier agreeing to provide services.

6.5.4. The development order shall provide findings based on substantial evidence that the project is within its designated service area and that it has the capacity to serve the project as proposed. If the ability of a public or private utility or service provider to serve a proposed development is contingent upon planned facility expansion in accordance with a CIP, details regarding such planned improvements shall be submitted.

6.5.5. The WSAR shall include:

6.5.5.1 An evaluation of the water supply as described in Section 7.13.6.1.

6.5.5.2. If the proposed development will rely on groundwater, the WSAR shall also include but not be limited to, the following:

1. all application materials;

DRAFT 10.20.15

2. a copy of the latest Sanitary Survey from the New Mexico Environment Department conducted pursuant to 20.7.10 NMAC (2013) ("Wastewater and Water Supply Facilities") or, if a new system is proposed, a Preliminary Engineering Report consistent with the "Recommended Standards for Water Facilities," 2006, as amended;

3. in the case of a proposed final plat approval, a copy of the water permit issued by the State Engineer ;

4. an assessment of water supplies which addresses whether total projected water supplies available during normal, single-dry and multiple-dry water years during a 40* or 99* year projection will meet the projected water demand associated with the proposed project, taking into account existing and projected future planned use from the identified water supplies; *(see § 6.5.5.1 above)

5. an assessment of the ability of the proposed system to meet annual and peak demands;

6. identification of, and request to, any public or private water utility, system or company that has the capacity to supply water for the project for an assessment from each. The governing body of the water supplier shall approve the assessment at a regular or special meeting. The water supplier shall provide the assessment not later than thirty (30) days after receiving the request from the applicant or the Administrator;

7. if there is no public water system, or if the identified public water system supplier fails to deliver an assessment within the thirty (30) day period provided, then the County shall prepare the assessment after consulting with any domestic water supplier whose service area includes the project site, the State Engineer any public or private utility, system or company adjacent to the project site and the County's cost of preparation shall be charged to the applicant.

6.5.5.3. The WSAR shall identify relevant, existing water supply entitlements, water rights, or water service contracts, and describe the quantities of water received in prior years. The identification shall be demonstrated by the applicant providing information related to all of the following:

1. written contracts or other proof of entitlement to an identified water supply, including proof of a service commitment from a water provider if irrigation water rights that are appurtenant to the land at issue have been severed;

2. copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system;

3. federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply;

4. any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply; and

5. lists of all supply wells, production rates, and storage capacity of all water sources.

DRAFT 10.20.15

6.5.5.4. If no water has been received in prior years under an existing entitlement, right, or contract, the assessment shall identify other public water systems, water companies, or water service contract holders that receive a water supply or have existing entitlements, rights, or contracts, to the same source of water.

6.5.5.5. Supplies to Remedy Insufficiency. If the public water system's total projected water supplies available during a 40-year projection are insufficient, then the applicant shall identify plans to acquire additional supplies that may include, but are not limited to:

1. The estimated total costs, and the proposed method of financing the costs, associated with acquiring the additional water supplies for the development project;

2. All federal, state, and local permits, approvals, or entitlements that are anticipated to be required in order to acquire and develop the additional water supplies; and

3. The estimated timeframes within which the public water system or water company expects to be able to acquire additional water supplies.

6.5.5.6. Groundwater. If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment:

1. A review of any information contained in a water management plan relevant to the identified water supply for the proposed project;

2. A description of any groundwater basin or basins from which the proposed project will be supplied;

3. For those basins for which a court has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court and a description of the amount of groundwater the public water system has the legal right to pump under the order or decree;

4. For basins that have not been adjudicated, information as to whether the State Engineer, pursuant to NMSA 1978, §§ 47-6-11.2, 72-5-1,72-5-23, 72-5-24, 72-12-3 and 72-12-7, has identified the basin or basins as over-drafted or has projected that the basin will become over-drafted if present management conditions continue, in the most current information of the State Engineer that characterizes the condition of the groundwater basin, and a detailed description by the public water system of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition;

5. A detailed description and analysis of the amount and location of groundwater pumped by the public water system for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records;

6. A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records; and

DRAFT 10.20.15

7. An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project.

6.5.5.7. County's Ability to Override Public Water Agency's Determination. An evaluation of water quality, quantity and potential pollution of surface or underground water assessments shall be included in the EIR and in the WSAR. The County shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If the County determines that water supplies will not be sufficient, the County shall include that determination in its findings for the WSAR.

6.5.5.8. Exceptions. If the project has previously been the subject of an assessment that complies with the requirements of this section, then no additional water supply assessment shall be required for subsequent projects that were part of a larger development project for which water supplies were found sufficient. Exceptions include:

1. Changes in the development project that will substantially increase water demand;

2. Changes in circumstances that substantially affect the ability to provide a sufficient water supply, and

3. Significant new information as it becomes known.

6.5.5.9. Water Quality. The applicant shall provide:

1. an analysis of all aquifers to be used by the project;

2. an analysis of all contaminant pathways leading from the project site to the aquifers, including saturated sandy units within the aquifers and unsaturated or vadose zone map;

3. an unsaturated or vadose zone map; and

4. an analysis of baseline water quality relating to existing water wells.

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

6.6.1. Purpose and Intent. The purpose of the traffic impact assessment (TIA) is to identify the impacts on capacity, adopted LOS and safety, which are likely to be created by the proposed development project. The information in the Traffic Impact Assessment will be coordinated with the APFA and the EIR. The isolated and cumulative adverse effects and impacts of the proposed project to the traffic shed need to be understood in relation to the existing and future required capacity of the County and State road system, and to ensure that traffic capacity will be provided at established levels of service so as not to hinder the passage of law enforcement, fire and emergency response vehicles, construction vehicles to and from the project site, degrade the quality of life, or contribute to hazardous traffic conditions. The intent of this section is to establish requirements for the analysis and evaluation of adverse transportation effects and impacts associated with proposed development projects in order to provide the information necessary to allow the Board to assess the transportation effects and impacts of site-generated traffic associated with a proposed development project.

DRAFT 10.20.15

6.6.2. [Reserved].

6.6.3. General Requirements. The TIA shall follow the NMDOT State Access Manual requirements, which requires a general assessment for smaller impact projects which generate little traffic, and a detailed analysis for those projects that generate larger traffic volumes. These larger impact projects will require a detailed traffic impact assessment which shall identify the improvements needed to:

6.6.3.1. Ensure safe ingress to and egress from the site;

6.6.3.2. Maintain adequate road capacity on the County and State road system to accommodate all traffic to and from the site generated by the project;

6.6.3.3. Ensure safe and reasonable traffic operating conditions on roads and at intersections through which traffic to and from the site passes;

6.6.3.4. Avoid creation of, or mitigate, unsafe and hazardous traffic conditions from heavy weights of trucks traveling to and from the site;

6.6.3.5. Minimize the impact of nonresidential traffic on residential neighborhoods in the County;

6.6.3.6. Protect the substantial public investment in the existing road system;

6.6.3.7. Provide a basis for approving, modifying, or denying an application based upon the adequacy or deficiency of the County and State road systems to handle the needs generated by the project;

6.6.3.8. If applicable, after identifying any deficiency in road capacity as required by subsection 6.6.3.2. of the SLDC, determine, after taking into consideration improvements to be provided through development fees, improvements to be provided by the County through the mechanisms described in the CIP and through the mechanisms described in a voluntary development agreement or through an Improvement District how all infrastructure that is required will be provided;

6.6.3.9. Evaluate whether adequate traffic capacity exists or will be available at the time a development order is granted for the application to safely and conveniently accommodate the traffic generated by the project on the County and State road system;

6.6.3.10. Evaluate traffic operations and impacts at site access points under projected traffic loads;

6.6.3.11. Evaluate the impact of site-generated traffic on affected intersections in the County;

6.6.3.12. Evaluate the impact of site-generated traffic on the safety, capacity and quality of traffic flow on public and private roads within the County;

6.6.3.13. Evaluate the impact of the proposed project on residential roads from the traffic to and from the site;

6.6.3.14. Ensure that site access and other improvements needed to mitigate the traffic impact of the development utilize County and State accepted engineering design standards and access management criteria;

DRAFT 10.20.15

6.6.3.15. Ensure that the proposed road layout is consistent with the public roadway design standards;

6.6.3.16. Ensure the proper design and spacing of site access points and identify where limitations on access should be established;

6.6.3.17. Ensure that potential safety problems on all roads to be used within the County have been properly evaluated and addressed; and

6.6.3.18. Ensure that internal circulation patterns will not interfere with traffic flow on the existing County and State road system.

6.6.4. Traffic Service Standards. The standards for traffic service that shall be used to evaluate the findings of traffic impact assessment are as follows:

6.6.4.1. Volume of traffic. To address the proposed volume of traffic, the traffic impact report shall use Table 12-1 to determine the adopted LOS for the roads considered in the application for development. For additional detail and reference, see § 10.2.2.2 of the SGMP which relates the six (6) levels of service to the Transportation Research Board *Highway Capacity Manual* and the Geometric Design for Highways and Streets ("Green Book") (2011, as amended) of AASHTO.

6.6.4.2. Level of service. See Table 12-1 for adopted LOS. Where the existing LOS is below these standards, the traffic impact report shall identify those improvements or transportation demand management techniques needed to maintain the existing LOS, and what additional improvements would be needed to raise the LOS to the standards indicated for the development project to be approved.

6.6.4.3. Number of access points. The number of access points provided shall be the minimum needed to provide adequate access capacity for the site. Evidence of LOS C operations for individual County and State road movements at access locations is a primary indication of the need for additional access points. However, the spacing and geometric design of all access points shall be consistent with the access management criteria of the SLDC.

6.6.4.4. Residential road impact. Average daily traffic impinging on residential roads shall be within the ranges spelled out in the transportation plan for the class of road involved.

6.6.4.5. Traffic flow and progression. The location of new traffic signals or proposed changes to cycle lengths or timing patterns of existing signals to meet LOS standards shall not interfere with the goal of achieving adequate traffic progression on major public roads in the County.

6.6.4.6. Vehicle storage. The capacity of storage bays and auxiliary lanes for turning traffic shall be adequate to insure that turning traffic will not interfere with through traffic flows on any public road.

6.6.4.7. Internal circulation. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public road and shall accommodate all anticipated types of site traffic.

DRAFT 10.20.15

6.6.4.8. Safety. Access points and travel along all County and State roads within the County shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic. Where traffic from the proposed development project will impact any location with an incidence of high accident frequency, the accident history should be evaluated and a determination made as to whether the proposed site access or increased traffic will mitigate or aggravate the situation. The applicant shall be required to design the site access in order to mitigate any impact on location safety.

6.6.5. Contents. A traffic impact assessment shall contain the following information:

6.6.5.1. Site Description. Illustrations and narratives that describe the characteristics of the site and adjacent land uses as well as future development projects for all transportation to and from the site to the nearest state road or interstate. A description of potential uses and traffic generation to be evaluated shall be provided. A description of the proposed development project, including access and staging plans shall be provided.

6.6.5.2. Study Area. The study area shall identify the roadway segments, and all intersections of roads classified as sub-collector or larger and access points for all transportation routes from the site to the nearest state road or interstate.

6.6.5.3. Existing Traffic Conditions. A summary of the data utilized in the study and an analysis of existing traffic conditions, including:

1. Traffic count and turning movement information, including the source of and date when traffic count information was collected;

2. Correction factors that were used to convert collected traffic data into representative design-hour traffic volumes;

3. Roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (e.g., speed limits and traffic signals), and existing driveways and turning movement conflicts in the vicinity of the site; and

4. Identification of the existing LOS for roadways and intersections without project development traffic, using methods documented in the Highway Capacity Manual or comparable accepted methods of the latest International Traffic Engineers (ITE) evaluation. LOS should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.

6.6.5.4. Horizon Year(s) and Background Traffic Growth. The horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. For each defined horizon year specific time periods are to be analyzed. In the case of construction and development operations, this time period shall be the weekday peak hours. The impact of the project shall be analyzed for the year after the project is completed and 20 years after the development is completed.

6.6.5.5. Trip Generation, Reduction, and Distribution. A summary of the projected peak hour and average daily trip generation for the proposed project, illustrating the projected trip distribution of trips to and from the site to the nearest state road or interstate, and the basis of the trip generation, reduction, and distribution factors used in

DRAFT 10.20.15

the study. A summary of all vehicle types and vehicle weights to be generated from the proposed development.

6.6.5.6. Traffic Assignment. The projected design-hour traffic volumes for roadway segments, intersections, or driveways in the study area, with and without the proposed development, for the horizon year(s) of the study.

6.6.5.7. Impact Analysis. The impact of traffic volumes of the projected horizon year(s) relative to each of the applicable traffic service standards and identification of the methodology utilized to evaluate the impact. The weekday peak-hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.

6.6.5.8. Mitigation/Alternatives. In situations where the traffic LOS standards are exceeded, the traffic impact assessment shall evaluate each of the following alternatives for achieving the traffic service standards by:

1. Identifying where additional rights-of-way are needed to implement mitigation strategies;

2. Identifying suggested phasing of improvements where needed to maintain compliance with traffic service standards; and

3. Identifying the anticipated cost of recommended improvements.

6.6.5.9. If the applicant fails to advance the improvements in accordance with Chapter 12, the application for the development approval may be denied for lack of adequate transportation system capacity, safety, and design.

6.6.5.10. At a minimum, the applicant shall be required, at the time of development approval, to pay for applicant's roughly proportional share of the cost for construction, operation and maintenance of all roads in the CIP for transportation facilities for the area in which development project is located. If such roughly proportional share is insufficient to meet traffic adequacy, the applicant may, through a voluntary development agreement, voluntarily advance the cost of additional roadway system improvements and shall be reimbursed when and as additional development projects are approved.

6.6.6. Traffic Impact Assessment Findings. If the traffic consultant finds that the proposed project will not meet applicable LOS, the traffic consultant shall recommend one or more actions by the County or the applicant, including but not limited to:

6.6.6.1. Reduce the size, scale or scope of the development to reduce traffic generation;

6.6.6.2. Divide the project into phases and authorize only one phase at a time until traffic capacity is adequate for the next phase of development;

6.6.6.3. Dedicate a right-of-way for road improvements;

6.6.6.4. Construct new roads;

6.6.6.5. Expand the capacity of existing roads;

6.6.6.6. Redesign ingress and egress to the project to reduce traffic conflicts;

DRAFT 10.20.15

6.6.6.7. Reduce background (existing) traffic;

6.6.6.8. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;

6.6.6.9. Integrate design components to reduce vehicular trip generation;

6.6.6.10. Implement traffic demand management strategies (e.g., carpool or vanpool programs, and flex time work hours), to reduce vehicular trip generation; or

6.6.6.11. Recommend denial or conditional approval of the application for the development project.

6.6.7. Expiration of TIA. A TIA shall expire and be no longer valid for purposes of this section on a date which is three (3) years after its creation.

6.7. FISCAL IMPACT ASSESSMENT.

6.7.1. Generally. The fiscal impact assessment involves a study of the fiscal implications of development in the County. Development will be permitted only after a determination of the adequacy and financial provision for public facilities and services including but not limited to public works and operational costs for additional public works, park, law enforcement, fire and emergency response service full time employees and technicians to construct, operate, service and maintain roads, storm water management systems, fire, law enforcement, emergency response trails, parks, open space, scenic vista sites, environmentally sensitive areas and historic, cultural and archeological artifacts and sites.

6.7.1.1. The fiscal impact assessment shall project adopted levels of service for law enforcement, fire and emergency response service to affected areas of the County. The assessment shall estimate the threshold minimum number of full time paid public service workers necessary to provide fire, law enforcement, emergency response service, road, drainage, environmentally sensitive areas and historic, cultural and archaeological artifacts and site necessary for maintenance and operation of the facilities and services.

6.7.1.2. The fiscal impact assessment shall estimate the public service costs for new workers and worker families brought into a development project area.

6.7.2. Determination of Costs and Revenues.
The fiscal and economic effects of development shall be determined using nationally accepted and longstanding fiscal and economic models. The fiscal and economic models shall project what shall be needed in terms of public operating and maintenance services and provision of capital facilities and determine what funds will be available to pay for these facilities and services.

6.7.2.1. Costs shall be determined using current budgets, both operating and capital interviews with service providers to determine areas of deficient capacity and service where additional expenditures will be necessary.

6.7.2.2. Revenues shall be determined using budgets and formulas for calculating additional taxes, infrastructure and service fees, licenses, administrative fees, grants and improvement district assessments.

6.7.2.3. The fiscal impact assessment shall assess the extent, a development project fiscally and economically impacts the County.

DRAFT 10.20.15

Chapter 7 – Sustainable Design Standards

Section **Contents** **Page**

7.1 Applicability 92
7.2 Fire and Building Codes 92
7.3 Residential Performance Standards (Lots, Blocks, Setbacks) 93
7.4 Access and Easements 97
7.5 Fire Protection 98
7.6 Landscaping and Buffering.....98
7.7 Fences and Walls 103
7.8 Lighting.....104
7.9 Signs.....109
7.10 Parking and Loading 118
7.11 Road Design Standards 124
7.12 Utilities.....133
7.13 Water Supply, Wastewater and Water Conservation.....134
7.14 Energy Efficiency 151
7.15 Open Space 153
7.16 Protection of Historic and Archaeological Resources 155
7.17 Terrain Management.....159
7.18 Flood Prevention and Flood Control.....164
7.19 NPDES (Reserved) 172
7.20 Solid Waste 173
7.21 Air Quality and Noise 173
7.22 Financial Guaranty.....174
7.23 Operation and Maintenance of Common Improvements.....177
7.24 Swimming Pools 180
7.25 Special Protection of Riparian Areas.....181
7.26 Infrastructure and Right-of-Way Dedication 185

DRAFT 10.20.15

CHAPTER 7 – SUSTAINABLE DESIGN STANDARDS

7.1. APPLICABILITY. The development standards of this section shall be applicable to all development, except as otherwise specified herein. Development approval shall not occur unless the applicant demonstrates compliance with all applicable standards of this chapter.

7.2. FIRE AND BUILDING CODES. In addition to the requirement of the SLDC, all development shall comply with the most current applicable codes adopted by the State of New Mexico, Santa Fe County and other entities, including but not limited to the following:

7.2.1. International Fire Code, 2003 edition, as adopted by 10.25.2 NMAC ("Fire Prevention and Public Occupancy").

7.2.2. New Mexico Commercial Building Code as adopted by 14.7.2 NMAC ("2009 New Mexico Commercial Building Code") which adopts by reference the 2009 International Building Code**.**

7.2.3. New Mexico Residential Building Code as adopted by 14.7.3 NMAC ("2009 New Mexico Residential Building Code"), which adopts by reference the 2009 International Residential Building Code**.**

7.2.4. New Mexico Earthen Building Materials Code as adopted by 14.7.4 NMAC ("2009 New Mexico Earthen Building Materials Code")**.**

7.2.5. New Mexico Non-Load Bearing Baled Straw Construction Building Standards as adopted by 14.7.5 NMAC ("2009 New Mexico Commercial Building Standards")**.**

7.2.6. New Mexico Energy Conservation Code as adopted by 14.7.6 NMAC ("2009 New Mexico Energy Conservation Code")**.**

7.2.7. New Mexico Existing Building Code as adopted by 14.7.7 NMAC ("2009 New Mexico Existing Building Code")**.**

7.2.8. New Mexico Historic Earthen Buildings as adopted by 14.7.8 NMAC ("2009 New Mexico Historic Earthen Buildings")**.**

7.2.9. New Mexico Plumbing Code as adopted by 14.8.2 NMAC ("2009 New Mexico Plumbing Code"), which adopts by reference the 2009 Uniform Plumbing Code**.**

7.2.10. New Mexico Swimming Pool, Spa and Hot Tub Code as adopted by 14.8.3 NMAC ("New Mexico Swimming Pool, Spa and Hot Tub Code"), which adopts the 2009 Uniform Swimming Pool, Spa and Hot Tub Code.

7.2.11. New Mexico Mechanical Code as adopted by 14.9.2 NMAC ("2009 New Mexico Mechanical Code"), which adopts the 2009 Uniform Mechanical Code**.**

7.2.12. New Mexico Solar Energy Code as adopted by 14.9.6 NMAC ("2009 New Mexico Solar Energy Code"), which adopts the 2009 Uniform Solar Energy Code**.**

7.2.13. New Mexico Electrical Code as adopted by 14.10.4 NMAC ("2011 New Mexico Electrical Code"), which adopts the 2011 National Electrical Code**.**

DRAFT 10.2015

7.2.14. New Mexico Electrical Safety Code as adopted by 14.10.5 NMAC ("2007 New Mexico Electrical Safety Code"), which adopts the 2007 National Electrical Safety Code**.**

7.2.15. Santa Fe County Urban Wildland- Interface Code, as adopted by County Ordinance No. 2001-11.

7.2.16. Santa Fe County Fire Code (as applicable).

7.2.17 New Mexico Night Sky Protection Act, enacted as NMSA 1978, §§ 74-12-1 to 24-12-11.

7.3. RESIDENTIAL PERFORMANCE STANDARDS (LOTS, BLOCKS AND SETBACKS).

7.3.1. Lots.

7.3.1.1. Lot Area. The area of a lot shall include the total horizontal surface area within the lot's boundaries, excluding existing and dedicated or conveyed public rights-of-way.

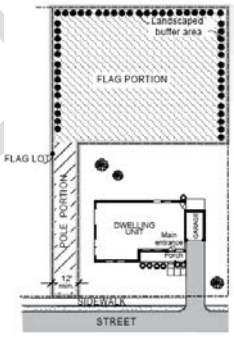
7.3.1.2. Buildings to be on a Lot. Except as permitted in Planned Development districts, every building shall be located on an individual lot.

7.3.1.3. Compliance with Zoning District Regulations. The size, width, depth, shape, use, and orientation of lots shall comply with the applicable zoning district regulations.

7.3.1.4. Frontage. All lots shall front on a public or private road and shall have a minimum frontage width as indicated in the zoning district regulations. On irregularly shaped lots, a minimum road frontage of fifteen (15) feet is required. An "irregularly shaped lot" includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet. (Residential lots shall not front on a collector road or arterial road.)

7.3.1.5. Double Frontage Lots. Double frontage or through lots are prohibited except in commercial or industrial districts. A double frontage lot is not created when an alleyway is provided. Double frontage lots may be permitted when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.1.6. Flag Lots. Flag lots are prohibited except when creation of such a lot cannot be avoided due to the circumstances existing on the property.



7.3.1.7. Reduction of Lot Size by Governmental Action. Where the owner of a legally platted lot has a lot reduced in size as a result of governmental action and does not own sufficient land to enable the lot to conform to the dimensional requirements of the SLDC, such lot may be used as a building site for a single family residence or nonresidential use

DRAFT 10.20.15

permitted in the district in which the lot is located.

7.3.2. Blocks.

7.3.2.1. Lots to be Contiguous. Lots shall be arranged in a contiguous pattern within blocks or abutting a cul-de-sac. In minor subdivisions all lots shall be contiguous, and any new lots subdivided from a tract that has been previously subdivided shall adjoin the existing lots.

7.3.2.2. Block Width. Blocks in the interior of a subdivision shall have sufficient width to provide for two tiers of lots. One tier of required block width is permitted in blocks adjacent to collector or arterial roads. Not more than two tiers of lots shall be provided for any block.

7.3.3. Setbacks.

7.3.3.1. Generally. Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as specified in this subsection.

7.3.3.2. Road Setbacks Shown on Plats. Front and side setbacks adjacent to roads shall be shown on all plats as required by the SLDC. The setbacks provided are minimum setbacks; an applicant may elect to create greater setbacks.

7.3.3.3. Highway Setbacks. Unless established through a right-of-way, all development shall be setback at least 150 feet from the road pavement of a federal highway and 100 feet from a highway, major arterial or railroad.

7.3.3.4. Fire Resistant Materials. A reduced side yard setback may be permitted where fire resistant materials are used consistent with the New Mexico Fire Code and the Santa Fe County Fire Code. The road, side, and rear setback standards shall apply around the perimeter of an attached housing development.

7.3.3.5. Commercial and Industrial Zones. Notwithstanding anything to the contrary in the Setback Table, a setback of 100 feet from the property line is required between any residential district and any structures or uses within a commercial or industrial district. For purposes of this paragraph, the phrase "commercial district" shall not include the MU zone.

7.3.3.6. Acequia Easements. All structures, excluding walls and fences, must be set back a minimum of 15 feet from the centerline of any acequia, ditch, lateral or drain under the authority of an acequia association, organization or irrigation district. Minimum setback requirement can be waived if easement is otherwise prescribed by a recognized acequia association or irrigation district. Applicants shall provide notice to impacted acequia associations, organizations or irrigation districts of development projects within 25 feet of an acequia, ditch, lateral or drain.

7.3.3.7. Dimensional Requirements. The dimensions of required setbacks are provided in the following Setback Table~~:~~. The setback standards do not apply to fences or walls.

DRAFT 10.20.15

Tabe 7-A: Setback Table

Zoning District	Front Setback (Min) ft	Front Setback (Max) ft	Side Setback (Min) ft	Rear Setback (Min) ft
Agriculture/Ranching **(A/R)**	25	n/a	50	50
Rural **(RUR)**	25	n/a	25	25
Rural Fringe **(RUR-F)**	25	n/a	25	25
Rural Residential **(RUR-R)**	20	n/a	25	25
Residential Fringe **(RES-F)**	10	n/a	25	25
Residential Estate **(RES-E)**	10	n/a	25	25
Residential Community **(RES-C)**	5	n/a	5	5
Traditional Community **(TC)**	5	n/a	5	5
Commercial General (**CG)**	5	100	0	30
Commercial Neighborhood (**CN)**	5	100	0	30
Industrial **(I)**	20	n/a	30	30
Mixed Use **(MU)**	0	n/a	0*	5
Public/Institutional **(PI)**	5	n/a	10	25

*No interior side setbacks are required in the MU district, except when residential uses abut non-residential uses, in which case the minimum side setback shall be 25 feet. If a commercial use in an MU district abuts a residential zone adjacent to the MU district, then the setback shall be equal to that of the adjacent residential zone.

DRAFT 10.20.15

7.3.3.8. Exceptions to Setback Requirements. Notwithstanding other provisions to the contrary, the following exceptions to setback requirements shall apply provided that a ten foot distance between structures is maintained:

1. Fences and walls may be allowed within required setbacks;

2. Chimneys, flues, or smokestacks may extend into setbacks but may not occupy more than twenty (20) square feet of the setback;

3. Sills and ornamental features may project up to two (2) feet into any setback;

4. Fire escapes may project up to five (5) feet into any required setback;

5. Cornices and eaves may extend up to five (5) feet into required setback, but shall remain at least two (2) feet from the property line.

6. Marquee signs and awnings may extend into setback;

7. Security gates and guard stations may be located within required setback;

8. At-grade patios, decks, uncovered terraces, uncovered steps and handicapped access ramps may extend into any required setback;

9. Mechanical equipment for residences may extend into required setback but shall remain at least five feet from the property line;

10. Bay windows, entrances, balconies, portals, and similar features may extend up to two feet into required setbacks, but shall remain at least five feet from the property line;

11. Pedestrian, bike or equestrian pathways or trails, leach fields and retention ponding may be permitted in required setbacks; and

12. Garages with alley access may extend into the rear setback.

7.3.3.9. Reduction in Setbacks. Setbacks may be reduced as described below through use of landscaping.

1. The setback described in subsection 7.3.3.3. may be reduced to seventy-five (75) feet if a landscaped buffer is created using trees with a minimum height at maturity of twenty (20) feet, twenty-five (25) feet wide, at a ratio of one tree for every 350 square feet. Existing trees may be utilized in determining the number of trees to be planted, provided that at least one third of the trees are evergreens.

2. The setback described in subsection 7.3.3.3. may be reduced to fifty (50) feet if a landscaped buffer is created using trees with a minimum height at maturity of thirty (30) feet and shrubs with a minimum height at maturity of twelve (12) feet, twenty-five (25) feet wide, at a ratio of one tree for every 300 square feet and one shrub for every 350 square feet. Existing trees may be utilized in determining the number of trees to be planted, provided that at least one third of the trees are evergreens.

3. Further reductions of setbacks may be considered where a combination of

DRAFT 10.20.15

trees and the construction of a solid masonry wall is proposed, or where a combination of trees and an earth berm of three to four feet in height is proposed to be constructed. The ratio of trees to square footage will depend on the variables of the site and nuisance factors to be mitigated.

7.4. ACCESS AND EASEMENTS.

7.4.1. General Access Requirement. All development shall provide access for ingress and egress, utility service, and fire protection whether by public access and utility easement or direct access to a public right-of-way. No structures are permitted to be built within or obstructing a platted access easement.

7.4.2. Access and Utility Easements.

7.4.2.1. Access Easements. Except as provided in § 5.8, legal access shall be provided to each lot through an appropriate easement, deed or plat dedication.

7.4.2.2. Utility Easements. Easements shall be provided for utility services including, but not limited to, water, sanitary sewer, gas, electric, and communications (cable/internet/phone). Utility easements shall have a minimum width of seven and one-half (7½) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer shall be made. Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining areas. Utility easements shall be located such that each lot can be served by all proposed utilities.

7.4.2.3. Combined. Access and utility easements shall be combined unless the utility company dictates otherwise, or where topographical conditions, existing utility easements, or other conditions dictate otherwise. In such cases, utility easements may be placed parallel to access easements so that maintenance of utility lines will not create the need to disturb a road or driveway. Utility trenches shall be placed within easements in or adjacent road or driveway easements or rights-of-way where possible, except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.

7.4.3. Drainage Easements. Where a property is traversed by a water course, drainage conveyance, channel or stream, a storm water or drainage easement shall be established which conforms substantially with such water course. All drainage components, including detention or retention basins, water courses, acequias, drainage conveyances, channels or streams which impact more than one lot, shall be included in drainage easements.

7.4.4. Trail Easements. When and where provided, trail easements shall have a minimum width of twenty (20) feet to provide access for maintenance, except where necessary to accommodate terrain or other site-specific conditions.

7.4.5. Fire and Emergency Access Easements. Emergency access easements shall be not less than twenty (20) feet in width and shall remain at all times clear of obstructions including vehicles, structures, trees, shrubs and similar landscaping.

7.4.6. Cross-Access Easements for Non-residential, Multi-Family and Mixed Uses.

7.4.6.1. If a parcel is to be developed for any nonresidential, multi-family or mixed use, a

DRAFT 10.20.15

cross-access easement shall be provided to adjoining properties that are similarly zoned and that front on the same road,.

7.4.6.2. Cross-access easements shall have a minimum width of thirty (30) feet and shall be situated parallel to the road providing primary access. Cross-access easements shall be maintained by the property owner(s).

7.4.6.3. This requirement may be waived were unusual site conditions render such an easement of no reasonable benefit to adjoining properties or to public safety.

7.5. FIRE PROTECTION.

All development shall comply with the New Mexico Fire Code (or other applicable fire code as established by NMAC 10.25.5.18), and the Santa Fe County Fire Code.

7.6. LANDSCAPING AND BUFFERING.

7.6.1. Applicability. Except for the provisions of subsection 7.6.3 which applies to all development, this section shall apply only to non-residential, mixed-use, multi-family development, and to all subdivisions.

7.6.2. Purpose and Intent. The standards of this section are intended to accomplish the following:

7.6.2.1. Assure that new development creates an amenity and improves and enhances the visual quality of an area;

7.6.2.2. Provide a buffer or screen between uses and roadways and residential areas;

7.6.2.3. Provide habitat and habitat corridors;

7.6.2.4. Prevent air and noise pollution;

7.6.2.5. Shade, cool and define large parking areas;

7.6.2.6. Define the separate function of thoroughfares and other land uses;

7.6.2.7. Promote revegetation of disturbed sites, minimize erosion, dust and slope instability;

7.6.2.8. Assure that landscaping is designed, installed and maintained to conform to the SLDC;

7.6.2.9. Preserve native vegetation and landscapes, and protect the visual and structural integrity of hillsides and mountainous areas from the deleterious effects of development; and

7.6.2.10. Promote conservation of water through the use of drought tolerant plant materials and xeriscape techniques.

7.6.3. Preservation of Existing Vegetation.

7.6.3.1. To the extent practicable, existing vegetation shall be preserved and incorporated into landscape plans. Existing vegetation shall be protected during site development;

DRAFT 10.20.15

vegetation may be cleared but shall be limited to the footprint area of structures and a reasonable area for construction operations, and all cleared areas shall be replanted to approximately the original density and vegetation mix.

1. General Preservation Standards.

a. Transplantable trees displaced by construction shall be the primary source for required screening, buffering or landscaping.

b. Native trees, shrubs and landscape shall be retained within any landscape areas set aside for setbacks.

c. Permanent installation of retaining walls, terracing and tree wells shall be used to protect trees in areas where significant grade changes are made.

2. Significant Trees.

a. Removal of significant trees or damage to the critical root zone of significant trees outside of the buildable area is prohibited. Permanent installation retaining walls, terracing and tree wells should be utilized to protect significant trees in areas where significant grade changes are made.

b. Significant trees shall not be removed from the slopes greater than thirty percent (30%).

7.6.3.2. Xeriscape Requirements. Only native or introduced vegetation that is drought and/or freeze resistant shall be used for landscaping. A list of suitable native plants shall be on file with the Administrator.

7.6.4. Landscaping for Non-Residential Uses.

7.6.4.1. For all non-residential and multi-family development that is not already buffered by the requirements of subsection 7.6.4, a landscaped area twenty-five (25) feet in width shall be provided at the front of the property that abuts a public right of way that serves a highway or arterial and a landscaped area ten (10) feet in width shall be provided at the front of property that abuts a public right of way that serves a collector or local road.

7.6.4.2. The landscaping shall include a combination of trees, shrubs, grasses and flowers, ground cover or other organic and inorganic materials.

7.6.4.3. Evergreens and canopy or shade trees shall predominate; ornamental trees and shrubs and smaller native trees may be interspersed in groups which simulate natural tree stands.

7.6.5. Screening. Any non-residential or multi-family use that is located adjacent to a residential use, whether in an adjacent zone or as an approved non-residential use within in a mixed-use or residential zone, shall provide screening to a height of not less than six feet for the adjacent residential uses.

7.6.6. Parking Area Landscaping.

7.6.6.1. Landscaping within parking lots shall be designed to shade the parking spaces

DRAFT 10.20.15

and provide a visual break to the parking lot surface in accordance with the requirements of this subsection.

7.6.6.2. Parking lots containing more than forty (40) or more parking spaces or are 12,000 square feet in total area, whichever is less, shall provide parking area landscaping as described in this subsection; provided, however, that the standards of this subsection shall not apply to vehicle/equipment storage lots or vehicle and equipment sales lots.

7.6.6.3. Parking areas containing 100 or more parking spaces shall provide landscaping in total area equal to least 10 percent of the total area of the parking lot. Parking areas containing between forty (40) and ninety-nine (99) parking spaces shall provide landscaping in total area equal to five (5%) percent .

7.6.6.4. Landscaped islands shall be provided at the end of each parking row containing ten (10) or more spaces.

7.6.6.5. Divider Medians. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall be five feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum width shall be eight feet.

7.6.6.6. Plant Units. Plant units shall be provided within the interior of off-road parking areas in accordance with Table 7-1 and the following:

Table 7-1: Planting Requirements for Off-Road Parking Areas.

Required parking spaces	Minimum required tree planting	Minimum required shrub planting
0 to 39	None	None
40 to 100	1 tree per 10 spaces	3 shrubs per 10 spaces
100 +	1 tree per 15 spaces	2 shrubs per 5 spaces

1. Shade trees shall have a clear trunk at least six (6) feet above the finished grade.

2. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with ground cover or other appropriate landscape treatment. No turf shall be allowed within interior parking lot landscape areas.

3. Interior landscaping planting islands shall have a minimum area of 160 square feet and a minimum dimension of four feet; provided, however, that:

a. Tree planting areas shall be at least seven feet in any dimension; and

b. Planting islands parallel to parking spaces shall be at least five feet wide (to allow car doors to swing open).

c. Interior landscaping shall be uniformly distributed throughout the parking lot.

d. Pedestrian pathways or sidewalk areas shall be incorporated into the parking area landscape treatment.

DRAFT 10.20.15

7.6.7. Parking Area Perimeter Walls. Perimeter visual screening shall be required for off-road parking areas in the following circumstances:

7.6.7.1. Parking areas with ten or more spaces or 4,000 square feet, whichever is less, shall be screened from view along the front property line (adjacent road rights-of-way) by an opaque, four-foot masonry wall or fence.

7.6.7.2. Such parking areas located within twenty-five feet of a property line adjoining residential uses, shall be screened from view along the front, side and/or rear property line by an opaque, six foot masonry wall or fence. Required landscape buffers shall be located on the outside of the fence or wall.

7.6.8. Means of Compliance. Wherever landscaping or screening are required by this section, the following standards shall apply.

7.6.8.1. Planting Standards. Where landscaping is required by this section, these are the planting standards.

1. Trees. At least one tree with a minimum height at maturity of twenty (20) feet shall be provided for each 500 square feet of landscaped area, or fraction thereof. Trees used to screen nonresidential and multi-family structures shall have a minimum height at maturity of thirty (30) feet. New trees shall be spaced at a distance equal to the average diameter of the spread of the crown of the typical mature specimen.

2. Shrubs. At least three shrubs with a minimum mature height and spread of four feet shall be provided for each 500 square feet of landscaped area.

3. Grasses. Lawn or turf areas shall be limited to no more than twenty five percent (25%) of landscaped area or 800 square feet, whichever is less. Such areas shall not be planted in strips less than eight feet wide. All grasses utilized shall be appropriate to climate zone – cool season turf grasses are not permitted.

7.6.8.2. Screening Standards. When screening is required by this section, the following standards shall apply:

1. Materials. Screening may be accomplished by:

a. a solid wall;

b. an opaque wood fence of materials at least 3/4 inch thick with cross bracing secured with posts on maximum eight foot centers set in concrete or posts treated with preservatives set 24 inches deep;

c. any combination of shrubs and trees that effectively creates a dense vegetative screen. Shrubs used to satisfy any required screening standards shall be limited to plants with a mature height of between six and fifteen (15) feet. Trees used to satisfy screening standards shall be 50/50 deciduous and evergreen mix;

d. use of chain link fencing with slats is not acceptable for screening purposes; and

DRAFT 10.20.15

e. fences or walls that are solid below and incorporate trellis or lattice or similar from five and one-half (5.5) feet upwards be considered solid screens for purposes of this section.

2. Height. The height of screening devices shall be measured from the highest finished adjacent grade of the element to be screened.

7.6.8.3. Plant Type and Size.

1. Quality. Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality and species standards of the New Mexico Association of Nursery Industries. Plants shall be nursery-grown and adapted to the local area. No artificial plants or vegetation shall be used.

2. Minimum Size. The following minimum initial plant size requirements (at installation) of Table 7-2 shall apply in all cases:

Table 7-2: Minimum Plant Size Requirements.

Plant type	Minimum size
Deciduous Trees	1½ inch caliper (measured 6 inches above ground) and 6 feet tall
Evergreen Trees	6 feet tall
Shrubs	Between 1 gallon and 5-gallon container size and up to and 24 inches tall

7.6.8.4. Irrigation.

1. All landscaped areas shall include a permanent, underground irrigation system to ensure long-term landscape health and growth. Irrigation systems shall utilize storm water, grey water or other non-potable irrigation water. Irrigation system design may take into consideration the water-demand characteristics of plant or landscape materials used.

2. As an alternative to permanent underground irrigation, water harvesting or surface irrigation from an acequia may be used for irrigation so long as the alternative provides sufficient water to maintain the landscaping.

3. Supplemental potable water may be used only when storm water, grey water or other non-potable irrigation water is inadequate.

7.6.8.5. Installation and Maintenance.

1. Trees and large shrubs shall be supported after planting to prevent damage from wind.

2. Landscaped areas shall be maintained, including regular pruning, trimming, and watering.

3. Any plants that do not survive shall be replaced within thirty (30) days or during the next appropriate planting period.

4. Seeded areas shall be protected by accepted horticultural and permacultural

DRAFT 10.20.15

practices to assure germination.

5. Seeding or planting may be delayed for the optimum germination or planting season.

7.6.8.6. Alternative Landscaping. The Administrator may approve the submittal of an alternative landscaping plan in conjunction with the site development plan, which modifies required landscaping in the following circumstances:

1. in open lands characterized by an absence of significant natural vegetation;

2. where there is no practical purpose for screening or buffering;

3. where the subject development or use is not visible from the area otherwise required to be buffered;

4. where existing landscaping or topographic features provides adequate buffering; or

5. where landscaping is prohibited by the International Wildland-Urban Interface Code.

7.7. FENCES AND WALLS.

7.7.1. Purpose. The standards of this section are intended to encourage construction of walls and fences that utilize traditional building styles and materials, as these vary throughout the county. The County finds that it is necessary for the public welfare to impose standards to improve and preserve the quality of fences and walls in residential neighborhoods in order to avoid blighting influences on neighborhoods and public safety problems.

7.7.2. Applicability. The following fences and walls are exempt from the requirements of this section:

7.7.2.1. Walls or fences for agricultural purposes; and

7.7.2.2. Residential walls and fences no higher than six feet.

7.7.3. Livestock Fencing. It shall be the duty of the purchaser, lessee or other person acquiring the subdivided land to fence out livestock, where appropriate, in conformity with §77-16-1 NMSA 1978.

7.7.4. Standards.

7.7.4.1. Location and Height. Fence and wall locations and heights shall be as follows unless otherwise specified in the SLDC:

1. The maximum height of walls or fences shall not exceed eight feet; provided, however, that the height of pedestrian door or gate portals built into a wall or fence may be up to 11 feet.

2. The combined height of any freestanding wall or fence constructed atop a retaining wall shall not exceed 10 feet. When a combination of freestanding wall or fence and retaining wall greater than 10 feet is needed, multiple retaining walls or combined wall structures shall be used. Each retaining wall shall be set back a

DRAFT 10 20 15

minimum of six horizontal feet from face-of-wall to face-of-wall and shall be a maximum of 10 feet in height. Setback area grading shall not exceed a one percent cross slope.

7.7.4.2. Materials. A fence may be constructed of permanent material, such as wood (including coyote fences and similar), chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, adobe, straw bale or other materials that are similar in durability. The following materials shall not be used for fencing subject to this section:

1. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence, except that such materials may be used to provide artistic decoration or enhancement so long as the primary materials are consistent with this subsection;

2. Plywood, particle board, paper, and visqueen plastic, pallets, plastic tarp, or similar material; or

3. In subdivisions along the perimeter of a tract or parcel that abuts a collector or arterial road, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.

7.8. LIGHTING.

7.8.1. Purpose. The outdoor lighting standards of this section are intended to enhance the safety of areas designated for pedestrian and traffic use during evening hours, provide security, conserve energy, protect the night sky consistent with the New Mexico Night Sky Protection Act, and prevent spillover, nuisance or hazardous effects of light and glare on adjacent locations and uses of land**.** These standards shall not apply to public streetlights but shall apply to all other outdoor lighting including, but not limited to:

7.8.1.1. Buildings and structures;

7.8.1.2. Recreational facilities;

7.8.1.3. Parking lot lighting;

7.8.1.4. Road lighting; and

7.8.1.5. Other outdoor lighting.

7.8.2. General Standards. All outdoor lighting fixtures shall be designed, installed, located and maintained to conform to the standards of this section. Glare onto adjacent properties or roads shall not be permitted.

7.8.2.1. Fixtures (electrical luminaries). All outdoor light sources shall be concealed within cut-off fixtures, except as otherwise specified herein. Fixtures shall be mounted in such a manner that their cones of light are directed down or toward a surface, but never towards an adjacent residence or public road.

7.8.2.2. Lamp (Light Source or Bulb) and Shielding Requirements. Lamps, light sources or bulbs shall be shielded and shall comply with the light source and shielding requirements of Table 7-3. Spillover of lighting onto adjacent properties shall not exceed 0.50 foot-candle measured at any point on a property line. No outdoor lighting shall be

DRAFT 10.2015

directed towards any adjacent residential use or public road.

Table 7-3: Shielding Requirements.

Lamp Type	Use status	Shielding	Special Requirements
LED	Required or preferred	Full	None
Metal halide	Limited: Recreational facilities, Sports events and special displays	Full with translucent filter	Subject to timing devices or restricted hours of operation.
Fluorescent and quartz		Full	None
Any light 900 lumens or less		None	None, unless a group of such lamps produce cumulative lighting levels in excess of the levels set forth in § 7.8.3.6 and Table 7-4.
Halogen	Limited: Recreational facilities, Sports events and special displays	Full with translucent filter	For outdoor display of merchandise or sporting events; may be subject to timing devices or restricted hours of operation.
Other sources		As approved by Planning Commission	May be conditioned as part of development approval/agreement or Temporary Use Permit.

7.8.2.3. Fixture (electrical luminaries).. All outdoor light sources shall be concealed within cut-off fixtures, except as otherwise specified herein.

1. Fixtures shall be mounted in such a manner that their cones of light are directed down or toward a surface..

2. Spillover of lighting to adjacent properties shall not exceed 0.50 foot-candle measured at any point on a property line.

3. No outdoor lighting shall be directed towards any adjacent residential use or public road.

7.8.2.4. Fixture Height. The lowest fixture height that can serve the lighting purpose shall be used in all cases; lighting specifically focused on paths and other items needing illumination shall be preferred to broadcast floodlighting over large areas. Maximum fixture height above adjacent grade for all fixtures shall be as follows:

1. Any pole-mounted lighting shall have a maximum height of twenty-five (25) feet. In or within thirty-five (35) feet of any residential zoning district and all light fixtures shall not exceed sixteen (16) feet in height.

2. Building mounted light fixtures shall be attached only to walls and the top of the fixture shall not be higher than the top of the parapet or roof, whichever is higher. Said lights shall be shielded and directed downward.

3. Street light standards (upright supports) on a two lane road shall not exceed the height limitations of the zoning district.

DRAFT 10.20.15

7.8.2.5. Uses with Special Lighting Needs (outdoor sporting events, arenas, jails). Such lighting shall only be permissible if a Conditional Use Permit is granted and that the proposed height is the minimum required to achieve the purpose of this section including even lighting. Spillover onto adjacent property is prohibited.

7.8.2.6. Illumination Levels. Light illumination levels shall not exceed the limits established in Table 7- 4. Seasonal decorations in place between Thanksgiving and January 15 are not counted toward these limits. The values in the following tables are upper limits and not design goals; design goals should be the lowest levels that meet the requirements. In order to provide uniform lighting in pedestrian and parking areas, outdoor lighting shall have an average-to-minimum uniformity ratio of 3:1.

Table 7-4: Illumination Levels.

Zoning Districts	Maximum Allowable Total Lumen Output	Maximum Allowable Unshielded Lumens
Agricultural/ Rural/ Rural Fringe	50,000 lumens/acre or 5,500 lumens/residential unit	4,000 lumens/acre of surface to be lit
Residential Zoning Districts	50,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
Mixed-use Residential Zoning Districts	100,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
Mixed-use Non-residential Zoning Districts	100,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
Industrial Zoning Districts	200,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit

7.8.3. Non-Road Lighting.

7.8.3.1. Pedestrian Way, Loading and Service Illumination. Fully shielded decorative lamps housing an incandescent lamp of 160W or less for hanging under portals are permitted for pedestrian use, loading or service illumination. All other lamps (bulbs) and light sources designated for pedestrian use, loading or service illumination shall be recessed into any canopy structure, unless a suitable alternative is submitted to and approved by the Administrator.

7.8.3.2. Building Illumination. So that there is no spillover beyond the building façade, building facades within nonresidential districts may be illuminated with:

1. Ground flood lamps installed close to the structure; or

2. Wall mounted flood lamps shielded so that the light source is not visible.

7.8.3.3. Outdoor Storage, Display and Recreational Facilities. Control of the

DRAFT 10.20.15

distribution of illumination for outdoor recreation areas, outdoor storage areas or outdoor display of merchandise shall be subject to installation of automatic timing devices to turn off lighting between specified hours.

7.8.3.4. Recreational Facilities. Any light source permitted by this section, that complies with height restrictions as specified in the applicable zoning district, may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto racetracks, horse racetracks, or show arenas, consistent with the illumination standards specified in Table 7-4, provided that all fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability.

7.8.3.5. Laser and search lights. Whether stationary or sweeping, laser-source lights and search lights are prohibited for all but emergency purposes.

7.8.3.6. Moving lights. Flashing, flickering, strobing, moving or otherwise animated lighting shall not be used other than for seasonal holiday lighting.

7.8.3.7. Mercury vapor and low pressure sodium lighting. The installation and use of mercury vapor or low pressure sodium lighting is prohibited.

7.8.4. Road Lighting.

7.8.4.1. When Required. Street lights are required; an intersection of any road with a highway or arterial; and where necessary to protect the safety of motorists and pedestrians due to the particular characteristics or location of a site.

7.8.4.2. Street Light Standards. All street lights shall comply with the following standards:

1. Street lighting shall comply with standards established in the Illuminating Engineering Society (IES) *Lighting Handbook*, latest revision, and the standards set forth in this section;

2. Spacing of lights shall be governed by the New Mexico Standard Specifications for Highway and Bridge Construction, latest edition;

3. LED lighting shall be used;

4. Street lights shall be located and designed to enhance the safety of motorists and pedestrians, and shall create a transition from unlit areas to illuminated areas, continuity and uniformity of lighting, and avoid blind spots or dark shadows; and

5. Street lights shall be designed with their power lines installed underground.

7.8.4.3. Operation and Maintenance. Payments for the operation and maintenance of street lights within subdivisions, multi family developments or non-residential developments shall be the responsibility of the developer or the developer's designee. The disclosure statement, home owners' association or voluntary development agreement shall set forth an acceptable method for paying for operation and maintenance of the street lights.

7.8.5. Specific Outdoor Lighting Standards.

DRAFT 10.20.15

7.8.5.1. Residential lighting. No permit is required for outdoor lights that are installed at one and two family dwellings and that are rated at 1,200 initial lumens or less per lamp, as long as the maximum lumen output per dwelling set by Table 24.A (5,500 initial lumens) is not exceeded. Floodlights rated less than 1,200 initial lumens are included in this exception;

7.8.5.2. Emergency lighting. No permit is required for temporary emergency lighting used by the fire, police, and public works departments or other emergency service agencies.

7.8.5.3. Security lighting. All night lighting for security surveillance will be minimized. The use of motion-activated lights and alarms will be encouraged as an alternative. All applications for discretionary permits that propose security lighting shall include a security plan which delineates the area/s to be illuminated for security purposes and outlines the need for and purposes of the security lighting. Additionally:

1. Security lighting is subject to all standards, including shielding, light orientation, etc. established in this section on lighting.

2. Security lighting designed to illuminate a perimeter (such as along a fence) shall include motion sensors designed to stay off unless triggered by an intruder located within 5 feet of the perimeter. Pole-mounted security lighting shall be installed no more than 10 feet from the perimeter of the designated area being illuminated, and poles cannot be located outside the parcel boundaries.

7.8.5.4. Gas station canopies and convenience stores. Reserved.

7.8.5.5. Parking lot lighting. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety, and to prevent glare or direct illumination onto adjacent properties or public ways.

1. All lighting serving parking lots shall be fully shielded;

2. Parking area illumination shall be reduced by at least 75% within ½ hour of the close of the business(es) the parking area serves. This reduced lighting level can be achieved by automatic controls that reduce lighting by 75%. This standard does not require that lighting levels be reduced below 0.2 foot-candles as measured horizontally at finished grade level.

7.8.5.6. Lighting levels. Illumination levels in parking areas shall meet the requirements set forth for each Lighting Zone in Table 7-4.1.

Table 7-4.1 Maximum Average Illumination and Uniformity Ratios Required for Parking Lots in each Zoning District

Zoning District	Average Illumination* shall not exceed:	Uniformity Ratio^ shall not exceed	Maximum Illumination of any point shall not

DRAFT 10.20.15

			exceed
Agricultural/ Rural/ Rural Fringe	Parking lot illumination discouraged	Parking lot illumination discouraged	Parking lot illumination discouraged
Residential Zoning Districts	1.0 foot-candles	20:1	5.0 foot-candles
Mixed-use Residential Zoning Districts	1.0 foot-candles	20:1	5.0 foot-candles
Mixed-use non-residential zoning Districts	1.0 foot-candles	20:1	5.0 foot-candles

*****Average illumination shall be measured horizontally at grade level, computed over the area of the parking lot.

^The uniformity ratio is a measure of the consistency of light levels across a given area. It is expressed as maximum: minimum illumination levels.

7.9. SIGNS.

7.9.1. Purpose. All signage shall comply with the requirements of this Section 7.9 in order to:

7.9.1.1. improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;

7.9.1.2. provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention;

7.9.1.3. protect and enhance economic viability by assuring that Santa Fe County will be a visually pleasant place in which to live or to visit;

7.9.1.4. protect views of the natural landscape and sky; and

7.9.1.5. allow for expression by signage subject to reasonable regulation.

7.9.2. Applicability. The requirements of this section shall apply to all signs.

7.9.3 Placement. Signs may not be placed on or over public roads or rights-of-way without approval from the Administrator. Signs may not be placed in road or access easements, except for traffic signs and safety warning signs. On private property, signs may be placed in private utility easements.

7.9.4. Illumination. Illumination may be indirect with the source of light concealed from view, direct, emanating through translucent materials of the sign itself, or by electrically activated gas tubing such as neon. LED signs and electronic message boards are not prohibited, but shall comply with all requirements of this §7.9. Indirect and reflected illumination shall not exceed ten (10) vertical foot-candles in residential and mixed-use districts and twenty-five (25) foot-candles in non-residential districts. Direct or interior illumination shall not exceed one hundred fifty (150) foot-candles in residential and mixed-use districts and two hundred fifty (250) foot-candles in non-residential districts.

7.9.5. Permanence. All signs shall be permanently affixed or attached to the ground or to a

DRAFT 10.20.15

structure, except for temporary signs allowed under this section.

7.9.6. Electrical. All electrical service to a freestanding sign shall be underground.

7.9.7. Additional requirements. Signs and sign structures may be subject to additional requirements of the county or the state, including building permit requirements and structural requirements of the New Mexico Building Code.

7.9.8. Signs Allowed Without a Permit. The following signs may be erected or placed without a permit so long as they comply with the requirements of § 7.9.4 and any other sections of the SLDC that may apply, including specifically the regulations in any particular zoning district. Unless otherwise stated below, such signs may not exceed six (6) feet in height except for rural property identification signs located on entryway arches over private driveways.

7.9.8.1. Address/identification signs. One sign per road frontage, not exceeding two (2) square feet in area, may denote the address and/or name of the occupants.

7.9.8.2. Rural property identification signs. One sign per primary driveway entrance may denote the name of the property and/or the address/name of the occupants. Such signs may not exceed six (6) square feet in area for properties less than ten acres and thirty-two (32) square feet in area for properties ten acres or greater.

7.9.8.3. Home occupation signs. One sign per road frontage, not to exceed four (4) square feet in area, may advertise authorized low and medium impact home occupations.

7.9.8.4. Directional/informational signs and historic markers. Directional signs, informational signs and historic markers or similar plaques do not require a permit, but may not exceed four (4) square feet in area.

7.9.8.5. Agricultural product signs. One sign per road frontage, not to exceed sixteen (16) square feet in area, may advertise the sale of agricultural products.

7.9.8.6 Crop signs. Signs identifying seed brands and varieties in use, test plots, and similar signs that are customary in agricultural production areas.

7.9.8.7. "Daily special" signs. Signs for "daily specials" such as menu boards, sandwich boards or A-frame type signs shall be allowed for the purpose of advertising nonrecurring daily specials. Such signs are limited to one sign per business and a maximum of six (6) square feet in area per side and two sides. Signs shall be placed within fifteen (15) feet of the business entrance, shall not impede pedestrian sidewalk circulation, and shall be taken in daily at the close of business.

7.9.8.8. Community event signs. Any number of signs is allowed, provided each sign does not exceed nine (9) square feet in area in residential and rural districts, and thirty-two (32) square feet in area in nonresidential and agricultural/ranch districts. Signs may not be placed more than forty-five (45) days prior to the event and shall be removed within five (5) days after the event.

7.9.8.9. Private sale/yard sale signs. One sign per road frontage is allowed on the property where the sale occurs. Each sale sign may not exceed four (4) square feet in area. Signs shall be displayed only during the sale specified. Related off-site directional signage shall be treated as directional signage as in § 7.9.9.4.

7.9.8.10. Real estate signs. One sign per road frontage is allowed on the property being

DRAFT 10.20.15

advertised. Each real estate sign advertising a residential dwelling is limited to eight (8) square feet in area and six (6) feet in height. Each real estate sign advertising non-residential property or vacant land is limited to sixteen (16) square feet in area and four (4) feet in height. Real estate signs may not be illuminated. Related off-site directional signage shall be treated as directional signage as in § 7.9.9.4.

7.9.8.11. Election signs. Signs relating to a candidate, issue, proposition, or other matter to be voted upon by the electors of the county, provided that any individual sign does not exceed nine (9) square feet in area in residential, and thirty-two (32) square feet in area in nonresidential, rural and agricultural/ranching districts. Signs shall be removed within five (5) days after the applicable election.

7.9.8.12 Small construction signs. One small construction sign per property on which construction is taking place, and limited to eight (8) square feet in area and six (6) feet in height. Such signs shall be removed within five (5) days of final inspection or completion of the project, whichever occurs first. Note that larger construction signs may be permitted under § 7.9.11.

7.9.8.13. Flags, commercial. Flags displaying the name, insignia, emblem or logo of a for-profit entity do not require a permit; however, there shall be no more than one commercial flag per property where no single side exceeds forty-eight (48) square feet.

7.9.8.14. Flags, noncommercial. Flags displaying the name, insignia, emblem or logo of any nation, state, county, municipality or nonprofit organization.

7.9.8.15. Vehicle signs. Signage painted on, or otherwise affixed to, a vehicle is not regulated so long as the vehicle is not parked on a property for the primary effect of directing or attracting the attention of the public to a building, product, service, organization, event or location offered or existing elsewhere than upon the property where the vehicle is parked. Signs on construction trailers parked at construction sites do not require a permit but all such trailers shall be removed within one week of final inspection or completion of the project, whichever occurs first.

7.9.8.16. Regulatory signs. Signs having the primary purpose of conveying information concerning rules, ordinances, or laws.

7.9.8.17. Warning signs. Signs limited to a message of warning, danger or caution such as underground utility location signs, 'no trespassing', 'no hunting', and similar warning messages.

7.9.8.18. Ideological signs. Signs conveying philosophical, religious, political, charitable or other similar noncommercial messages, provided such signs are unlighted and do not exceed nine (9) square feet in area.

7.9.8.19. Public signs. These are signs erected by a governmental entity in conjunction with the conduct of any governmental program, operation or activity, including, but not limited to federal, state, county and city governments, public school and recreation districts, and public charter schools.

7.9.8.20. Public monuments. These are permanent pieces of public outdoor art, sculpture, landscape enhancement such as a garden or grove or other civic improvement whose primary purpose is to honor a person, group, event or other significant contribution to a place or building. Further examples are a plaque, tree, bust, statuary, fountain, a building or similar architectural feature. Because the First Amendment to the

DRAFT 10.20.15

United States Constitution as well as Article 2, Section 11 of the New Mexico Constitution prohibit the government from endorsing or establishing a religion, the County cannot permit the installation of a public monument on public property that gives the appearance of supporting a given religion.

7.9.8.21. Commemorative plaques. These are signs erected by any person or entity and consist of a memorial or commemorative plaque or tablet that contains the primary name of a building, the date of erection and use of the building when the sign is built into the building, or mounted flat against the wall of the building, or is designed to designate any particular location of historical significance after being so determined by the County.

7.9.8.22. Window signs. Window signs may be used only on commercial properties and shall be limited to thirty percent (30%) of the total window area of each separate place of business and shall be further limited to one such sign per business.

7.9.9. Prohibited Signs. The following signs are not allowed in any zoning district:

7.9.9.1. Rooftop signs and signs that extend above the roof of any building.

7.9.9.2. Signs which contain any flashing, rotating, animated or otherwise moving features. The appearance of electronic or changeable message signs cannot change more frequently than once every minute. Exempted from this provision are electronic signs used specifically for the purpose of enhancing traffic safety during a traffic event, roadway construction project, or permitted special event.

7.9.9.3. Strings of light bulbs used for commercial purposes other than traditional holiday decorations.

7.9.9.4. Searchlights, beacons or other similar devices, whether stationary or revolving, used for the purpose of advertising or attracting attention to a property.

7.9.9.5. Signs with any obscene, indecent or immoral matter.

7.9.9.6. Off-site advertising.

7.9.9.7. Oversized signs or billboards.

7.9.10. Temporary Construction and Project Marketing Signs. A development permit is required for the following temporary construction and project marketing signs:

7.9.10.1. Construction. One temporary construction sign shall be allowed per road frontage per property not exceeding sixteen (16) square feet in area in residential and rural districts or thirty-two (32) square feet in area in nonresidential districts. Such signs shall be removed within one week of final inspection or completion of the project, whichever occurs first. Note that one construction sign of up to eight (8) square feet in area per face is allowed without a development permit (see § 7.9.9.12), but only one temporary construction sign is allowed per property whether it requires a permit or not.

7.9.10.2. Project marketing. Temporary signs identifying the project and offering for sale or lease, as part of the original marketing of the project, the lots, tracts, structures or units within the project, shall be allowed at each entrance from any adjacent road; however, no more than two (2) such signs are allowed per project or phase of a project. The maximum sign face area shall be fifty (50) square feet in residential and rural districts and sixty-four (64) square feet in nonresidential districts. Project marketing signs

DRAFT 10.20.15

shall be allowed to remain for no more than two (2) years following issuance of the temporary permit. In addition, a temporary project sales office shall be entitled to one indirectly lit sign not to exceed ten (10) square feet in size.

7.9.11. Temporary Commercial Signs. Except for a person possessing a permit as an itinerant vendor, a permit is required for a temporary sign promoting a temporary commercial event such as a sale or grand opening on the property of a nonresidential use. An itinerant vendor may place a temporary commercial sign without a permit for the duration of its itinerant vendor permit. A temporary permit shall be issued for a period not to exceed thirty (30) days.

7.9.11.1. Allowed sign types:

1. a banner or banners that do not cumulatively exceed fifty (50) square feet in sign area and which are mounted flush to a building wall;

2. pennants; and

3. balloons and other types of lighter than air objects that have no linear dimension greater than two (2) feet.

7.9.11.2. The temporary permit may specify such conditions and limitations as are deemed necessary to protect adjoining properties and the public. The permit may not be approved for a time period exceeding thirty (30) consecutive days in any calendar year for each property, or each business in a multi-tenant center.

7.9.11.3. The permittee shall remove all temporary signs on or before the expiration of the permit.

7.9.12. Signage Requirements for Residential Districts. The following regulations shall apply to all signs in residential districts and residential uses within mixed-use zones.

7.9.12.1. Signage type. In addition to those signs that are allowed without a permit (see § 7.9.8), the following identification signs are allowed upon the issuance of a development permit:

1. Multi-family residential. One identification sign for a multi-family residential complex per driveway access from a public road, not to exceed thirty-two (32) square feet in area, and one wall sign per multi-family structure per road frontage, not to exceed twenty (20) square feet in area.

2. Residential subdivisions. One identification sign per entrance to the subdivision, provided that such sign does not exceed thirty-two (32) square feet in area. If entrance identification signs are proposed for both sides of the road, this "set" of signs shall be treated as one identification sign.

3. Non-residential uses. One identification sign per road frontage for a nonresidential use in a residential district (including nonconforming uses and uses approved by conditional use permit), subject to a maximum sign area of twenty (20) square feet per sign (32 square feet in rural zones).

4. Public buildings. One identification sign per road frontage for public facilities such as churches, libraries, schools, fire stations and public recreation facilities, subject to a maximum sign area of thirty-two (32) square feet per sign.

DRAFT 10.20.15

7.9.12.2. Height. All freestanding signs shall be limited to six (6) feet in height.

7.9.12.3. Lighting. All signs in residential districts shall be either unlit or indirectly illuminated. All lighting shall be aimed and/or shielded to insure that no direct light shines upon adjacent roads or residential properties.

7.9.13. Signage Requirements for Nonresidential Districts. The following regulations shall apply to all signs in nonresidential districts and nonresidential areas within a mixed-use district.

7.9.13.1. Total allowable signs and area. The number of allowed signs and maximum sign area shall be as follows:

1. Single-occupant. Single-occupant properties are permitted up to two (2) signs. The cumulative sign area for the property shall not exceed the lesser of one square foot of signage per linear foot of building frontage or seventy (70) square feet. However, if a building has two front facades facing intersecting arterials, an additional sign is allowed, provided it does not exceed an additional fifty percent (50%) of the original allowable sign area for the property.

2. Multi-tenant. Each tenant in a multi-tenant center may have one wall, projecting, canopy or awning sign that shall not exceed the lesser of one square foot of signage per linear foot of that tenant's building frontage or seventy (70) square feet. In addition, the entire center may have one free-standing sign not exceed the lesser of one square foot of sign per linear foot of total building frontage or one hundred fifty (150) square feet. However, if the development has two front facades facing intersecting arterials, an additional sign is allowed, provided it does not exceed an additional fifty percent (50%) of the original allowable sign area for the property.

7.9.13.2. Wall signs. Wall signs shall not project more than one foot from the wall on which they are mounted, and bracing for wall signs shall be installed below the parapet walls or otherwise screened from public view.

7.9.13.3. Building-mounted signs. A building-mounted sign may extend above the wall on which it is mounted to a maximum of ten (10) feet above the highest point of the wall on which it is mounted, but in no event shall it extend beyond the structure height limitation for the district in which it is located.

7.9.13.4. Awning, canopy and projecting signs. Awning, canopy and projecting signs shall be at least seven feet above grade; provided, however, that when such signs are erected over a driveway, the minimum height above the grade shall be fifteen (15) feet.

7.9.13.5. Freestanding signs. Freestanding signs shall meet the following requirements:

1. Height. The maximum allowable height for freestanding signs shall be as established in Table 7-5.

DRAFT 10.20.15

Table 7-5: Allowable Height for Freestanding Signs.

Distance from R-O-W (feet)		Max. height (feet)
at least	but less than	
25	50	10.0
50	75	15.0
75	100	20.0
More than 100		25.0

2. Side Setback. The minimum side lot line setback shall be ten (10) feet; provided, however, that the setback for monument signs may be reduced to five (5) feet.

3. Design. Freestanding monument signs shall have a base area equal in length to the sign's length along its longest side, and not less than two feet in width and sixteen (16) inches in height. Such signs shall be installed in a base area maintained by the permittee using a banco, planter or a low wall compatible with the building or premises and/or shrubs, flowers or groundcover.

7.9.13.6. Clocks and thermometers. The following shall apply to clocks and thermometers when constructed within or as a part of a nonresidential sign or when displayed as a separate nonresidential sign:

1. Clocks and thermometers shall not exceed sixteen (16) square feet in area;

2. If no advertising is present, the area of the clock or thermometer shall not be computed as part of the sign area;

3. The hands of the clock and the motive mechanism shall not be considered as moving parts;

4. Illuminated numerals shall not be classified as blinking or flashing lights; and

5. All clock signs shall keep accurate time and all thermometer signs shall accurately record the temperature. If these conditions are not complied with, the instruments shall be promptly repaired or removed.

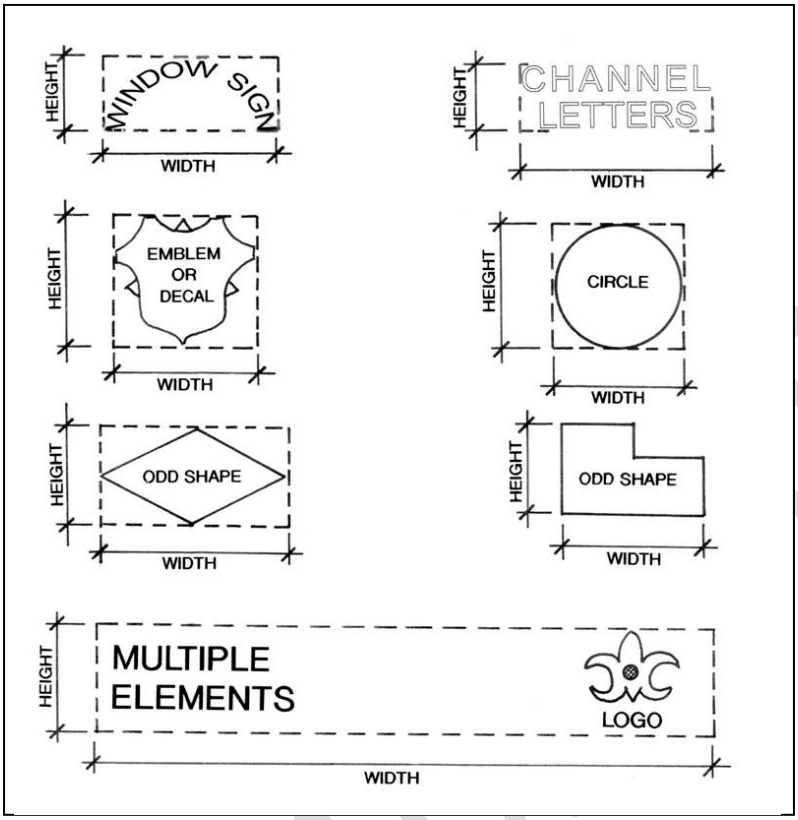
7.9.14. Sign Maintenance. All signs shall be maintained in good condition at all times. All signs shall be kept neatly finished and repaired, including all parts and supports. The Administrator may inspect any sign governed by the SLDC at any time to ensure compliance with this section.

7.9.15. Measurement. The following standards apply to the measurement of all signs.

7.9.15.1. Sign area for individual signs. For most signs, the area of the sign face shall be computed as shown in Figure 7.1 by means of drawing the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background. If the sign is a cabinet sign (a sign that contains all the text, artwork, logos and/or other information displayed within an enclosed cabinet), then the sign area shall be determined by the outer edge of the sign frame or cabinet that encompasses all text, decorative artwork, logos, or other information displayed.

DRAFT 10.20.15

Figure 7.1: Measurement of Sign Area.



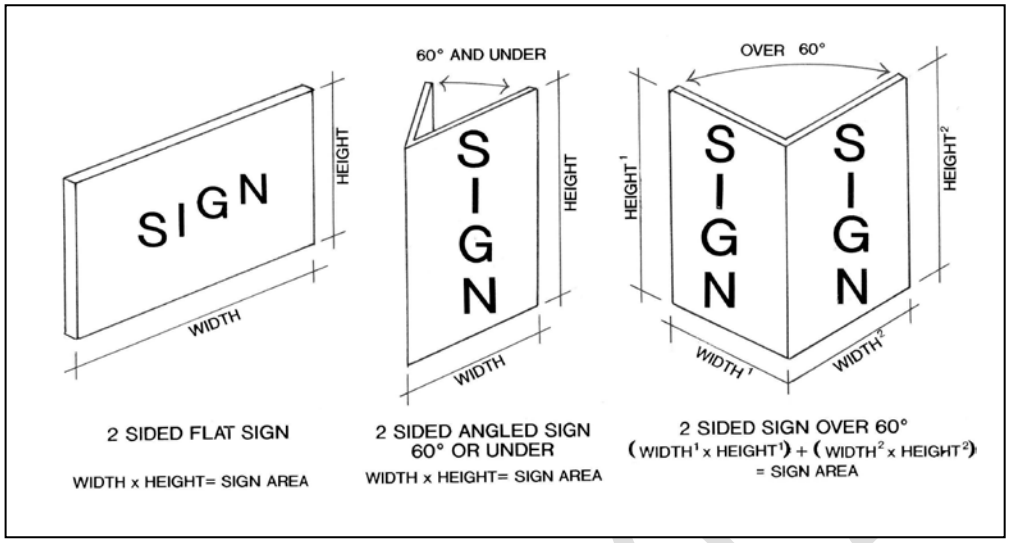
7.9.15.2. Sign area for multi-faced signs. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point will be considered in measuring that side of the sign. Figure 7.2 illustrates the following two standards:

1. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face.

2. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or more, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

DRAFT 10-15

Figure 7.2: Measurement of Area: Multi-faced Signs.

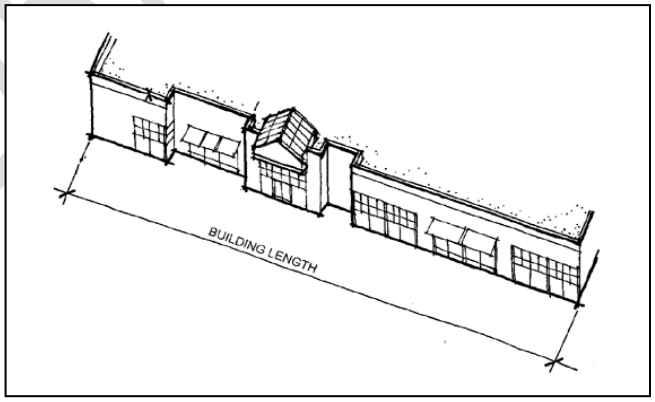


3. The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign including any architectural appurtenances.

4. The required setback for freestanding signs shall be the distance between the nearest edge of the sign and the road right-of-way or lot line.

7.9.15.3. Building frontage. For purposes of § 7.9.14.1, the building frontage shall mean the horizontal length of a building on the side with its principal public entrance, measured as the shortest distance between two lines projecting from the two front corners of the building (regardless of concave or convex characteristics of the building), with the lines parallel to each other and as close as practicable to the perpendicular front of the building. Figure 7.3 illustrates this concept:

Figure 7.3: Measurement of Building Frontage.



7.9.16. Nonconforming Signs. A nonconforming sign shall not be structurally or physically changed in any way to preserve it status as a nonconforming sign, although its content may be changed.

DRAFT 10.20.

7.9.16.1. All nonconforming signs on a property shall be brought into conformance with this section when:

1. a change to any sign, except in the content of a sign, occurs;

2. a change of use, as defined in the SLDC, occurs on the property; or

3. a new sign is added to the property.

7.9.16.2. A nonconforming sign shall not be re-established after damage if the estimated cost of repair exceeds fifty percent (50%) of the appraised replacement cost of the sign.

7.9.17. Removal of Obsolete Signs. A sign and related sign structure shall be removed from a property in the event that the sign is blank or displays obsolete material for a period six (6) consecutive months. Whenever a sign is removed from a building or structure, the building or structure shall be cleaned, painted or otherwise altered, and all supports, brackets, mounts and utilities shall be removed so that there is no visible trace of the removed sign or supports, brackets, mounts and utilities.

7.10. PARKING AND LOADING.

7.10.1. Purpose. All off road parking and loading facilities shall be provided in compliance with the requirements of this section in order to:

7.10.1.1. improve the design of parking facilities to maximize convenient access to homes and businesses with minimal vehicle or pedestrian conflict;

7.10.1.2. implement construction standards for surfacing materials, design criteria for stall dimensions, approach widths and locations to ensure efficiency, usability and a reasonable life expectancy for parking facilities;

7.10.1.3. provide a minimum acceptable number of off-road parking spaces in association with any use or building which is to be erected, substantially enlarged or changed from one principal use to another;

7.10.1.4. facilitate maximum land utilization between business types through encouragement of shared facilities; and

7.10.1.5. provide fire lanes and access for emergency personnel, and sight distances at all roadway intersections.

7.10.2 Applicability. This subsection applies to all new development, to expansion or enlargement of an existing structure, or to a change of use that creates a need for additional parking.

7.10.3 Computing Parking Requirements. The following rules shall apply when computing parking requirements:

7.10.3.1. Fractions. When a calculation results in a fractional number, the fraction shall be rounded to the next highest whole number.

7.10.3.2. Distances. Distances shall be measured between nearest off-road parking

DRAFT 10.20.15

facility and nearest primary entrance of the building or use to be served.

7.10.3.3. Multiple Uses. When two or more uses or separate establishments are located within the same development, off-road parking shall be provided for each use or separate establishment. If one or more uses within a multi-use development are of a size that would otherwise exempt them from compliance with off-road parking requirements, only one such exemption shall be permitted to be taken for the entire development.

7.10.3.4. Floor Area. Unless otherwise expressly stated, all square footage-based off-road parking and loading standards shall be computed on the basis of the net usable square footage of all space used.

7.10.3.5. Seating.

1. When seating consists of benches, pews or other similar seating facilities, each 20 linear inches of seating space shall be counted as one seat.

2. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, 15 square feet of floor area shall be construed to be equal to one seat, except where otherwise specified.

7.10.3.6. Employees, Students and Other Occupants. For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated or licensed capacity, whichever is applicable. In hospitals, bassinets shall not be counted as beds.

7.10.4. Minimum Parking Requirements. Unless otherwise expressly stated in this Code, parking spaces shall be provided in accordance with Table 7-6.

Table 7-6: Parking.

Use classification	Specific use	Minimum # of spaces required
Residential Buildings		
Household Living	All household living not listed below	Sec. 7.10.5
	Single-family dwellings and manufactured homes	2.0 per dwelling unit
Group Living	All group living	1.0 per 4 beds + 1.0 per 100 square feet of assembly area
Public, Institutional and Community Service		
Place of Worship	All places of worship	1.0 per 4 seats
Day Care		2.0 spaces plus 1 per employee, in addition to adequate stacking and pick-up areas
Community Service	All community service not listed below	Sec. 7.10.5
	Community facilities and Institutions	1.0 per employee plus 1 per 300 sq. ft.
Educational Facilities	All educational facilities not listed below	Sec. 7.10.5
	Elementary and middle schools	1.0 per 1.5 teachers and employees

DRAFT 10.20.15

Use classification	Specific use	Minimum # of spaces required
	Middle or high schools	1.0 per 1.5 teachers and employees + 1 per 3 students
Government Facilities	All government facilities	Sec. 7.10.5
Parks and Open Spaces	All parks and open space	Sec. 7.10.5
Passenger Terminal	All passenger terminals	Sec. 7.10.5
Social Service Institutions	All social service institutions	Sec. 7.10.5
Utilities	All Utilities	Sec. 7.10.5
Retail, Service and Commercial Use Categories		
Entertainment Events, Major	All major entertainment events, not listed below	Sec. 7.10.5
	Auditoriums/theaters	1.0 per 4 seats
Medical Services	All medical services not listed below	Sec. 7.10.5
	Hospitals	1.5 per bed
	Medical and dental offices/clinics	1.0 per 200 sq. ft.
Office	All offices not listed below	1.0 per 200 sq. ft.
	Banks and other financial institutions	1.0 per 200 sq. ft.
	Offices	1.0 per 200 sq. ft.
	Research/development	1.0 per 200 sq. ft.
Transient Accommodations	All transient accommodations not listed below	1.0 per bedroom or rental unit
	Hotels, motels, inns, and bed and breakfasts	1.0 per bedroom or rental unit
	Resorts	1.0 per bedroom or rental unit
Indoor Recreation	All indoor recreation	Sec. 7.10.5
	Convention or conference center	1.0 per 4 seats
	Entertainment and recreation, indoor	1.0 per 200 sq. ft.
Outdoor Recreation	All outdoor recreation not listed below	Sec. 7.10.5
	Racetracks and stadiums	1.0 per 4 seats
Restaurants and Bars	All restaurants and bars	1.0 per 3 seats, 2 spaces minimum
Retail Sales and Service	All indoor retail sales and services	1.0 per 200 sq. ft.
Vehicle Sales and Service	All vehicle sales and service	1.0 per 400 sq. ft.
Storage	All storage	Sec. 7.10.5
Industrial Use Categories		
Industrial Sales and Service	Industrial sales and service not listed below	1 per 500 sq. ft.

DRAFT 10.20.15

Use classification	Specific use	Minimum # of spaces required
	Manufactured home sales and service	1.0 per 500 sq. ft., plus 1.0 per employee
	Manufacturing	1 per 500 sq. ft.
Warehouse and Freight Movement	Warehouse and freight movement not listed below	1.0 per employee
	Truck stops	1.0 per 400 sq. ft.
Waste-related Services	All Waste-related services	1.0 per employee
Wholesale Trade	All wholesale trade not listed below	1.0 per 500 sq. ft. plus 1.0 per employee
Heavy Industrial	All heavy industrial	1.0 per 500 sq. ft.
Resource Extraction	All resource extraction	Sec. 7.10.5
Open Use Categories		
Agriculture	All agriculture not listed below	Sec. 7.10.5
	Agriculturally-related supplies and equipment	1.0 per employee
	Greenhouses and plant nurseries	1.0 per 200 sq. ft. of retail space
	Veterinary clinics (large animal)	1.0 per 500 sq. ft.
	Veterinary clinics (small animal)	1.0 per 300 sq. ft.

7.10.5 Alternative Parking Requirements. Uses that are neither listed in Table 7-6 nor are reasonably similar to those listed in Table 7-6, shall be determined by applying recommended guidelines and principles set forth in the publication "Parking Generation, 4th Edition" or as amended from time to time, published by the Institute of Traffic Engineers.

7.10.6 Bicycle Parking Facilities. Bicycle parking facilities for nonresidential uses shall be required in accordance with AASHTO's latest edition of "Guide for the Development of Bicycle Facilities"

7.10.7 Shared Parking. Shared parking is permissible where an executed parking agreement is submitted.

7.10.8 Space Identification. Parking spaces shall be permanently and clearly marked. Parking facilities shall be clearly marked with appropriate signs, and shall otherwise provide for orderly and safe parking, loading and unloading of vehicles. All markings, including pavement striping, directional arrows and signs shall be properly maintained in a highly visible condition at all times.

7.10.9. Surfacing and Maintenance. Parking lots of forty or more spaces shall be paved, and parking lots containing fewer than forty spaces shall have a properly compacted base course surface. Where paved parking is required, permeable pavement may be used**.** Parking areas shall be maintained in a dust-free, well-drained, serviceable condition at all times.

7.10.10. Dimensions. Parking spaces shall comply with Table 7-7. The minimum dimension on all parking spaces shall be at least 8.5' by 18'.

DRAFT 10.20.15

Table 7-7: Parking Space Minimum Dimensions.

Use	Type of space	Dimensions
Residential	All	8.5' x 18'
Nonresidential	Angle spaces	8.5' x 18'
All	Parallel spaces	8.5' x 20'

7.10.11. Vertical Clearance. Vertical clearance for parking spaces shall be a minimum of seven feet.

7.10.12. Internal Circulation System.

7.10.12.1. The layout of the circulation system shall be designed to provide access between parking spaces and roads, and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties.

7.10.12.2. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade and drainage, as well as aesthetic factors, such as the visual impact of the road pattern and the highlighting of special site features.

7.10.13. Aisle Widths. Aisles within parking lots shall have a minimum of 13' for one-way aisles and 20' for two-way aisles.

Table 7-8: [Reserved]

7.10.14. Location. All parking spaces shall be located on the same lot as the principal use, or adjacent to the lot containing the principal use. Where located on an adjacent lot, safe access from the adjacent parking to the principal use shall be provided. Nothing in this subsection shall prohibit establishment of shared parking agreements pursuant to subsection 7.10.7.

7.10.15. Accessibility Requirements. A portion of the total number of parking spaces shall be specifically designated, located and reserved for use by persons with physical disabilities. The minimum number of accessible spaces to be provided is set forth in Table 7-9.

Table 7-9. Accessible Parking Spaces.

Total parking spaces provided	Minimum # of accessible spaces	Minimum # of van-accessible spaces
1-25	1	1
26-35	2	1
36-50	3	1
51-100	4	1
101-300	8	1
301-500	12	2
501-800	16	2
801-1000	20	3
Over 1000	20 + 1 per each 100 spaces, or fraction thereof, over 1,000	1 out of every 8 accessible spaces, or fraction thereof

DRAFT 10.2015

7.10.15.1. Location. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building or pedestrian entrance.

7.10.15.2. Minimum Dimensions. All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. Car-Accessible Spaces. Car-accessible spaces shall have at least a five foot wide access aisle located abutting the designated parking space.

2. Van-Accessible Spaces. Van-accessible spaces shall have at least an eight foot wide access aisle located abutting the designated parking space.

7.10.15.3. Surfacing. All accessible parking spaces and associated access isles shall be paved or of other hard surface, even if the remainder of the parking lot is unpaved.

7.10.15.4. Signs and Marking. Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.

7.10.16. Vehicle Stacking Areas.

7.10.16.1. Minimum Number of Spaces. The minimum number of stacking spaces shall be provided pursuant to Table 7-10.

Table 7-10: Vehicle Stacking Areas.

Activity type	Minimum stacking spaces	Measured from
Bank teller lane	4	Teller or window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order box
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump island
Other	Determined by Administrator	

7.10.16.2. Design and Layout. Where stacking is required, it shall conform to the following standards:

1. No stacking space may occupy any portion of a public right-of-way;

2. The minimum pavement lane width shall be twelve feet;

3. Stacking spaces shall not be used to satisfy any of the off-road parking or

DRAFT 10.20.15

loading requirements except spaces at gas stations, where one space per pump may count toward off-road parking requirements;

4. Stacking lanes shall not interfere with parking spaces, parking aisles, loading areas, internal site circulation or driveways; and

5. A twelve foot by-pass lane is required adjacent to the stacking lane to allow vehicles to circumvent the drive-through lane.

7.10.17. Off-Road Loading Areas. Every nonresidential building (or part thereof) where receipt or distribution by vehicles or materials or merchandise is planned to occur shall provide and maintain loading space in accordance with Table 7-11.

Table 7-11: Off-Road Loading Requirements.

Gross floor area	Number of required loading spaces
Less than 10,000 sq. ft.	None
10,000 - 75,000 sq. ft.	1
75,001 - 125,000 sq. ft.	2
Each additional 100,000 sq. ft.	1

7.10.18. Passenger Drop-Off Areas.

7.10.18.1. All public and private schools, general day care and large-family day care uses, institutional uses, and recreational uses shall provide an onsite area for drop-offs and pick-ups.

7.10.18.2. Drop-off and pick-up areas for public or private schools shall provide for at least one automobile and one half of a school bus space for each fifty students, not to exceed eight automobile or bus spaces.

7.10.18.3. Drop-off and pick-up area for a day care, institutional and recreational use shall provide at least one drop-off/pick-up space and also shall provide a maneuvering area to allow vehicles to drop-off and pick-up passengers and exit the site without backing.

7.10.18.4. Drop-off and pick-up areas may be adjacent to a primary driveway access or aisle, but shall be located far enough off the road to prevent back-up onto the road.

7.10.18.5. Minimum widths for a drop-off and pick-up area that is combined with an access drive are 12 feet for one-way traffic and 24 feet for two-way traffic.

7.11. ROAD DESIGN STANDARDS.

7.11.1. Purpose and Findings. These regulations are designed to:

7.11.1.1. Ensure that the design of roads conforms to the policies of the SGMP;

7.11.1.2. Provide for the safety for both vehicular and pedestrian traffic;

7.11.1.3. Provide for livable residential, mixed-use and commercial environments;

DRAFT 10.20.15

7.11.1.4. Provide for economy of land use, construction, and maintenance; and

7.11.1.5. Provide safe and efficient access to property.

7.11.2. Applicability. The standards of this § 7.11 shall apply to all development. Tables 7-12 and 7-13 provide road design standards. Urban road standards shall apply to all roads within SDA-1 and SDA-2, and to all planned development and mixed-use zoning districts. Rural road standards shall apply to all roads within SDA-3.

Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major Arterial or highway	5000 +	2-6	12	Two 5'	Two 5 ft on-road	~~100~~150	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
Minor arterial	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	~~60 to 100~~120	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
Collector	601 to 1999	2	11	Two 5'	Two 5 ft on-road	~~45 to 72~~80	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Sub-collector	301 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6”	4”	5%
Local	0 to 400	2	10	One5'	n/a	~~34 to 48~~50	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	~~20~~38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	3"	n/a
Alley	n/a	1	12	n/a	n/a	19	n/a	7%	6”	3”	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	~~6~~10 %	n/a	n/a	n/a

Table 7-13: Rural Road Classification and Design Standards (SDA-3).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non- vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Double penetration chip seal with fog coat	Min. bit. pavement	Max % Super- elev.
Major arterial or highway	5000 +	2-4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	n/a	6"	8%
Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	~~70 to 100~~120	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	n/a	5"	8%
Collector	401-1999	2	11	n/a	n/a	~~60 to~~ 80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	n/a	4"	8%
Local	201-400	2	10	n/a	n/a	~~56~~50	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	3"	8%
	0-200								6"	yes	n/a	
Cul-de-Sac	0 to 300	2	10	n/a	n/a	~~20~~38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	n/a	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	~~9~~10 %	~~4"~~n/a	n/a	n/a	n/a

7.11.3. General Requirements. Adequate roads shall be provided such that the arrangement, character, extent, width and grade of each shall conform to this section.

7.11.3.1. Connectivity. The arrangement of roads in any development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Official Map, and shall provide reasonable means of ingress and egress to surrounding property. Roads within subdivisions shall not be gated unless the road is a dead end road serving no more than five (5) lots.

7.11.3.2. Road Names. Road names or numbers shall not duplicate or be similar to the names or numbers of existing roads; if the proposed road is an extension of an existing road, then the proposed road shall have the name of the existing road. All road names and numbers shall be assigned by the Santa Fe County Rural Addressing Division.

7.11.3.3. Service Life. Pavement shall be designed for a 20-year service life, and the design of pavement structures shall conform to the New Mexico Standard Specifications for Road and Bridge Construction. Pavement design documentation shall be prepared and signed by, or shall be under the supervision of, a professional engineer.

7.11.3.4. Rules of Interpretation. If and where this § 7.11 fails to adequately address a road standard or specification, then the Administrator shall refer to the current or currently adopted version of the following manuals or guides, in the following order, until an adequate and appropriate standard or specification is found:

1. the *Standard Specifications for Highway and Bridge Construction* of the New Mexico Department of Transportation (NMDOT);

2. the *Policy on Geometric Design of Highways and Streets* ('Green Book') by the American Association of State Highway and Transportation Officials (AASHTO);

3. the *Manual on Uniform Traffic Control Devices* (MUTCD) by the Federal Highway Administration;

4. *Guidelines for Driveway Location & Design*, by the Institute of Transportation Engineers; and

5. *Roadside Design Guide* by the American Association of State Highway and Transportation Officials (AASHTO);

7.11.3.5. Cuts and Fills.

1. All development, including roads, buildings, parking areas, and driveways shall be located so as to minimize areas of cut and fill. Fill slopes shall not exceed a 3:1 ratio and cut slopes shall not exceed a 2:1 ratio unless designed by a New Mexico Professional Engineer.

2. Cut and fill slopes combined shall not exceed 20 feet.

3. Retaining walls shall not exceed ten feet in height

4. All cut and fill slopes shall not be less than three (3) feet from property lines.

7.11.4. Base Course and Soil Compaction Standards.

7.11.4.1. Soil classification and sub-grade conditions shall determine the base course thickness required. A minimum of six (6) inches of base course shall be required in all cases and more than six (6) inches may be required if soil conditions so indicate. In wet or swampy ground, rock or an acceptable alternative to rock as recommended by a licensed soils engineer shall be placed so as to establish a sub-base for placement of base course. Base course shall be watered and rolled to a compaction of not less than ninety-five (95) percent of maximum density, according to methods specified by the AASHTO, T-180 moisture density test.

7.11.4.2. Base course and sub-base aggregate shall meet the gradation requirements specified in Table 304, Class I, II or III, NMDOT 'Standard Specifications for Road and Bridge Construction' and shall have a plasticity index of eight to twelve percent (8% - 12%), a copy of which is on file for public inspection in the office of the Code Administrator. Plasticity index does not apply to roads to be constructed for a paved surface.

7.11.4.3. There shall be a minimum of three percent (3%) crown in the driving surface for water runoff.

DRAFT 10.20.15

7.11.5. Drainage; Curb and Gutter.

7.11.5.1. Culverts. Culverts, if used, shall be sized to accommodate a one hundred (100) year storm. Culverts shall also be of sufficient size, gauge, and length, and placed appropriately deep to withstand projected traffic loading and storm runoff.

7.11.5.2. Curb and Gutter. Curb and gutter shall be required where deemed necessary for drainage control or protection of pedestrians.

7.11.6. Intersections and roundabouts.

7.11.6.1. Roads shall be laid out to intersect each other as nearly as possible at ninety (90) degree right angles; under no condition shall intersection angles be less than seventy (70) degrees.

7.11.6.2. Offset intersections less than two hundred (200) feet apart shall not be permitted.

7.11.6.3. Property lines at road intersections shall be rounded with a minimum radius of twenty-eight (28) feet or a greater radius when necessary to permit the construction of a curb and sidewalk or when otherwise needed.

7.11.6.4. A tangent of sufficient distance shall be introduced between reverse curves on all roads according to AASHTO standards.

7.11.6.5. When connecting road centerlines deflect from each other at any point by more than ten degrees, they shall be connected by a curve with a sufficient radius adequate to ensure adequate sight distance according AASHTO standards.

7.11.6.6. Grades at the approach of intersections shall not exceed five percent (5%) for one hundred (100) linear feet prior to the radius return of the intersection, excluding vertical curve distance.

7.11.6.7. Curvature in intersection design alignments shall not be less than stopping distances required for the design speed of the road as per AASHTO Standards. The geometry of intersections shall be consistent with the design speed of the road and AASHTO Standards.

7.11.6.8. Road jogs with centerline offsets of less than two hundred (200) feet shall be prohibited.

7.11.6.9. A capacity analysis of any proposed roundabout shall be conducted in accordance with Highway Capacity Manual methods. The analysis shall include consideration for the largest motorized vehicle likely to use the intersection.

7.11.6.10. Roundabouts shall be designed in conformance with the guidelines set forth in the Federal Highway Administration (FHWA) publication "Roundabouts: An Informational Guide." (Second Edition Report 672, National Cooperative Highway Research Program, 2010).

DRAFT 10.2015

Figure 7.4: Structures and Plantings within Corner Setback.

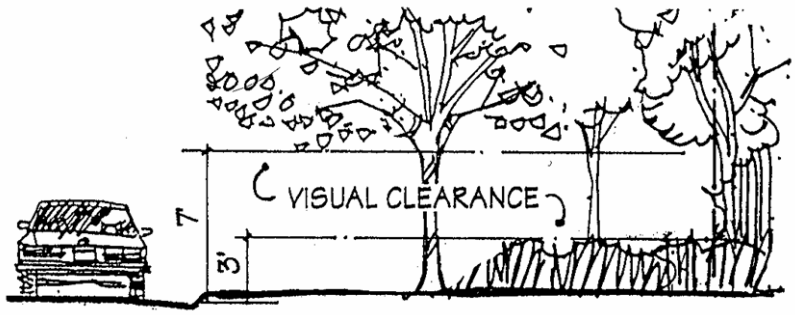
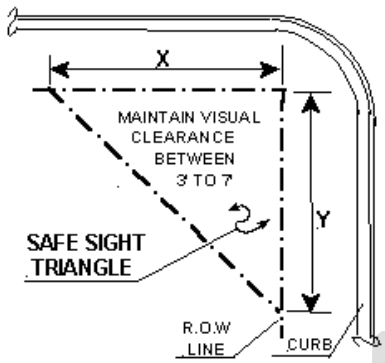


Figure 7.5: Safe Sight Triangle.



7.11.6.11. **Corner setbacks.** A corner setback consists of the area formed by the legs of a triangle whose apex is the point of intersection of the rights-of-way lines of the adjacent roads, as shown in Figure 7.5. Table 7-14 establishes the minimum required corner setbacks~~, measured in accordance with subsections 7.11.6.1, 7.11.6.2 and 7.11.6.7~~.

1. No structure or planting (at mature growth) that exceeds three feet in height shall be permitted within a corner setback, except for utility poles, lighting standards, mail boxes, county or state traffic signs, and trees so long as the lower canopy of the tree permits a clear line of sight between three and seven feet above the road grade as shown in Figure 7.4.

Table 7-14: Minimum Corner Setbacks for Safe Sight Triangle.

Intersection Type (x)	Intersection Type (y)	
	Road	**Driveway**
Road	40 feet	30 feet
Driveway	30 feet	n/a

7.11.7. Cul-de-sacs (dead end roads).

7.11.7.1. Cul-de-sacs (dead end roads) shall not serve more than thirty (30) dwelling units.

7.11.7.2. At the closed end there shall be a turn-around having a minimum driving

DRAFT 10.20.15

surface radius of at least forty-two (42) feet for roads under 250 feet long and at least fifty (50) feet for roads 250 feet and longer. The Administrator, in consultation with the Fire Marshal, may approve a suitable alternative such as a hammerhead or turnaround.

7.11.7.3. All turn around areas shall be designed to protect existing vegetation and steep terrain.

7.11.8. Utilities. All utilities shall be located within prescribed utility easement or right-of-way.

7.11.9. Cut and Fill. All roads shall be located so as to minimize areas of cut and fill and shall be located to conform to sound terrain management principles. Fill slopes shall not exceed a 3:1 ratio and cut slopes shall not exceed a 2:1 ratio; provided, however higher cut and fill ratios may be allowed if the applicant provides a detailed report and engineered design prepared by an engineer registered in the State of New Mexico that supports a higher cut and fill ratio.

7.11.10. Road and Highway Signage and Striping.

7.11.10.1. All signs, striping, signals and other traffic safety devices shall be installed and maintained according to MUTCD standards.

7.11.10.2. Following full acceptance of a road by the County, road and highway name signs shall be installed at all intersections.

7.11.11. Road Access.

7.11.11.1. Generally.

1. Legal road access shall be provided to each lot.

2. Each lot shall directly access a road constructed to meet the requirements of this section.

3. Except as provided below in Section 7.11.11.4, all new lots created, shall be provided with adequate access for ingress, egress, utility service, fire protection and emergency services whether by constructing on-site and off-site roads meeting the standards of this Section 7.11 or by direct access to a public road.

4. When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with the requirements of this Section 7.11.

7.11.11.2. Access to Highways and Arterial Roads.

1. All developments shall be designed to have the minimum number of intersections with roads, arterials or highways specified in subsection 7.11.12.3 below.

2. Where a development accesses a State or federal highway, an access permit is required from NMDOT or the Federal Highway Administration.

DRAFT 10.20.15

7.11.11.3. Access to Subdivisions, Non-Residential Development and Multi-Family Development.

1. Where a subdivision is divided into large tracts and/or phased development is planned to occur, then a coordinated road system shall be designed with reference to all tracts and/or phases.

2. Major subdivisions of thirty-one (31) lots or more, those with 31 or more development units, or those non-residential developments consisting of 25,000 square feet or more, shall provide access to an existing County road, highway, state highway or federal highway and shall provide a minimum of two (2) access points to the referenced roadway. Such development shall also provide for connections to roads and highways identified on the Official Map.

3. A major subdivision, non-residential development exceeding 10,000 square feet and multi-family development shall provide all-weather access during a 100 year storm event to all lots or development sites.

7.11.11.4. Standards for Land Divisions and Subdivisions Exemptions.

1. Divisions of land for grazing or farming as identified in Section 5.4.3.8. are exempt from on-site and off-site road requirements.

2. Divisions of land that create no parcel smaller than one hundred forty (140) acres as identified in Section 5.4.3.11 are exempt from on-site and off-site road requirements, except when more than one (1) such parcel is created in an area of land, the Administrator may require on and off-site road improvements.

3. Other land divisions and subdivisions exemptions may reduce the road easement width for off-site roads to no less than 20 feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density.

4. required off-site and on-site road improvements shall be constructed prior to plat recordation.

5. Plats creating a sending area for TDR purposed shall be exempt from on-site and off-site road improvements.

7.11.12. Driveways. Access to individual lots and parking areas shall be designed in accordance with the requirements of this subsection.

7.11.12.1. Driveway Standards .

1. Driveways shall not be located within the functional area of an intersection or located in such a manner as to interfere with the entry into or exit from an adjacent driveway.

2. All driveways shall conform to all minimum sight distances specified per AASHTO.

DRAFT 10.20.15

3. The entrance of a driveway to a road shall not impede the flow of stormwater along the road or highway. Installation of culverts may be required to ensure compliance with this section. If installed, a culvert shall be at least eighteen (18) inches diameter. In addition, end sections and/or riprap may be required at driveways along steeper terrain.

7.11.12.2. Additional Standards for Residential Driveways.

1. Residential driveways shall serve no more than two (2) lots.

2. Lots within residential subdivisions shall be limited to a single access point or driveway.

3. Access to a lot shall be from a local or collector road, except where the only possible access is from an arterial road or highway.

4. A twenty-five (25) foot asphalt apron shall be required on a driveway that accesses an arterial or highway. A twelve (12) foot asphalt or concrete apron shall be required on a driveway that accesses a paved collector, subcollector or local road.

7.11.12.3. Additional Standards for Non-Residential, Multi-Family and Mixed-Use Driveways.

1. Driveways shall be aligned with opposing driveway approaches where practicable.

2. No driveway may be located closer than 50 feet from the transition point of a turning lane/deceleration lane.

3. Driveway spacing is subject to the requirements of Table 7-15.

Table 7-15: Separation of driveways for Non-Residential, Multi-Family and Mixed-Use Parcels.

Posted Speed (m.p.h.)	Minimum Distance (feet)
25-30	200
30-35	270
35-40	315
40-45	375
45+ *	400+

* For driveway spacing at speeds greater than 45 miles per hour consult Table 6, Speed Change - Lane Length Requirements for Driveway Spacing; NMDOT, Regulations for Driveways and Median Openings on Non-Access Controlled Highways.

4. Acceleration/deceleration lines shall be provided as warranted;

5. Driveway profiles, design elements, corner clearance, and performance standards for acceleration or deceleration lanes shall conform to the NMDOT's Regulations for Driveways, and Median Openings on Non-Access Controlled

DRAFT 10.20.15

Highways;

6. Driveway design and placement shall coordinate with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a New Mexico Professional Engineer or other qualified professional; and

7. A 50 foot asphalt or concrete apron shall be required on driveways accessing a paved road.

7.11.13. On-road Parking. On-road parking shall be a minimum of seven (7) feet in width. A parking lane of at least seven (7) feet may be provided on a local road or sub-collector.

7.11.13.1. A minimum of 1.5-foot-wide operational offset shall be provided between the face of the curb and the edge of potential obstructions such as trees and poles. This allows for the unobstructed opening of car doors.

7.11.13.2. Parking shall be prohibited within 10 feet of either side of fire hydrants or as per fire code, whichever is more restrictive, at least 20 feet from nearside of mid-block crosswalks without curb extensions, and at least 20 feet from the curb return of intersections (30 feet from signalized intersections).

7.11.14. Roads and Driveways in Steep Terrain.

7.11.14.1. Where a road, highway or driveway are located on a natural slope of fifteen percent (15%) or greater, or where cut or fill slopes would exceed six (6) vertical feet, the developer shall propose alternative terrain management techniques to limit excessive grading and removal of vegetation. Such alternatives may include, but are not limited to, split road beds, steeper cuts and fills where soils are stable enough to sustain higher cut and fill ratios, terracing with reverse grades for revegetation with trees and shrubs, or rock plating or retaining walls.

7.11.14.2. Notwithstanding the provisions of subsection 7.11.6.1, roads and highways located on a natural slope of fifteen percent or greater shall intersect at a minimum angle of sixty (60) degrees. Notwithstanding the provisions of subsection 7.11.6.6, horizontal and vertical curvature shall not exceed ten (10) percent.

7.11.14.3. Temporary roads or driveways shall not be permitted.

7.11.15. Sidewalks.

7.11.15.1. Sidewalks are required where required by Tables 7-12 and 7-13, and as indicated in the Official Map.

7.11.15.2. The minimum sidewalk or walking path width shall be four feet.

7.11.15.3. Sidewalks or walking paths shall be constructed of four inch (4") thick concrete or other hard surface materials such as permeable materials, brick, asphalt, or unit-pavers. .

7.11.16.4. Sidewalks or walking paths shall not be located on the roadway surface or in a storm drainage.

DRAFT 10.20.15

7.11.16. Bike Lanes. Bike lanes shall be required along all roadways as required by Tables 7-12 and 7-13, and as indicated on the Official Map. Bike lanes shall be designed as set forth Table 7-16.

Table 7-16: Bike Lane Design Criteria.

	On-road bike lanes
Overhead clearance (min. feet)	7.5
Right-of-way width (min.)	within road right-of-way
Lane width (minimum, feet)	5
Lane width with on-road parking, combined bike lane and parking stall (minimum, feet)	14

7.11.17. Maintenance and Dedication of Subdivision Roads.

7.11.17.1. Any road not accepted for maintenance by the County shall be maintained by the developer or a homeowners' association (HOA) in accordance with § 7.23.

7.11.17.2. The County will not accept a road for maintenance via dedication unless the requirements of § 7.23 are met.

7.12. UTILITIES.

7.12.1. Undergrounding. Installation of new and replacement utilities, including but not limited to natural gas lines, electric utility lines, water lines, telephone and television cables, and communications cables, shall meet the following standards:

7.12.1.1. Electric utility lines that transmit electricity at a voltage less than 46 kilovolts shall be placed underground. Electric utility lines that transmit electricity at a voltage equal to or greater than 46 kilovolts may be placed above ground unless public health and safety requires such lines to be placed underground.

7.12.1.2. Notwithstanding the previous paragraph, electric utility lines that transmit electricity at a voltage less than 46 kilovolts may be placed above ground to serve infill development in areas already served by an above-ground electric utility line.

7.12.1.3. Above-ground electric utility lines that transmit electricity at a voltage greater than or equal to 46 kilovolts shall be designed and constructed at the minimum height necessary for the proposed structure to function properly and for public health, safety and welfare, as demonstrated by the applicant. Above ground electric utility lines that transmit electricity at a voltage less than 46 kilovolts shall not exceed forty feet in height.

7.12.1.4. All utility installations shall meet the design standards for grading and removal of vegetation and re-vegetation in § 7.6.

7.12.1.5. Shared or joint utility trenching and installation shall be required to the extent practicable.

7.12.1.6. Areas for the location of multiple utilities within road right-of-ways or

DRAFT 10.20.15

easements shall be reserved.

7.12.2. All utilities shall be placed within designated utility easements.

7.12.3. All easements shall be maintained by the property owner(s).

7.12.4. Utilities serving agricultural operations are exempt from the provisions of this section.

7.13. WATER SUPPLY, WASTEWATER AND WATER CONSERVATION.

7.13.1. Water Supply and Distribution. The water supply and distribution system required of any development is dependent upon the nature of the development, the Sustainable Development Area (SDA) in which the development is located, and the proximity of the development to public water and wastewater infrastructure .

7.13.2. General Requirements.

7.13.2.1. Water and wastewater systems required. Each development shall provide water and wastewater systems within the development as required by this section.

7.13.2.2 Construction standards.

1. Water and wastewater systems shall comply with all applicable construction and operational standards of the SLDC and applicable federal and State law.

2. Water and wastewater infrastructure that will become a part of the County's water and wastewater utility, either upon completion of the development or when service becomes available, shall be constructed to standards established from time to time by the County's water and wastewater utility authority. Each such facility shall be constructed so as to permit connection to the County utility when such a connection becomes feasible.

3. Water and wastewater infrastructure that will become part of the water and wastewater system of another entity shall be constructed to meet the standards established by that entity.

7.13.2.3. Readiness. Each applicant for a development order shall establish in writing that a proposed service provider (County utility, mutual domestic water association, water and sanitation district, municipal water or wastewater utility, water or wastewater cooperative) is ready, willing, and able to provide service. The applicant shall provide such additional details concerning the proposed service provider and its readiness to provide service as the Administrator may deem appropriate.

7.13.2.4. Required connection to the County, or a public water and wastewater systems. Persons desiring to develop property may be required to connect to the County's water and wastewater utility for water and wastewater service as described in subsection 7.13.3, or connect to a public or publicly-regulated water and wastewater system as described in subsection 7.13.4, or to self-supply water and wastewater service as described in subsection 7.13.5.

DRAFT 10.20.15

Table 7-17: When Connection Required to County Utility Water/Sewer.[1]

		Property Location		
		SDA-1	**SDA-2**	**SDA-3**
Development Type	Residential Development Permit	**if within 200 feet**	**if within service area and within 400 feet**	**if within service area and within 600 feet**
	Residential Land Division	**if within 330 feet**	**if within service area and within 1,320 feet**	**if within service area and within 2,640 feet**
	Multi-family (5+ units)	**Yes**	**if within service area**	**if within service area**
	Minor Subdivision	**Yes**	**if within service area**	**if within service area and within 2,640 feet**
	Major Subdivision	**Yes**	**if within service area**	**if within service area**
	Non-residential (~~under 10,000 sf~~using up to 0.25 AF water)	**if within 400 feet**	**if within service area and within 600 feet**	**if within service area and within 800 feet**
	Non-residential (~~over 10,000 sf~~using over 0.25 AF water)	**Yes**	**if within service area**	**if within service area and within 2,640 feet**

7.13.3. Required Connection to County Water and Wastewater.

7.13.3.1. Connection to the County's water and wastewater utility is required if specified in Table 7-17.

7.13.3.2. If any part of a proposed development is within the distance where connection to a public or publicly-regulated private water or wastewater system is required, then the entire development shall make the connection to the utility when the utility becomes ready, willing and able to supply the development, even if development is phased.

7.13.3.3. All infrastructure required to connect a development to County water and wastewater shall be provided by the applicant and shall be dedicated to the County. The infrastructure shall be designed and constructed to specifications provided by the County's water and wastewater utility, and shall be inspected by the County prior to acceptance.

7.13.3.4. If connection to County water and wastewater utility is not required in Table 7-17 or the County utility is unable to immediately provide service, but the property in question is located within SDA-1 or within the County utility service area at the time of application, then all necessary facilities to subsequently connect to County water and wastewater service shall be provided. When County water and/or wastewater service, or

[1]For purposes of this section, all distances shall be measured between the nearest point of County infrastructure that is capable of providing service and the property line of the property to be developed, not from any structure located or to be located on the property.

DRAFT 10.20.15

both, subsequently become available to such a development, the development shall be required to connect; that requirement will be clearly specified in the development order, relevant plat, or subdivision disclosure statement, and shall be made a part of the voluntary development agreement.

7.13.3.5. Concerning the requirements of the previous paragraph, when connection to the County water and wastewater utility subsequently becomes feasible in the written opinion of the Administrator, the development shall immediately make the connection and be served by the County. The infrastructure, interior to and exterior to the development, shall be transferred to the County upon assumption by the County of water and/or wastewater service.

7.13.3.6. Where the County water and wastewater utility provides written confirmation to the Administrator that water, wastewater service, or both, will not be available to a development within five (5) years, the requirements of subparagraphs 1, 2, and 3, above, shall not apply.

7.13.3.7. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of individual and/or shared domestic wells is strictly prohibited on property supplied by the County water utility.

7.13.4. Required connection to public water and wastewater systems other than the County.

7.13.4.1. Unless the provisions of subsection 7.13.3 apply, connection to public water and wastewater systems or publicly-regulated private systems shall be required if specified in Table 7-18.

7.13.4.2. Water and wastewater systems to which this subsection applies are (a) a mutual domestic water association, (b) a water and sanitation district, (c) a municipal water or wastewater utility, (d) a water or wastewater system, public or private, that is regulated by the Public Regulation Commission, or (3) a cooperative.

7.13.4.3. If connection to a public water and wastewater system or a publicly-regulated private water or wastewater system is not required in Table 7-18, or the public or publicly-regulated water private water or wastewater system is unable to immediately provide service, but the property in question is located within SDA-1 or is within the service area of a public water or wastewater system or a publicly-regulated private or public water or wastewater system, necessary facilities to connect to the public or publicly-regulated water and wastewater system shall be provided. When a public or publicly-regulated water and wastewater system becomes available to such a development, the development shall be required to connect; that requirement will be clearly specified in the development order, relevant plat, or subdivision disclosure statement, and shall be made a part of the voluntary development agreement.[2]

7.13.4.4. Where a public or publicly-regulated water or wastewater system provides written confirmation to the Administrator that water, wastewater service, or both, is not presently available or will not be available within five (5) years, the requirements of subparagraphs 1, 2 and 3, above, shall not apply.

[2]The development agreement may provide that such interconnection be provided later so long as adequate security is also provided.

DRAFT 10.20.15

7.13.4.5. If any part of a development is within the distance where connection to a public or publicly-regulated private water or wastewater system is required, then the entire development shall make the connection to the utility when the utility becomes ready, willing and able to supply the development, even if development is phased.

7.13.4.6. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of individual and/or shared domestic wells is strictly prohibited on property supplied by a public or publicly-regulated water utility.

Table 7-18: When Connection Required to Public Water/Sewer or Publicly-Regulated Water/Sewer.[3]

		Property Location		
		SDA-1	**SDA-2**	**SDA-3**
Development Type	Residential Development Permit	**if service area and within 200 feet**	**if service area and within 400 feet**	**if service area and within 600 feet**
	Residential Land Division	**if within service area and within 330 feet**	**if within service area and within 1,320 feet**	**if within service area and within 2,640 feet**
	Multi-family (5+ units)	**Yes**	**if within service area**	**if within service area**
	Minor Subdivision	**Yes**	**if within service area**	**if within service area and within 2,640 feet**
	Major Subdivision	**Yes**	**if within service area**	**if within service area**
	Non-residential (~~under 10,000 sf~~ using up to 0.25 AF water)	**if within service area and within 400 feet**	**if within service area and within 600 feet**	**if within service area and within 800 feet**
	Non-residential (~~over 10,000 sf~~using over 0.25AF water)	**Yes**	**if within service area**	**if within service area and within 2,640 feet**

7.13.5. Self-supplied water and wastewater systems.

7.13.5.1. Unless the provisions of subsections 7.13.3 or 7.13.4 apply, water and wastewater systems shall be self-supplied by the applicant.

7.13.5.2. Self-supplied water and wastewater systems are subject to all the requirements in subsections 7.13.6. and 7.13.7 below.

7.13.5.3. If water and wastewater service is to be self-supplied, all the costs of providing water and wastewater infrastructure and water and wastewater service shall be borne by the applicant, although the applicant may make appropriate arrangements to delegate the operational expenses of water and wastewater to a homeowner's association or appropriate entity. Infrastructure associated with a self-supplied system shall be private

[3]For purposes of this section, all distances shall be measured from the property line of the property to be developed and not from any structure located or to be located on the property.

DRAFT 10.23.15

infrastructure and the County shall have no responsibility therefor; similarly, the obligation to operate and maintain a self-supplied system and the obligation to serve residents shall remain a private obligation and the County shall have no responsibility therefor.

7.13.5.4. If connection to the County water and wastewater utility or connection to a public or publicly-regulated water and wastewater system is not required by operation of Table 7-17 or 7-18 but the property is located within SDA-1 or is within the service area of the County water and wastewater utility or a publicly-regulated private or public water or wastewater system, then all necessary facilities to subsequently connect to County water or wastewater service or to public or publicly-regulated water and wastewater, shall be provided. When County water and wastewater service, or public or publicly-regulated water and wastewater becomes available to such a development, the development shall be required to connect; that requirement will be clearly specified in the development order and relevant plat, and shall be made a part of the voluntary development agreement.[4] If the County utility or a public water or wastewater system provides written confirmation to the Administrator that water or wastewater service will not be available for a period of five (5) years, then the requirements of the foregoing shall not apply.

7.13.6. Water Supply Requirements.

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years[5]. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per residential dwelling per annum notwithstanding that the owner or developer claims that less water is to be used. The Administrator may reduce this planning assumption to the actual amount of water expected to be used given the type of construction and use contemplated upon a showing from the applicant that a lesser planning figure is reasonable. Annual water use limitations are established in subsection 7.13.11 ("Water Conservation") of the SLDC, and shall also apply.

7.13.6.2. Water Service Availability Report. The Water Service Availability Report (WSAR) required by Chapter 6 shall provide details on the source of water, including whether the source of water will be the County utility or a public or publicly-regulated water system, and shall discuss in detail any required water supply infrastructure to be provided (its cost, details of the design and construction, construction schedule, financing of design, construction cost, and operational cost including capital replacement), and shall discuss in detail whether the proposed system is capable of meeting the water requirements of the development as required by the SLDC.

DRAFT 10.20.15

[4]The development agreement may provide that such interconnection be provided later so long as adequate security is also provided.

[5]Or 40 years if the source of supply is a public water system that is a 40 year planning entity pursuant to NMSA 1978, Section 72-1-9.

Table 7-19: Community Water and Wastewater System Requirement for ~~Developments~~ Subdivisions in SDA-2 and SDA-3.

		Minimum Lot Size (acres)				
		Less than 1	1-2.49	2.5-9.99	10-39.99	40+
No. of Lots	2-4	no	no	no	no	no
	5-24	yes	yes	no	no	no
	25-49	yes	yes	yes	no	no
	50+	yes	yes	yes	yes	yes

7.13.7. Self-Supplied Water Systems.

7.13.7.1. Community Water Systems.

1. A ~~self-supplied~~ subdivision shall be required to create a community water system or connect to an existing community water system if specified in Table 7-19.

2. A community water system shall meet or exceed all applicable design standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer.

3. Water wells supplying a community water system shall be capable of providing the water needs of the development for at least ~~40~~ 99 years (see footnote 5 of Section 7.13.6.1), or shall put in place a reasonable and funded capital replacement program through which the construction of necessary replacement wells and other infrastructure can be assured.

4. A community water system shall provide adequate water for fire protection consistent with the requirements of the New Mexico Fire Code and the Santa Fe County Fire Code.

5. A community water system shall own water rights permitted by the Office of the State Engineer; the water rights shall have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit shall be sufficient to meet the maximum annual water requirements of the proposed development. Additionally, if irrigation water rights that are appurtenant to the land to be subdivided have been severed, a community water system shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision. An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

6. All distribution mains within a community water system shall be a minimum of eight (8) inches in diameter and shall be pressure tested in accordance with the New Mexico Standard Specifications for Public Works Construction, Section 801.16 (as amended from time to time).

7. The development order, plats, disclosure statement and private covenants, as

DRAFT 10.20.15

applicable, shall clearly specify that the drilling or use of individual and/or shared domestic wells is strictly prohibited on property supplied by a community water system.

8. A community water system shall be capable of supplying the volume of water required for the development and shall be designed to provide a peak rate of production reasonably anticipated.

9. All applicable requirements of the Public Utility Act, Articles 1 through 6 and 8 through 13 of Chapter 62, NMSA 1978, shall be met, as applicable.

10. A community water system shall be designed under the supervision of a New Mexico registered professional engineer. Any expansion of an existing community water system to supply new development shall likewise be designed under the supervision of a New Mexico registered professional engineer.

11. Easements, including construction easements, shall be provided.

12. Management of a community water system shall be accomplished by competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted. The management structure of a community water system shall be capable of ensuring that all reports and submissions required by NMED, PRC and the OSE are submitted on a timely basis.

13. Financial security shall be deposited to secure the construction of a new or expanded community water system.

14. An applicant proposing or required to use a community water system whose source of water is, in whole or in part, groundwater, shall perform a geo-hydrologic report that conforms to the requirements of this SLDC.

15. As an alternative to the previous paragraph, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC.

16. A community water system within a Traditional Community District zoning district shall minimize the use of local water resources.

7.13.7.2. Shared Wells Systems and Individual Wells.

1. A development that is not required to connect to the County water utility pursuant to Table 7-17, or to a public or publicly-regulated water system pursuant to Table 7-18, or to a community water system pursuant to Table 7-19, may self-supply water service through a shared well system or individual well.

2. A shared well system or an individual well shall provide all water needed for domestic use and fire protection.

3. A shared well system or an individual well shall meet or exceed all applicable design and operational standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer.

DRAFT 10.20.15

4. A shared well system or an individual well shall be capable of providing the water requirements of the proposed development for up to 40 years or 99 years respectively.[6]

5. A shared well system or an individual well, together with its associated equipment and infrastructure, shall provide adequate water for fire protection consistent with the requirements of the ~~New Mexico~~ Fire and Building Codes specified in Section 7.2.

6. Water storage to address requirements of the ~~New Mexico~~ Fire and Building Codes specified in Section 7.2~~, Santa Fe County Fire Code~~, or to maintain deliveries during periodic drought or as a result of climate change, shall be provided.

7. A shared well system or an individual well shall possess a valid permit, vested right, adjudicated right or license issued by the Office of the State Engineer with sufficient capacity or water rights to meet the maximum annual water requirements of the proposed development. If irrigation water rights that are appurtenant to the land on which the subdivision is to be located have been severed, the owners of a shared well system or an individual well shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision. In all other cases, a shared well system shall own water rights permitted by the Office of the State Engineer; the water rights shall have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit shall be sufficient to meet the maximum annual water requirements of the proposed development. An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

8. A shared well system or an individual well shall be capable of supplying the volume of water required for the development and shall be designed to provide a peak rate of production reasonably anticipated.

9. Easements, including construction easements, shall be provided.

10. Financial security shall be deposited to secure the construction of a shared well system.

11. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of other wells within the area to be served by an individual well or shared well system is strictly prohibited.

12. An applicant proposing or required to use a shared well system or an individual well shall perform a geo-hydrologic report that conforms to the requirements of this SLDC, or, as specified in the following paragraph, a

[6] Pursuant to NMSA 1978, § 72-1-9, water provided by or on behalf of a member-owned community water system (e.g., a mutual domestic) or a special water users' association, must be capable of meeting a 40-year water supply for its members or association. Pursuant to § 6.5.5.1 of this Code, water provided by or on behalf of an individual must be capable of meeting a 99-year water supply.

DRAFT 10.20.15

reconnaissance report. An applicant proposing to (i) develop a single lot existing prior to the effective date of the SLDC using a single domestic well permitted under NMSA 1978 Sec. 72-12-1 as the water supply, (ii) develop a single nonresidential use that has a water budget of 0.25 acre foot per year or less, (iii) divide land through a land division or exempt subdivision, or (iv) create a minor subdivision or no more than five (5) lots, shall not be required to provide a geo-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the well permit issued pursuant to NMSA 1978, Sec., 72-12-1 by the Office of the State Engineer.

13. As an alternative to a geo-hydrologic report, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC.

7.13.7.3. Standards for geo-hydrologic reports.

1. A geo-hydrologic report,[7] if required, shall demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of 40 years or 99 years as the case may be[8]. The contents of the report shall be consistent with well-established engineering and geological practice, and shall be certified by those professionals contributing to the study and conclusions.

2. The geo-hydrologic report shall take into account the production from existing wells in making conclusions about the ability of a particular well or wells to provide adequate water for the development for 40 years or 99 years as the case may be. (See footnote 7.)

3. The geo-hydrologic report shall be predicated upon actual testing results from wells at the location of the proposed development. Test requirements for wells are set forth in Table 7-20. If no well is present at the location of each of the proposed well or wells, an exploratory well shall be provided. If more than one well will be provided, the Administrator shall determine whether the number of test wells and their locations to adequately profile the aquifer. The geo-hydrologic report shall adequately characterize the aquifer in accordance with the requirements listed herein.

DRAFT 10.20.15

[7]A geo-hydrologic report may be provided as a part of a required study, report or assessment as described in Chapter 6, or separately.

[8] See footnote 7.

TABLE 7-20: WELL TEST REQUIREMENTS			
	Pumping Hours	Recovery Days	Additional Tests for Large Areas
INDIVIDUAL WELLS			
Miscellaneous locations	48	5	one per 40 acres
Part of Santa Fe Formation	36	5	one per 160 acres
Cretaceous	24	5	one per 40 acres
COMMUNITY WELLS			
All Areas	96	10	one per 40 acres

4. Geo-hydrologic reports shall provide detailed reports concerning each test set forth in Table 7-20.

5. The geo-hydrologic report may rely upon previously developed geo-hydrologic reports on wells within one (1) mile in lieu of drilling a new well or wells so long as the geo-hydrologic report that is relied upon adequately characterizes the aquifer as specified herein and establishes that the geologic conditions are comparable. Notwithstanding the foregoing, no more than one (1) test well per four (4) dwelling units shall be required, and no more than one (1) test wells per ten (10) dwelling units shall be required where cluster or shared wells are to be used.

6. The geo-hydrologic report shall provide a schedule of effects from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of climate and drought. The geo-hydrologic report shall analyze the effect of pumping of existing wells. Predicted draw down of each well shall be calculated in a conservative manner.

7. The geo-hydrologic report shall calculate the lowest practical pumping water level in the proposed well or wells so long as there is no presumption made as to additional available water below the bottom of the proposed well or wells, and the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought, reduction of well efficiency over time, and peak production requirements. The lowest practical pumping water level may be established by any one of the following methods:

DRAFT 10.20.15

a. By using the results of acceptable on-site aquifer pump tests where the lowest allowable pumping level is the lowest water level reached during the test;

b. By setting the lowest practical pumping water level at the top of the uppermost screened interval;

c. In wells completed in fractured aquifers, by setting the lowest practical pumping water level above the top of the fracture zone; or

d. In wells completed in alluvial aquifers, by setting the lowest practical pumping water level at a point equal to seventy percent (70%) of the initial water column.

8. The geo-hydrologic report shall present all pertinent information. All sources of information used in the report shall be identified; basic data collected during preparation of the report shall be provided if available.

9. The geo-hydrologic report shall contain all of the following information, in the following order:

a. Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the geo-hydrologic boundaries, intake areas and locations of discharge of those aquifers;

b. Maps and cross sections showing the depth-to-water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers; and

c. Probable yields of the proposed wells (in gallons per minute and acre feet per year) and probable length of time that the aquifer system will produce water in amounts sufficient to meet the demands under full occupation of the development, including any underlying pump test analyses, hydrologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells, aquifer performance tests, and information concerning interference by the proposed wells with existing wells and among the proposed wells.

10. If a pumping test has been submitted to the OSE to support an application to change the place or purpose of use of water rights from agricultural to domestic or subdivision use and OSE accepts the pumping test, then the pumping test can be utilized for the purposes of this Section if it complies with Table 7-20.

7.13.7.4. Standards for reconnaissance reports.

1. A reconnaissance report[9] may be provided only if all of the following circumstances prevail:

[9]A reconnaissance report may be provided as a part of a required study, report or assessment as described in Chapter 6, or separately.

DRAFT 10.20.15

a. a geo-hydrologic report has been completed on a well within one (1) mile of a proposed well or wells;

b. a geo-hydrologic report indicates that the geology is comparable to the conditions existing at the site of the proposed well or well;

c. the total amount of water to be drawn by the development will not exceed three (3) acre feet per annum; and

d. except as may be permitted by the Administrator, no more than one (1) well will be constructed within the proposed development.

2. A reconnaissance report shall contain the following information in the following order:

a. Detailed information on the geology at the site of the proposed well or wells from the previously-performed geo-hydrologic report, including data from a pump test;

b. A copy of the well log for the well upon which the geo-hydrologic report was performed and a complete analysis of the data contained therein as it pertains to the proposed development;

c. A calculated ninety-nine (99) year schedule of effects from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of climate, drought and climate change. The reconnaissance report shall analyze the effect of pumping of existing wells and the predicted draw down of each well, calculated in a conservative manner; and

d. An explanation of how the findings from the existing geo-hydrologic report justify use for the well or wells in question.

7.13.8. Individual or Shared Well System. A development that is not required to connect to the County utility, a public or publicly-regulated utility, or a community water system may self-supply water for a development from any reasonable source, including surface water or groundwater from a shared well system or individual well system.

7.13.8.1. An individual well or a shared well system shall provide all the water needed for domestic use and fire protection.

7.13.8.2. An individual well, a shared well system or an individual well shall meet or exceed all applicable design and operational standards of the New Mexico Environment Department, the Construction Industries Division and the Office of the State Engineer.

7.13.8.3. A shared well system or an individual well shall be capable of providing the water requirements of the proposed development for up to 40 years or 99 years

DRAFT 10.2015

respectively.[10]

7.13.8.4. a shared well system or an individual well, together with its associated equipment and infrastructure, shall provide sufficient water for fire protection as specified in the New Mexico Fire Code.

7.13.8.5. A shared well system or an individual well shall be capable of supplying the volume of water required for the development, shall be capable of supplying the volume of water required for the development, and shall be designed to provide a peak rate of production reasonably anticipated.

7.13.8.6. Easements, including construction easements, shall be provided.

7.13.8.7. Financial security shall be deposited to secure construction of an individual well or a shared well system.

7.13.8.8. The development order, plats, disclosure statement and private covenants, as applicable, on a development where a shared well system is used, shall clearly specify that the drilling or use of other wells is strictly prohibited, except for agricultural wells or wells to supply the County water system or a public water system.

7.13.8.9. A shared well system shall provide the appropriate joint ownership agreement, which shall provide for a fair and reasonable apportionment of the costs of operation and capital replacements.

7.13.9. Water Quality.

7.13.9.1 All water systems provided in connection with a development shall provide water of an acceptable quality for human consumption that meets or exceeds water quality standards established pursuant to the Safe Drinking Water Act, the New Mexico Water Quality Act, and regulations promulgated by the NMED and the Water Quality Control Commission.

7.13.9.2 Any "public water system" as defined in regulations of the New Mexico Environmental Improvement Board (20.7.10.1 NMAC) shall meet or exceed the requirements and standards of 20.7.10.1 NMAC *et seq*., and the Environmental Improvement Act, NMSA 1978, Section 74-1-1 *et seq*. and the regulations of the New Mexico Environment Improvement Board.

7.13.9.3 Any "public water system" as defined in regulations of the New Mexico Environmental Improvement Board (20.7.10.1 NMAC) shall, as applicable, obtain written permission to commence or continue operations from the New Mexico Environment Department.

7.13.9.4 A written water quality test that confirms that the water system meets or exceeds the standards described in this subsection shall be provided; if a reconnaissance report is provided in lieu of a geo-hydrologic report, a test may be provided from a well within one (1) mile of the proposed well, but shall be confirmed with the test of the actual well following completion.

[10]See footnote 6.

DRAFT 10.20.15

7.13.10. Self-Supplied Wastewater Systems. As is the case with water supply and distribution systems, the type of wastewater system required of any development is dependent upon the nature of the development, the adopted Sustainable Development Area (SDA) in which the development is located, and the proximity of the development to the County's wastewater utility. *See* Table 7-17. and proximity of the development to any public or publicly-regulated wastewater system; *See* Table 7-18.

7.13.10.1. ~~General Requirements.~~Community Wastewater Systems.

1. A subdivision shall be required to create a community wastewater system or connect to an existing community water system if specified in Table 7-18.

2. A community wastewater system shall meet or exceed all applicable design standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer.

3. A community wastewater system shall be capable of treating the volume of wastewater produced by the development at full build-out and shall be designed to treat a peak rate of flow.

4. A community wastewater system shall be designed under the supervision of a New Mexico registered professional engineer. Any expansion of an existing community wastewater system to supply new development shall likewise be designed under the supervision of a New Mexico registered professional engineer.

5. Easements, including construction easements, shall be provided.

6. Management of a community wastewater system shall be accomplished by a competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted to operate the community wastewater system. The management structure of a community wastewater system shall be capable of ensuring that all required reporting is completed and submitted on a timely basis.

7. Financial guaranty shall be deposited pursuant to § 7.22 herein to secure the construction of a new or expanded community wastewater system.

~~1~~8. Regardless of whether the County's wastewater system is utilized, all development shall include wastewater systems built to standards established by the County wastewater utility and may be designed and constructed so that they may be connected to the County utility when available.

~~2~~9. A wastewater system shall meet all applicable requirements of the Public Utility Act, Chapter 62, NMSA 1978.

~~**7.13.10.2. Required Connection to County Wastewater Utility.** Table 7-17 provides the requirements for connection to the County wastewater utility. In all cases, it is the responsibility of the owner/developer/applicant to provide wastewater infrastructure to the point of connection with the County wastewater utility.~~

7.13.10.~~3~~2. Where Alternative Wastewater System Allowed.

DRAFT 10.20.15

1. Any wastewater system provided pursuant to this Section shall meet the requiremnents and standards of 20.7.3 NMAC and 20.6.2 NMAC and shall comply with regulations promulgated by the New Mexico Environment Department.

2. Where a development is not required to connect to the County's wastewater system or a public system pursuant to Tables 7-17 or 7-18, an alternative wastewater disposal system shall be used ~~when specified on Table 7-19~~ so long as the appropriate liquid waste permit is obtained from the New Mexico Environment Department and presented to the Administrator as a part of the application.

3. Any liquid wastewater treatment system that involves a surface discharge or land application of treated or untreated effluent, shall require presentation of the appropriate permit from the New Mexico Environment Department at the time of application.

7.13.11. Water Conservation.

7.13.11.1. General Requirements.

1. Total water use shall not exceed that specified in the development order, plat note, or the SLDC.

2. Annual water use for domestic purposes for a single family residential dwelling shall not exceed 0.25 acre foot per year. This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978, Section 72-12-1 that is used for agriculture, so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to the use of water derived from such water rights for agricultural or other purposes.

7.13.11.2. Outdoor Conservation.

1. Low water use landscaping techniques or xeriscaping shall be utilized for all development. Drip irrigation and landscape mulching shall be provided.

2. Only low water use grasses, shrubs and trees that are appropriate to the New Mexico climate shall be used. Sod or grass seed that contains Kentucky bluegrass is not permitted.

3. Lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with harvested water or grey water.

4. Landscaping may be watered as needed during the first and second years of growth to become established; thereafter landscaping may be watered as is needed to maintain viability.

5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.

DRAFT 12.20.15

6. Outdoor watering or irrigation is prohibited between 11 am and 7 pm from May through September of each year, except for the following:

a. Plants being prepared for sale;

b. Manual watering by landscape maintenance and contracting personnel;

c. Water derived from rainwater catchment systems or a grey water re-use system; and

d. Water derived from an acequia or other agricultural irrigation.

7. ~~Car and truck~~Vehicle washing is only allowed with the use of a shut-off hose nozzle.

8. An outdoor irrigation system may not be operated if leaking.

9. Water leaks shall be repaired promptly and in no event more than ten (10) days from the beginning of the leak. Proof of repair shall be provided upon request.

10. Swimming Pools of a permanent or temporary nature shall be prohibited on all newly created lots.

11. All swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once per year.

7.13.11.3. Indoor Conservation.

1. Water saving fixtures shall be installed in all new construction, remodels and in all remodels and renovations when a fixture is being replaced. .

a. All toilets and flush urinals shall be EPA WaterSense certified or equivalent standard.

b. All lavatory faucets shall be EPA WaterSense certified or equivalent standard.

c. All showerheads shall be EPA WaterSense certified or equivalent standard.

2. Water conserving appliances shall be installed in all new construction and in all remodels and renovations when an appliance is being replaced.

a. Residential dishwashers shall be EPA Energy Star certified or equivalent.

b. Residential clothes washers shall be EPA Energy Star certified or equivalent.

DRAFT 10.20.15

3. Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.

4. Hot water systems shall ensure that hot water is delivered within five seconds of a tap being opened. This requirement can be achieved through the use, either alone or in combination, of the following devices or designs: (i) an on-demand circulation system; (ii) a centrally located water heater; (iii) a point-of-use water heater; (iv) short hot-water pipe runs; (v) small diameter piping; (vi) "instant hot" hot water fixtures; or (vii) super-insulation methods

5. A certificate of compliance by a licensed mechanical contractor or plumber that new construction meets the requirements of the SLDC shall be provided.

6. Restaurants and caterers shall provide water and other beverages only upon request. This shall be clearly communicated to the customer in at least one of the following manners: (i) on the menu; (ii) by use of a "table tent" or single signage on the table; or (iii) posting in a location clearly visible to all customers.

7. Lodging facilities shall not provide a daily linen and towel change for guests staying multiple days unless a guest specifically requests each day that linens and towels be changed.

8. Evaporative coolers shall circulate bleed-off water.

9. Greywater recycling, if provided, shall reduce the annual amount of water needed for the use, by the amount of the anticipated greywater recycling.

7.13.11.4. Conservation Signage and Literature Distribution.

1. Public, semi-public, governmental restrooms and public shower facilities shall post not less than one (1) water conservation sign in each restroom and shower facility, the size of which shall not be less than eight and one-half inches (8.5) by eleven (11) inches.

2. Hotels, motels and other lodgings shall provide a water conservation informational card or brochure in a visible location in each guest room.

3. Retail plant nurseries shall provide each retail customer with low water-use landscape literature and water efficient irrigation guidelines at the time of sale of any perennial plant. In order to facilitate the purchase of low water-use plants, nurseries are strongly encouraged to tag or sign their plants that require little or no supplemental water once established. For the sale of all turf or grass seed or sod, the customer shall be given County provided literature indicating the restrictions to planting water consumptive turf.

4. Landscape contractors, maintenance companies and architects shall provide customers with low water-use literature and water efficient irrigation guidelines at the time of contracting. Landscape professionals shall educate their customers regarding the operation of their timed irrigation systems.

5. Title companies and others closing real estate transactions shall provide the purchaser with indoor and outdoor conservation literature at the time of closing.

DRAFT 10.20.15

6. County departments shall provide indoor and outdoor conservation literature to all persons applying for a development permit and persons initiating water service. The County shall provide the conservation literature on its internet web site, and shall distribute literature to all entities providing water within the unincorporated areas of the County.

7.13.11.5. Domestic Well Use Metering Program.

1. Every person engaging in development after the effective date of ~~Ordinance No. 2004-07~~this Code shall participate in the well use metering program.

2. Meters shall be installed on wells ~~of all persons subject to Ordinance No. 2004-7 and all persons~~ for any development subject to the SLDC. All meters shall be a Santa Fe County-approved meter. The meter shall be read by the property owner annually within the first two weeks of each calendar year. Meter readings shall be provided to the Administrator no later than April 30 of the same calendar year.

3. All properties that are required to report water meter readings as a condition of plat
approval shall have the name and address of the property owner entered into 'the database when the building permit is issued.

4. All properties that are required to have water meters shall also be required to test their water meter for reading accuracy every ten (10) years and replace if necessary.

5. Failure to submit the meter reading will result in the same penalties as outlined in Chapter 14.

6. When water is used in excess of the amount allocated to the property, the first year a letter with educational/informational materials on how to reduce water use will be sent to the water user and they will be required to submit water meter readings every six months to track their progress. All subsequent water usage violations will result in the same penalties as outlined in Chapter 14

7.13.11.6. Water Waste, Fugitive Water

1. Water Waste. No person, firm, corporation, county, state, federal or municipal facility or operation shall cause or permit to occur any water waste. In general the occurrence of unforeseeable or unpreventable failure or malfunction of plumbing and irrigation system hardware shall not be deemed sufficient grounds for issuance of a citation or other enforcement proceedings unless and until the County issues a formal written notice.

a. Water waste means any non-beneficial use of water. Waste includes but is not limited to leaks from indoor and outdoor plumbing systems in excess of 0.25 gallons per minute.

b. For unforeseeable or unpreventable outdoor violations, the County shall generally issue a formal warning notice prior to taking enforcement action. Prior to taking formal enforcement action the County may instruct the water user not to operate the faulty system until it is appropriately repaired. If operating the system is integral to the operation

DRAFT 10.20.15

of the facility the County may at its own discretion provide a period of time in which to remedy the violation prior to commencing formal enforcement action. Once a warning notice or an official citation has been issued for an outdoor occurrence, subsequent water waste events shall be subject to strict enforcement. Strict enforcement may include the issuance of citations and other such activities as the County deems necessary to bring the water user into compliance. For indoor water waste events and for those water waste events outdoors caused by a faulty system which is integral to the operation of the facility, the waste must be abated within 15 calendar days of the issuance of a warning notice or initiation of enforcement action. Enforcement action shall be taken if the waste continues beyond the 15-day period.

c. Water waste does not include:

i. Flow resulting from fire fighting or other routine inspection of fire hydrants or other training activities,

ii. Water applied to abate spills of flammable or otherwise hazardous materials,

iii. Water applied to prevent health, safety or accident hazards when' alternate methods are not available,

iv. Water that reaches or flows onto adjacent property or public or private right-of-way when caused by vandalism, wind, emergencies or acts of God,

v. Flow resulting from a routine inspection or maintenance of a water utility system,

vi. Water used by Santa Fe County in the installation, maintenance, repair or replacement of public facilities and structures such as traffic control devices, storm and sanitary sewer structures and road or street improvements,

vii. Water used by contractors or utilities including but not limited to saw-cutting and pavement compaction or other use required under terms of their contract,

viii. Any water that is discharged as a result of well development or a pumping test.

2. Fugitive Water. Fugitive water is prohibited. No person, firm, corporation, county, state, federal, municipal or other governmental facility or operation shall cause of permit the occurrence of fugitive water.

a. Fugitive water means the pumping, flow, release, escape or leakage of any water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten (10) square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of -way, arroyo, or other water course, natural or manmade.

DRAFT 10.20.15

Fugitive water also means, during the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface.

b. Fugitive water shall not include:

i. Incidental run-off caused by vehicle washing provided that a shut-off nozzle is in use,

ii. Periodic draining of swimming pools and spas,

iii. Storm run-off, including snowmelt run-off,

iv. Flowing resulting from temporary water system failures or malfunctions,

v. Water applied, such as in the cleaning of hard surfaces, to prevent or abate public health, safety or accident hazards when alternate methods are not available. The washing of outdoor eating areas and sidewalks is not included in this exemption,

vi. Flow resulting from vandalism, high winds, emergencies and acts of God, or

vii. The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware, prior to the issuance of a formal warning notice. Once a formal warning notice has been issued, the water user is instructed not to operate the faulty system until it is appropriately repaired, unless operating the system is integral to the operation of the facility. Once a warning notice has been issued, subsequent fugitive water events at the same location will be subject to issuance of citations.

7.13.11.~~6~~7. Water Harvesting.

1. Rainwater Catchment Systems.

a. Rainwater catchment systems are required for all new construction whose roof area is 2,500 square feet or greater. Rainwater catchment systems are required for all remodeling of an existing structure whose roof area, after the remodeling, is 2,500 square feet or greater. Rainwater catchment systems are required of any accessory structure whose roof surface is 500 square feet or greater.

b. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.

c. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey water

DRAFT 10 2015

to the point of use.

d. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure shall install as its rainwater catchment system: (i) rain barrels, (ii) cisterns, or (iii) passive water harvesting systems using berms, swales, or tree wells. The system shall capture water from at least 85% of the roofed surface.

e. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area.

2. Catchment Requirements, Residential Structures.

a. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.

b. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

c. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure whose roof surface is 500 sq. ft. or greater shall install rain barrels, cisterns or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater from a minimum of 85% of the roofed area.

d. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area that is captured.

3. Catchment Requirements, Non-residential structures:

a. Systems shall be designed to capture rainwater from all of the roofed area.

b. Cisterns shall be buried, partially buried or insulated and shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

c. Cisterns shall be sized to hold 1.5 gallons per square foot of roofed area or the equivalent of a one month supply of water.

7.14. ENERGY EFFICIENCY.

7.14.1. Purpose and Intent. The standards in this section are intended to accomplish the following:

7.14.1.1. To ensure that newly constructed residential and commercial structures incorporate cost-effective energy efficiency measures and technologies in order to:

DRAFT 10.20.15

7.14.1.2. Conserve natural resources;

7.14.1.3. Minimize local, regional and global impacts on the environment from energy extraction and use;

7.14.1.4 Protect public health;

7.14.1.5. Maintain indoor air quality; and

7.14.1.6. Keep monthly energy expenditures manageable over the useful life of a structure.

7.14.2. Residential Structures.

7.14.2.1. Each new residential structure, excluding mobile homes and manufactured homes and structures constructed to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieves some equivalent energy performance. Structures required to achieve this rating shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET).

7.14.2.2 The HERS 70 standard or equivalent shall be certified by a qualified, independent, third-party accredited HERS rater.

7.14.2.3. As an alternative to a HERS 70 requirement, other energy efficiency performance measures or methodologies may be utilized to demonstrate compliance with the requirement, provided that:

1. The residential structure achieves an equivalent or lower level of energy performance (in BTUs per square foot per year) as a HERS 70 rated structure; and

2. A New Mexico licensed engineer, architect or qualified independent building science professional performs the analyses, inspections and certifications.

7.14.2.4 In addition to the energy performance standard above, new residential structures shall also:

1. Comply with the most recent version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 62.2, "Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings"; and

2. Complete the United States Environmental Protection Agency's "Thermal Bypass Inspection Checklist" or "Thermal Enclosure System Rater Checklist" during the building process, as determined by the Checklist's guidelines. The Administrator shall determine which updated version of the checklist, or equivalent, shall be applicable at any given time.

7.14.2.5. To demonstrate compliance with these requirements, a preliminary certification of energy performance, signed and/or stamped by the independent third party verifier,

DRAFT 10.20.15

shall be documented on a form provided or approved by the County and included as a part of the application package submitted for development review. Similarly, compliance with the ventilation and thermal enclosure checklist requirements will be documented by submittal of forms signed by an independent third party verifier.

7.14.2.6. Larger multifamily residential structures that are not included under RESNET's HERS index rating system shall comply with the energy efficiency requirements for nonresidential structures in subsection 7.14.3.

7.14.3. Nonresidential Structures.

7.14.3.1. All new nonresidential buildings shall obtain written confirmation from the United States Environmental Protection Agency that the building is "Designed to Earn the EPA Energy Star Certification". This certification shall be submitted to the County along with the other required materials required to support and application for development approval.

7.14.3.2. Nonresidential builders shall, in the actual construction of the structure, to maintain consistency with the energy efficiency elements that resulted in achieving the "Designed to Earn the EPA Energy Star Certification" in order that the building may achieve the EPA Energy Star label during its first few years of operation.

7.14.4. Reference Material. A reference document will be available in the Growth Management Department to assist the public with regards to this section to include but not limited to: educational brochures, step-by-step compliance instructions, user-friendly forms, and County staff contact information. These materials shall be available in both hard copy and on the County's web site.

7.15. OPEN SPACE.

7.15.1. Purpose. It shall be the intent of the County to acquire, preserve and maintain a significant amount of land to support a network of public and private open space, parks and trails throughout the County. New open space and park facilities should be established to match demands of population growth and expansion. Once acquired, the new open space should be protected. This can be accomplished in a variety of ways such as by adopting and maintaining an Official Map; preferentially locating cluster developments; creating new permanently protected private open space in coordination with private landowners, Pueblos, governmental agencies, non-profit entities, and non-governmental agencies; creating and maintaining safe access, parking, and trailheads for public lands and other open spaces; and supporting community-based stewardship of open spaces, trails and public spaces.

7.15.2. Applicability. The provisions of this section shall apply to all subdivisions of more than 24 lots (Types I, II and IV), any Planned Development District, and any development within a trail corridor as identified on the Official Map.

7.15.3. Designation of Open Space and Parks.

7.15.3.1. Open space categories. Open space use shall be categorized as natural and passive or developed.

1. Natural and passive open space is set aside for the preservation or conservation of natural areas, wildlife habitat, cultural or archeological resources or other unique characteristics. Passive uses allowed include:

a. access with minimal impacts including pathways or trails;

DRAFT 10.20.15

b. way-finding signs and/or interpretive signs; or

c. other features of minimal impact.

2. Developed open space use includes:

a. neighborhood parks;

b. community gathering spots;

c. recreational play spaces;

d. rails;

e. picnic shelters;

f. community plazas;

g. community gardens; and

h. parking related to open space requirements.

7.15.3.2. Allowable open space. Open Space may include land that is unsuitable for development and offers natural resource benefits such as steep slopes in excess of 25%; conservation areas; natural vegetation; drainage-way or designated wetlands; ravines; surface water management areas; wildlife habitat and corridors; and geologic features. Out-lots and undevelopable or protected lands should be selected on the basis of enhancing the character of the community, buffering, and providing linkages with other areas of significance such as parks, trails or wildlife habitat.

7.15.3.3. Minimum required open space.

1. Natural and/or passive: Minimum 30% of gross acreage; and

2. Developed: 1 acre per 100 population (based on 2.57 persons per dwelling unit). Any proposed subdivision over 24 lots with a population less than 100 shall provide at least one (1) acre of developed open space.

7.15.3.4. Trail standards.

1. A trail easement shall be dedicated in accordance with the Official Map or adopted plans.

2. Trails identified on the Official Map shall be constructed.

3. Minimum trail widths for multi-use trails shall meet AASHTO criteria for bicycle facilities, with a thirty (30) foot easement.

4. Minimum trail widths for all other trails shall meet US Forest Service Trails Management Handbook (FSH 2309.18) criteria for trail development, with a twenty (20) foot easement.

5. Existing trail alignments may be adjusted to minimize impacts on subdivision

DRAFT 10.20.15

design, property use, and safety of residents, and to avoid conflict with existing or proposed roads, driveways, and utility or other special purpose easements. Such adjustments shall be consistent with preservation of the continuity of the trail, safety of the trail users, and the purpose of the trail as determined by the Administrator.

6. Surfacing for multi-use trails shall be designed and prepared in accordance with AASHTO criteria for bicycle facilities. .

7. Surfacing for all other trails shall be designed and constructed in accordance with the US Forest Service Trails Management Handbook (FSH 2309.18) criteria for trail development.

7.15.3.5. Dedication, Ownership and Management of Open Space, Parks and Trails.

1. Open space, neighborhood parks and trails shall be established on the Final Plat with provisions for permanent maintenance through dedication to a legally established homeowners' association. Alternatively, at the election of the owner, property may be donated to the County, with the express written consent of the County through dedication on a plat or other instrument. Appropriate parking shall be provided.

2. Open space, neighborhood parks and trails shall be described and identified by location, size, use and improvements on the Final Plat prior to dedication to an entity identified for permanent maintenance.

3. Homeowners associations or similar legal entities that are responsible for the maintenance and control of common open space and neighborhood parks shall be established.

7.16. PROTECTION OF HISTORIC AND ARCHAEOLOGICAL RESOURCES.

7.16.1. Purpose. This section is intended to preserve and enhance the historic, archeological and cultural heritage of Santa Fe County. The section defers to the protections established in state and federal law and in particular the Cultural Properties Act and the Historic Districts and Landmarks Act. It also intends to use established statutory tools available to local governments to provide additional protection beyond that which is provided by the State and federal governments. In particular, this section intends to utilize, to the greatest extent possible, the County's inherent police power and zoning authority to provide effective protection for historic and cultural sites that would otherwise go unprotected. This section also is intended to provide for additional investigation on property proposed for development to determine whether undiscovered historic or cultural properties exist, and if properties are discovered, to provide protection of those properties from development.

7.16.2. Designation of Registered Cultural Properties. The State of New Mexico, Historic Preservation Division maintains a list of archeological, historic and cultural properties that are deemed worthy of preservation. The list is called the "New Mexico Register of Cultural Properties." The list also includes properties that have been listed on the National Register of Historic Places of the National Park Service. Whenever in the SLDC reference is made to the list of Registered Cultural Properties, that reference shall refer to the most current list maintained by the State of New Mexico, Department of Cultural Affairs.

DRAFT 10.20.15

7.16.3. Development Affecting a Registered Cultural Property – Required Report.

7.16.3.1. Development that proposes to remove, demolish or adversely affect a property listed on the new Mexico Register of Cultural Properties and/or the National ~~r~~Register of historic Places is not permitted unless the applicant first obtains a beneficial use and value determination pursuant to subsection 14.9.8 of the SLDC, and provides a copy of an excavation permit issued pursuant to 4.10.14 New Mexico Administrative Code by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer.

7.16.3.2. Development that affects in any way a Registered Cultural Property (including any removal or demolishing pursuant to the previous paragraph) is not permitted unless the applicant first submits a report concerning the proposed development for review of the Historic Preservation Office, Historic Preservation Officer. The report shall describe in detail the proposed changes to the Registered Cultural Property. Such a report shall be prepared by a professional qualified under § 7.16.8 of this subsection. The report shall include a complete treatment plan for protection and preservation of the Registered Cultural Property, and shall contain at least as much information as is listed in Section 4.10.16.14 New Mexico Administrative Code ("Preliminary Reports"). The treatment plan shall be reviewed by the New Mexico State Historic Preservation Office, Historic Preservation Officer and conditions on the development proposed by the State Historic Preservation Officer may, as appropriate, be incorporated into the development permit.

7.16.3.3. Any development affecting in any way a Registered Cultural Property requires a conditional use permit.

7.16.4. Designation of Archeological Districts. The County is hereby divided into three districts for purposes of determining the level of investigation, mitigation and treatment required for archeological resources for persons engaging in development within those districts. The three archeological districts are created in Appendix D. Each district corresponds to areas of high," "medium," and "low" potential for discovery of heretofore undiscovered archeological resources.

7.16.4.1. On March 19, 2004, Congress enacted Public Law 108-208 as the Galisteo Basin Archaeological Sites Protection Act ("the Act"), Section 2 of which stated that its purpose was "to provide for the preservation, protection, and interpretation of the nationally significant archeological resources in the Galisteo Basin in New Mexico." The Act found the Galisteo Basin to be "the location of many well preserved prehistoric and historic archeological resources of Native American and Spanish colonial cultures." Further, that "these resources included the largest ruins of Pueblo Indian settlement in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements…[all of which] are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations."

7.16.4.2. The Act designated some 24 specific sites, comprising 4,591 total acres, as constituting the Galisteo Basin Archaeological Protection Sites. Those sites consist of: Arroyo Hondo Pueblo, Burn Corn Pueblo, Chamisa Locita Pueblo, Comanche Gap Petroglyphs, Espinoso Ridge Site, La Cienega Pueblo & Petroglyphs, La Cienega Pithouse Village, La Cieneguilla Petroglyphs/Camino Real Site, La Cieneguilla Pueblo, Lamy Pueblo, Lamy Junction Site, Las Huertas, Pa'ako Pueblo, Petroglyph Hill, Pueblo Blanco, Pueblo Colorado, Pueblo Galisteo/Las Madres, Pueblo Largo, Pueblo She, Rote Chert Quarry, San Cristobal Pueblo, San Lazaro Pueblo, San Marcos Pueblo, and Upper Arroyo Hondo Pueblo. Section 3 of the Act permits any private property owner included within the boundary of the designated site upon written request to the Secretary of the

DRAFT 10.2015

Interior, to have their property immediately removed from within that boundary. Section 4 of the Act prohibits additions to or deletions from the listed sites except by an act of Congress.

7.16.4.3. Section 2 of the Act protects the archeological protection sites by restricting activity on any Federal lands within the sites including but not limited to disposal of lands, mining activity and mineral/geothermal leasing. The Act authorizes the Secretary of the Interior to enter into cooperative agreements with owners of non-Federal lands as to an archaeological protection site located on their property. Such an agreement would enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Section 5 of the Act prohibits the Secretary from administering archaeological protection sites which are on non-Federal lands unless the landowner consents in a cooperative agreement.

7.16.4.4. The Act specifically prohibits the regulation of privately owned lands located within archeological protection sites and permits the Department of Interior to only acquire lands or interests within the protected sites with the consent of the owner. Similarly, Section 18-6-10 of the Cultural Properties Act deems it "an act of trespass and a misdemeanor for any person to remove, injure or destroy registered cultural properties situated on private lands or controlled by a private owner without the owner's prior permission." Also, under the state law, if a cultural property is on private land and the State Cultural Properties Review Committee determines that cultural property to be worthy of preservation and inclusion on the official register of cultural property, "the Committee may recommend the procedure best calculated to ensure preservation." The procedures include providing technical assistance to the owner to preserve the cultural property, acquiring the property outright or acquiring an easement, advising the County to consider zoning the property as an historic area/district under the Historic District Act, advising the County of the tools available to obtain control of the cultural property under the Historic District Act, and acquiring the property for the State by use of eminent domain.

7.16.5. Development Within Areas of High Potential for Discovery of Archeological Resources; Required Investigation, Treatment and Mitigation.

7.16.5.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 5.0 acres or more within an area of "high" potential, or 2.0 acres within a traditional community and any application for small scale sand and gravel extraction, or a DCI ~~and~~ in a "high" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources and shall preserve, mitigate, or treat the archeological resources as specified herein before a development permit is issued.

7.16.5.2. The investigation referred to in the previous paragraph shall include documentary research through the Archeological Records Management System (ARMS) of the State of New Mexico, Historic Preservation Division, records maintained by the federal Bureau of Land Management, and any other known documentary sources (such as those held by the University of New Mexico), to determine whether known archeological resources exist at the site.

7.16.5.3. The investigation referred to in the previous paragraphs shall have as its goal to determine in a definitive manner whether known archeological resources exist. If known archeological resources exist on the site, they shall be confirmed through direct field investigation conducted by a qualified professional under § 7.16.8.

DRAFT 10.20.15

7.16.5.4. If, as a result of the documentary investigation and any follow-up field investigation, archeological resources are verified to exist on the property, a treatment and mitigation plan shall be developed whose primary goal is preservation of the archeological resources. If preservation is not practicable, then a treatment and mitigation plan shall be prepared and incorporated into the report as described in the following paragraphs.

7.16.5.5. Notwithstanding the foregoing, a pedestrian survey of the property proposed for development to which this subsection applies shall be conducted by a qualified professional under § 7.16.8 for all properties to which this subsection applies. The pedestrian survey shall be consistent with the requirements for such surveys set forth in 4.10.15 NMAC ("Standards for Survey"). If the qualified professional determines that archeological resources may be present, shovel tests or other subsurface testing shall be performed.

7.16.5.6. The investigation referred to in the previous paragraphs shall culminate in the preparation of a detailed report concerning the investigation which shall, at a minimum, contain all of the following. The report shall be forwarded to SHPO for review and comment:

1. a map of the proposed development that includes the buildable area and all areas proposed to be disturbed and that also shows the location of any archeological resources or sites investigated as a result of the documentary and pedestrian survey and any property listed on the Register of Cultural Properties;

2. a description of all archeological resources that were found during the investigation;

3. a brief description of human occupation and land use in the vicinity of the proposed development;

4. a complete list of sources consulted during the investigation;

5. a site map of the proposed development and environs that includes depiction of the archeological sites found and that depicts all the field work completed;

6. photographs of all archeological resources investigated;

7. copies of each site inventory and activity form completed on the site;

8. an overview of previous work and findings from the site of the proposed development and nearby sites;

9. an assessment of the impact of the proposed development on the archeological remains found at the site;

10. any archeological resources identified in the report, categorized as either (a) not significant and no treatment is necessary, (b) significant, but that the proposed development will not affect the resources or can avoid the resources with careful placement, (c) significant, but that the resources can be effectively treated, or (d) that the archeological or cultural resources are significant, cannot be avoided, and treatment is not feasible;

DRAFT 10.20.15

11. a proposed treatment and mitigation plan that, if prepared, provides details concerning the means to undertake recovery and preservation of the archeological resources.

7.16.5.7. If the report referred in the previous paragraph proposes a treatment plan, the treatment plan shall be carried out as a condition precedent to obtaining a development permit. The treatment of the archeological resources shall continue until no archeological resources are encountered. As an alternative to carrying out a treatment plan prior to issuance of a development permit, the Administrator may accept financial assurance for the completion of the treatment plan and issue a development permit conditioned upon completion of the treatment plan.

7.16.5.8. If archeological resources are found, the resources shall be tested and analyzed during the field investigation, and quantitative and qualitative summaries of the archeological remains shall be provided in the report.

7.16.5.9. Archeological resources which are identified as significant as a result of the investigation shall be avoided and permanently protected by a non-disturbance easement, or mitigated and treated. The property on which archeological resources are located may be voluntarily transferred or sold to a federal, State or County government for further protection as an alternative to protection by a non-disturbance easement.

7.16.5.10. For those resources determined to be significant under the previous paragraph and for which a treatment plan is recommended, a sample of surface artifacts shall be collected and documented, and if there is any reason to believe that subsurface resources exist, excavations shall be conducted according to the most current standards of the Historic Preservation Officer set forth in Section 4.10.16.12 NMAC ("~~standards for~~ Excavation Standards ~~and Test Excavation~~").

7.16.5.11. In consultation with the State Historic Preservation Officer, the Administrator may determine that an investigation is not required for areas where cultural resources have been destroyed by previous development.

7.16.5.12. The total cost of treatment shall not exceed ten percent (10%) of the total cost of development of the applied-for development, including all future phases. If future phases are not planned sufficiently to determine ~~development~~ total development costs, then development of future phases consistent with the applied-for development shall be assumed. ~~To the extent that~~Where the cost of treatment exceeds ten percent of development costs, treatment shall be completed up to the ten percent limit~~extent that funds do not exceed ten percent of the costs of development~~. If treatment is incomplete, the applicant shall contact the State Historic Preservation Officer and the County's Open Space and Trails Division for additional funds to complete the treatment. Only if such requests are denied may the treatment plan be terminated and a development permit issued.

7.16.5.13. If an applicant does not agree with the findings and a proposed treatment plan, the applicant may consult with another qualified professional to review the findings and treatment plan and render a second opinion. If, after the second opinion, the applicant still does not agree, the applicant may request an opinion from the State of New Mexico, State Historic Preservation Officer. The opinion of the State Historic Officer shall be final.

7.16.6. Development Within Areas of Medium Potential for Discovery of Archeological Resources, Required Investigation; Treatment and Mitigation.

DRAFT 10.20.15

7.16.6.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 10.0 acres or more and any application for small scale sand and gravel extraction, or a DCI, within an area of "medium" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources, and shall preserve, mitigate, or treat the archeological resources as specified herein before making application for a development permit.

7.16.6.2. The investigation, treatment and mitigation required in the previous paragraph shall encompass all the items described in subsections 7.16.5.2. through 7.16.5.13.

7.16.7. Development Within Areas of Low Potential for Discovery of Archeological Resources, Required Investigation; Treatment and Mitigation.

7.16.7.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 40.0 acres or more and any application for small scale sand and gravel extraction, or a DCI, within an area of "low" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources, and shall preserve, mitigate, or treat the archeological resources as specified herein before making application for a development permit.

7.16.7.2. The investigation, treatment and mitigation required in the previous paragraph shall encompass all the items described in subsections 7.16.5.2. through 7.16.5.13.

7.16.8. Professional Qualifications. Where an investigation called for in this subsection requires a qualified professional, that investigation shall be conducted by a professional archeologist, anthropologist or historian qualified and approved by the State of New Mexico Cultural Affairs Division, Historic Preservation Officer to conduct archeological surveys on State lands, who shall also be approved by the Administrator.

7.16.9. Unexpected Discoveries. Any unexpected discoveries of archeological or cultural resources during construction, whether investigated or not pursuant to the SLDC, shall be immediately reported to the Administrator. Absent further instructions from the Administrator, construction activities shall immediately cease. The Applicant shall be responsible for having a person qualified pursuant to this section conduct an investigation of the site within forty-eight (48) hours to investigate, prepare a report, treat and mitigate the site as necessary and as described in subsection 7.16.5. The Administrator may only issue a permit authorizing construction to continue when all the items set forth in subsections 7.16.5.2. through 7.16.5.13 have been accomplished and approved by the Administrator,

7.16.10. Unexpected Discoveries of Human Remains. An unexpected discovery of human remains invokes duties under State Law. Any such discovery shall be reported to the Administrator and to the Office of the Medical Investigator immediately. All construction activities shall cease until the Medical Investigator has cleared further work.

7.16.11. Tribal Notification. Each investigation completed pursuant to this section shall be treated as a public record except as provided in NMSA 1978, Section 18-6-11.1, and mailed to any Tribal government within Santa Fe County that has made a written request of the Administrator for such information.

7.16.12. Excavating an Archaeological Site on Private Land. Pursuant to Section 18-6-11 of the Cultural Properties Act, no person shall excavate an archaeological site located on private

DRAFT 10.20.15

land in the State unless the person obtains a permit issued by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer. This requirement shall not apply to the private landowner unless the landowner transfers the property with the intent to excavate an archaeological site.

7.17. TERRAIN MANAGEMENT.

7.17.1. Purposes. This section is intended to:

7.17.1.1. Protect water quality and the natural character of the land;

7.17.1.2. Minimize soil and slope instability, erosion, sedimentation and storm water runoff;

7.17.1.3. Protect and retain rugged and steep terrain, natural landmarks and prominent natural features as open space;

7.17.1.4. Adapt development to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a lot or parcel prior to development by:

1. Proper vegetation management techniques;

2. Minimizing cuts and fills and earth grading;

3. Blending graded areas with undisturbed natural terrain; and

4. Minimizing the amount of exposed raw earth at any time in a project by careful phasing of development and revegetation;

7.17.1.5. Preserve natural drainage patterns and recharge groundwater protect the public from the natural hazards of flooding, erosion and landslides;

7.17.1.6. Encourage minimum disturbance to the natural areas of a site by;

7.17.1.7. Appropriately locate roads, driveways and utilities so as to minimize unsightly cut and fill areas, and scarring; and

7.17.1.8. Provide passive irrigation of landscaped areas.

7.17.2. Applicability. All development shall comply with the standards of this subsection.

7.17.3. Buildable Area.

7.17.3.1. Development shall occur only within the area designated for building on the final plat. If there is no buildable area designated on the plat, then the Administrator shall designate a buildable area upon request.

7.17.3.2. A buildable area shall include the footprint of the proposed structure, a working area extending thirty feet from the structure, and any areas of expected site disturbance necessary for construction, all of which shall not be less than 2,000 square feet.

7.17.4. No Build Areas. No build areas shall be identified on any plat and on any site

DRAFT 10.2015

development plan. No build areas shall include:

7.17.4.1. Rock outcropping, wetlands, riparian areas, arroyos and natural drainage ways;

7.17.4.2. Setbacks from ridge tops and ridges, natural streams and drainage ways; and

7.17.4.3. Areas with natural slopes of thirty (30) percent or greater.

7.17.5. Storm Drainage and Erosion Control.

7.17.5.1. General.

1. No fill shall be placed in natural drainage channels and a minimum setback of twenty five feet shall be maintained from the natural edge of all streams, rivers, or arroyos with flows exceeding twenty-five (25) cubic feet per second during a one hundred (100) year frequency storm, twenty-four (24) hour duration;

2. Any area of periodic flooding shall be identified as a no build area and shall be included within a drainage easement; and

3. Any ponding areas used in drainage control facilities shall be revegetated and integrated into landscaping.

7.17.5.2. All Other Development. Subdivision, multi family, non-residential and single family residential development shall comply with the following standards:

1. Drainage structures shall be designed and sized to detain or safely retain storm water on site.

2. Storm drainage facilities shall have the sufficient carrying capacity to accept peak discharge runoff from the development;

3. The peak discharge of storm water resulting from the development shall not exceed the peak discharge calculated prior to the development and differences between pre- and post-development discharge shall be detained or retained on site. Calculation of the design peak discharge of storm water shall be based on a one hundred (100) year frequency, twenty-four (24) hour duration rainstorm;

4. No development shall disturb any existing watercourse or other natural drainage system, in a manner which causes a change in watercourse capacity or time to peak, time of concentration or lag time or other natural drainage system or increase of the pre-development stormwater discharge .

5. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat.

6. Erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 25' shall be provided from all arroyos with flow rates of 100 cubic feet per second (100 cfs); or (b) a minimum setback of 75' shall be provided from all FEMA designated 100 year Floodplains. Setbacks from FEMA designated Floodplains may be reduced if bank stabilization or stream bed and bank stability is designed or provided by a professional engineer. In no case shall the setback be reduced to less than 25'.

DRAFT 10.20.15

7. For single-family residences, where a proposed development site is located outside of a regulated one hundred (100) year flood plain and on slopes less than ten percent (10%) and the proposed development site, including patios, garages, accessory structures, driveways and other development that decreases the permeability of infiltration of pre-development surfaces is no more than six thousand (6,000) square feet and total impermeable surfaces (roofs, paved areas, patios, etc.) do not exceed twenty-five hundred (2,500) square feet, a retention/detention pond(s) or checkdams(s) with a minimum volume of six hundred (600) cubic feet shall be installed at a location to be approved by the Code Administrator. Such ponds shall be integrated with the landscaping or revegatation on the lot.

7.17.6 Grading, Clearing and Grubbing.

7.17.6.1. Prior to engaging in any grading, clearing or grubbing, a development permit shall be obtained. A development permit is not required to maintain a driveway or road; provided, however, that any major change in the driveway or road or a capital improvement to a road or driveway, shall require a development permit.

7.17.6.2. Grading and clearing of existing native vegetation shall be limited to approved Buildable Areas, road or driveways, drainage facilities, liquid waste systems, and utility corridors.

7.17.6.3. Topsoil from graded areas shall be stockpiled for use in revegetation.

7.17.6.4. The boundaries of the development area shall be clearly marked on the site with limits of disturbance (LOD) fencing or construction barriers prior to any grading or clearing.

7.17.6.5. No grading is permitted within one foot of a property line, except for roads driveways and utilities.

7.17.6.6. Temporary fencing shall be installed to protect natural vegetation.

7.17.7. Restoration of Disturbed Areas.

7.17.7.1. Disturbed areas not stabilized by landscaping shall be permanently revegetated to approximate the density and species or vegetation at the site prior to grading.

7.17.7.2. Abrupt angular transitions and linear slopes shall be stabilized.

7.17.7.3. All structures except retaining walls or soil stabilization improvements shall be set back from the crest of fills or the base of cuts for a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be part of a building.

7.17.8. [Reserved]

7.17.9 Steep Slopes, Ridge tops, Ridgelines and Shoulders.

7.17.9.1 Applicability. This subsection applies to development of any structure on a slope whose grade exceeds fifteen percent (15%), areas where slope exceeds thirty percent (30%) and to a ridge, ridge top, ridgeline or shoulder.

DRAFT 10.20.15

7.17.9.2 Standards.

1. No structure may be constructed on a ridge top, ridgeline or shoulder unless there is no other buildable area on the property. Only single story structures are allowed on ridges, ridge tops and shoulders.

2. A buildable areas on a ridge top, ridgeline or shoulder shall be set back 50 feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.

3. No structure may be constructed on a natural slope of thirty percent (30%) or greater.

4. Utilities and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they disturb no more than three separate areas not exceeding 1,000 square feet each. Drainage structures and slope retention structures may be located on a natural slope in excess of thirty percent (30%).

5. No structure may be constructed on a slope where evidence exists of instability, rock falls, landslides, or other natural or man-made hazards.

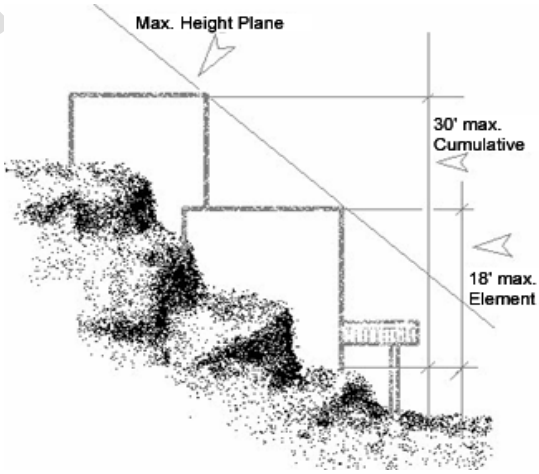
6. The finished floor elevation of any structure built on a natural slope between fifteen percent (15%) and thirty percent (30%) shall not exceed five feet above the natural grade at any point.

7. No significant tree may be removed from slopes greater than thirty (30) percent.

7.17.9.3 Height.

1. The height of any structure located on land that has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The distance between the highest point of the structure and the lowest point at the natural grade or finished cut shall not exceed thirty (30) feet, unless the portion of the slope over fifteen percent (15%) is incidental to the entire site.

Figure 7.6: Height of Structures in Steep Slope Areas.



DRAFT 10.20.15

2. Structures on ridges, and ridgelines and shoulders shall not exceed fourteen (14) feet in height and shall be limited to one story. However, a structure on a ridge or ridgeline that is a one story pitched roof structure shall not exceed eighteen (18) feet in height so long as the structure is screened from view from an arterial or major arterial road.

7.17.9.4. Architectural and Appearance Standards.

1. A Structure located on a slope in excess of fifteen percent (15%) shall be designed to conform to the natural terrain by following contours to minimize cuts and fills, fitting into existing landforms and solidly meeting the ground plane. Any pier foundations shall be enclosed so that exterior walls appear to meet the ground and such a foundation system shall not exceed five vertical feet above the natural grade.

2. Buildings should be designed within variations in height and orientation, and within offset walls to reduce the visible mass or bulk.

3. Roof colors, windows, walls and facade colors visible from adjacent properties or from arterial or collector roads shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than 40 pursuant to manufacturers specifications.

4. Landscaping shall be provided for cut and fill slopes greater than four feet. Landscape shall be provided for the facade of buildings located on ridge tops or 15 percent slopes or greater that are visible from arterial or collector roads. A minimum of 50 percent of the visible portion of a cut and fill slope and facade shall be landscaped. Trees shall be planted or retained within 15 feet of all retaining walls to be screened and in an area no less than 25 feet and no more than 50 feet from any facade to be screened. In the event of a conflict between the requirements of this paragraph and the Santa Fe County Urban Wildland Interface Code on a particular property, screening shall be provided, but at a distance consistent with the requirements of Urban Wildland Interface Code. If the lot size does not permit compliance with both the requirements of this paragraph and the Urban-Wildland Interface Code, the latter shall apply.

7.17.10. Development at or above 7400 Feet but less than 7800 feet In Elevation. Development at or above an elevation of 7400 feet but less than 7800 feet will be subject to additional requirements.

7.17.10.1 Buildable Area Analysis. Each lot or parcel shall be analyzed for buildable areas which must satisfy each of the following criteria that:

1. the average slope of the buildable area is less than twenty percent (20%), except that only fifty percent (50%) of any structure may be located on slope that is between twenty and thirty percent (20% and 30%);

2. soils within the area are acceptable for construction of foundations; and

3. the buildable area be closest to the nearest pre-existing public or private roadway or right-of-way, unless the resulting location of the buildable area would make the development in the area visible from the nearest major arterial road or unless such siting of the buildable area would not conform to the purposes,

DRAFT 10.20.15

development criteria and design standards of this Section 7.17;

7.17.10.2. Visual Impact Analysis. Each proposed development site within a buildable area shall be subject to a visual impact analysis that will indicate whether such structures will be visible from a major arterial road. Such visual impact analysis shall include:

1. Erection of white story poles on each and every corner and, if applicable, on the pitch of any proposed structure on the site proposed for development. Story poles shall be consistent with the height of the proposed structure.

2. Photographs, using a telephoto lens or other technique that is adequate to establish a viewline and that adjusts for distances, or computer simulations taken from the nearest applicable major arterial road where a view of the site is possible.

3. Viewpoints shall be approved by the Administrator prior to the analysis, and additional viewpoints may be selected by the Administrator if the additional viewpoints would provide greater visual perspective on the proposed development site.

4. Sites that are visible. Where it is determined that the proposed development site is visible from a major arterial road, then the following alternatives shall be considered:

a. Selection of a less visible or non-visible development site;

b. Consolidation and/or adjustment of lot lines, relocation of buildable areas, and/or realignment of proposed roads and driveways.

c. Use of additional screening, buffering or setbacks.

7.17.10.3 Disturbed Area Limitation.

1. The disturbed area on any lot shall not exceed twelve thousand (12,000) square feet. The location and calculation of the disturbed area on the lot shall be identified on the site development plan.

2. All construction staging areas shall be fenced prior to construction to prevent damage to all areas that are not designated as the disturbed area on a lot.

3. Utility corridors, septic leach fields, construction staging areas and any other portion of the designated disturbed area that is not occupied by improvements shall be revegetated.

4. Walls or fences shall be included in calculating disturbed area when such walls or fences are impermeable with respect to overland sheet flow of water or would inhibit water infiltration.

7.17.10.4 Roads and driveways.

1. Roads and driveways shall not be designed or constructed on slopes of over twenty-five percent (25%).

DRAFT 10.20.15

2. Exceptions may be approved by the Administrator for roads and driveways proposed to cross slopes greater than twenty five percent (25%) that disturb no more than three (3) isolated occurrences of up to one thousand (1000) square feet each, provided the applicant demonstrates that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes, design criteria and development standards set forth in this Section 7.17.

7.17.10.5 Architectural and Appearance Standards

1. Window and door glazing shall be limited to no more than thirty percent (30%) of a facade, except:

a. glazing shall be limited to no more than fifty percent (50%) under portals eight feet (8') or deeper.

b. Glazing shall be non-mirrored and the LRV shall be less than twenty percent (20%).

7.17.10.6 Setbacks. Setbacks shall be no less than one hundred feet (100') from a ridge, ridgetop, ridgeline or shoulder unless it can be demonstrated to the Administrator after a field inspection, that structures are non-visible from applicable public rights of way.

7.17.10.7 Screening Requirements.

1. The facade of any structure taller than four feet (4'), including retaining walls, which is visible from any public right-of-way shall be screened with appropriate shrubs or trees. New plants shall be the same as or similar to existing, indigenous trees on the site.

2. Screening requirements shall be coordinated with fire safety zones.

3. Trees used for required screening structures shall be a minimum of six feet (6') tall and one and one-half inch (1.5") caliper at the time of planting. In addition, fifty percent (50%) of required new shrubs shall be of a minimum size of five (5) gallons at the time of planting.

4. Except as otherwise required for screening purposes or fire safety zones, new vegetation shall be planted at commensurate density to that on the site prior to development.

5. Except as set forth below, all cut and fill slopes and retaining walls more than four feet (4') high and with a grade of 3:1 or more shall have screening vegetation planted and maintained at the base of the slope. However, those with a grade of less than 3:1 shall have screening vegetation planted and maintained on the entire cut or fill slope as follows:

a. Screening vegetation shall be planted and maintained in addition to all revegetation required elsewhere in this Code, 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 (6') high at the time of planting, and shall be planted and maintained at a similar density to the adjacent existing natural landscape. The landscaping density shall be

DRAFT 10.20.15

determined by an inventory of existing natural trees of four feet (4') or greater in height in a fifty by fifty foot (50' x 50') square within the cut or fill area prior to excavation. The 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 (6') high and located within four feet (4') 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 (6') from the edge of a road or driveway may be screened with a trellis supporting planted vegetation.

6. Where any structure is greater than eight feet (8') high but no more than fourteen feet (14') high, there shall be at least one (1) indigenous evergreen tree such that no more than fifty percent (50%) of the structure is exposed from the highest point on the structure to the top of the tree. Where any structure is greater than fourteen feet (14') high, there shall be at least one (1) indigenous evergreen tree of at least eight feet (8') in height, which shall be located not more than fifteen feet (15') from the structure. The result must meet the objective of breaking up both the vertical and horizontal mass of the structure. The tree or shrub, at maturity, shall be a few feet higher than the structure.

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

8. No retaining walls shall be greater than five feet (5') in height. When retainage greater than five feet (5') is required, multiple retaining walls shall be used, which must be set back a minimum of six horizontal feet (6') from face of wall to face of wall. Setback area grading shall not exceed a one percent (1%) cross slope and all walls shall be screened in accordance with subsection 7.17.10.7 above.

9. The landscaping requirements set forth in this subsection shall be in addition to all other landscaping requirements in Section 7.6.

7.17.10.8. Lighting Design Standards.

1. Use of cut off or shielded luminaires is required. All light sources or bulbs shall be shielded so they are not visible from any adjacent lot or public roadway and so that no light rays are emitted by the installed fixture at angles above the horizontal plane. All outdoor lighting fixtures shall meet the requirements for lamp type and shielding set forth in Section 7.8.

2. Spillover of lighting of any type onto adjacent property is prohibited.

3. No light fixture or mounting device shall be higher than the buildings on a parcel.

4. Ground-mounted luminaires for pedestrian or parking areas are limited to height of three feet (3').

5. Flood lights to enhance architectural features of a building or garden areas at

DRAFT 10.23.15

night are prohibited.

6. Decorative lamps shielding low watt incandescent, low pressure sodium or other energy efficient light sources for walls under portals are permitted.

7. Spotlights, mercury vapor and halogen security lights are prohibited.

8. Automatic timing devices may be required to turn off lighting at specified hours.

9. A range of lighting design solutions for the various aspects of a development shall be considered over a single lighting solution.

10. Where the installation of street lights is required for reasons of safety or convenience, standards for street lights are set forth in subsection 7.8.4, and are incorporated by reference herein.

11. No new lighting shall be used or installed that is visible from a major arterial when illuminated.

12. The lighting requirements set forth in this subsection shall be in addition to all other lighting requirements in Section 7.8 of this Code.

7.17.11. Development at or above 7800 Feet in Elevation. Development at or above an elevation of 7800 feet is a restricted build area and will be subject to additional requirements as follows:

1. Proposed development in this area shall not be visible from major arterial roads.

2. Proposed development in this area is subject to a conditional use permit.

7.18. FLOOD PREVENTION AND FLOOD CONTROL.

7.18.1. Statutory Authorization. NMSA 1978 Section 3-18-7(D), establishes that a county with areas designated by FEMA and the county as flood-prone shall participate in the National Flood Insurance Program ("NFIP"). The requirements for participation in the NFIP are included in Title 44 CFR (National Flood Insurance Program Regulations) and form the basis for regulation under this section.

7.18.2. Purpose. The purpose of this section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by adopting provisions designed to:

7.18.2.1. protect human life and health;

7.18.2.2. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

7.18.2.3. minimize damage to critical facilities, infrastructure and public facilities such as water and sewer mains, electric and communications facilities, and roads and bridges located in floodplains;

DRAFT 10.20.15

7.18.2.4. minimize prolonged business interruptions;

7.18.2.5. restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

7.18.2.6. regulate the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

7.18.2.7. regulate filling, grading, dredging and other development that may increase flood damage;

7.18.2.8. restrict alteration or substantial improvements to existing structures located within the floodplain;

7.18.2.9. prevent increases in flood heights that could increase flood damage;

7.18.2.10. ensure that potential purchasers are informed that property is located in a flood hazard area; and

7.18.2.11. minimize expenditure of public money for costly flood control projects.

7.18.3. Methods of Reducing Flood Losses. In order to accomplish these purposes, the SLDC uses the following methods to guard against or reduce losses resulting from flooding:

7.18.3.1. restrict or prohibit uses that are dangerous to the health, safety, welfare or property in times of flooding, or that increase flood heights or velocities;

7.18.3.2. require that uses that are vulnerable to floods, including facilities serving such uses, be protected against flood damage at the time of initial construction;

7.18.3.3. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

7.18.3.4. control filling, grading, dredging and other development that may increase flood damage; and

7.18.3.5. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards, flood heights or flood velocities on other lands.

7.18.4. Applicability.

7.18.4.1. Generally. This section applies to all designated Special Flood Hazard Areas within the County.

7.18.4.2. Interpretation of Map Boundaries. Where interpretation of the boundaries of a Special Flood Hazard Area shown on the effective Flood Insurance Rate Map for Santa Fe County is needed, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, and there is an appeal of the decision of the Floodplain Administrator, the Planning Commission shall make the final determination.

7.18.4.3. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

DRAFT 10.20.15

where the terms of this section and another ordinance, easement, covenant, plat restriction or condition or deed restriction conflicts with the terms of this section, whichever imposes the more stringent restriction shall prevail, notwithstanding anything to the contrary herein.

7.18.5. Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas ("SFHAs") identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Santa Fe County, New Mexico and Incorporated Areas," effective December 4, 2012 ("FIS"), with accompanying Flood Insurance Rate Maps ("FIRM") and/or Flood Boundary Floodway Maps ("FBFM") and any revisions thereto, are hereby adopted by reference and declared to be a part of the SLDC. These Special SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of the SLDC and may be supplemented by subsequently conducted studies designated and approved as set forth herein. The Floodplain Administrator shall keep a copy of the FIS, FIRMs and/or FBFMs on file and available for public inspection during normal business hours.

7.18.6. Warning and Disclaimer of Liability. The degree of flood protection required by the SLDC is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. The SLDC does not, and shall not, be interpreted to provide that land lying outside of a SFHA or uses permitted within such areas will be free from flooding or flood damages. The SLDC shall not create liability on the part of the County or any official or employee thereof for any flood damage that may result from compliance with the terms of the SLDC or any administrative decision lawfully made hereunder.

7.18.7. Administration.

7.18.7.1. Designation of Floodplain Administrator. The Administrator is appointed the Floodplain Administrator to administer and implement this section of the SLDC and other appropriate sections of Title 44 CFR (National Flood Insurance Program Regulations). The Administrator shall appoint a person under the Administrator's supervision to be the Certified Floodplain Manager as described in NMSA 1978, § 3-18-7(C).

7.18.7.2. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. maintain and hold open for public inspection all records pertaining to the provisions of this section, including the actual elevation (in relation to mean sea level) of the lowest floor elevation (including basement) of all new or substantially improved structures, any floodproofing certificate issued pursuant to this section, and a record of all variances granted, including the justification for issuance;

2. review, approve, deny, or approve with conditions each application for a development permit within a SFHA;

3. determine, for each application for a development permit within a SFHA, whether requirements of the SLDC have been satisfied, whether other required state and federal permits have been obtained, and whether the site is reasonably safe from flooding;

4. review applications for proposed development to assure that all necessary

DRAFT 10.20.15

permits have been obtained from State, federal or local governmental agencies (including permits required by Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334);

5. inspect development during construction to ensure compliance with applicable provisions of this section;

6. make interpretations of the boundaries of a SFHA;

7. where the Base Flood Elevation has not been provided, obtain, review and reasonably utilize any Base Flood Elevation data and floodway data available;

8. notify, in riverine situations, adjacent communities and the State prior to any alteration or relocation of a watercourse, and submit evidence of the notice to FEMA;

9. ensure that the flood carrying capacity of any altered or relocated watercourse is maintained; and

10. complete and submit an annual or biennial report, as required, to the Federal Insurance Administrator, with a copy to the State Floodplain Administrator.

7.18.8. Development Permit Required. Prior to any development or change of use occurring within a SFHA (including: subdivision or land division; alteration or relocation of a watercourse including placement of structures, culverts, embankments, utilities or grading activity of any kind; the placement of fill; excavation; or storage of materials, vehicles or equipment), a development permit allowing floodplain development shall be obtained. In addition, all necessary permits shall be received from governmental agencies from which approval is required by Federal or State law, including but not limited to 33 U.S.C. § 1344 (Section 404 of the Federal Water Pollution Control Act of 1972).

7.18.9. Permit Procedures. Development within a SFHA does not require a separate floodplain permit, but rather, as part of the application for any development permit, the applicant will be asked to state if the project is located within a SFHA, which statement will be verified by the Administrator as part of application completeness review.

7.18.9.1. Application Requirements. If the project is located in whole or in part within a SFHA, the applicant shall provide all relevant information required by the Administrator, which shall include at minimum the following:

1. elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;

3. a certificate from a registered New Mexico professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of § 7.18.11.2; and

4. description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

7.18.9.2. Application Review. Approval or denial of the development permit shall be

DRAFT 10.20.15

based on the applicant's ability to demonstrate compliance with the standards of this section and consideration of the following factors:

1. the danger to life and property due to flooding or erosion damage;

2. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. the danger that materials may be swept onto other lands to the injury of others;

4. the compatibility of the proposed use with existing and anticipated development;

5. the safety of access to the property in times of flood for ordinary and emergency vehicles;

6. the costs of providing governmental services during and after flood conditions including maintenance and repair of roads and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. the necessity to the facility of a waterfront location, where applicable;

9. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. the relationship of the proposed use to the SGMP.

7.18.10. Standards Applicable to all SFHAs. In all SFHAs, all projects are subject to the standards of this subsection. Additional standards are set forth in subsequent subsections for areas where the base flood elevation is available and for floodways.

7.18.10.1. New construction and substantial improvements shall:

1. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. be constructed with materials resistant to flood damage;

3. be constructed by methods and practices that minimize flood damage;

4. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

7.18.10.2. Subdivision plans shall be reviewed to assure that:

1. all such proposals are consistent with the need to minimize flood damage within the flood-prone area;

DRAFT 10.20.15

2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

3. adequate drainage is provided to reduce exposure to flood hazards.

7.18.10.3. Applications for new subdivision, land division, or other development (including applications for manufactured homes parks and subdivision) greater than fifty (50) lots or five (5) acres, whichever is lesser, shall include base flood elevation data.

7.18.10.4. Manufactured homes shall be installed using methods and practices which minimize flood damage. For purposes of this requirement, manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

7.18.10.5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

7.18.10.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

7.18.10.7. On-site waste disposal systems shall be located to avoid impairment or contamination during flooding.

7.18.10.8. If a watercourse is altered or relocated in whole or in part, the application shall be reviewed to assure that the flood carrying capacity of the watercourse is maintained.

7.18.10.9. In riverine situations, adjacent communities and the State Coordinating Office shall be notified prior to any alteration or relocation of a watercourse, with copies of the notification provided to the certified floodplain administrator.

7.18.11. Additional Standards where Base Flood Elevation is Available. In SFHAs where base flood elevation data has been provided, the following standards apply in addition to those required by subsection 7.18.10:

7.18.11.1. Residential Construction. New construction and substantial improvement of any residential structure within Zones A1-30, AE and AH on the FIRM shall have the lowest floor (including basement) elevated one (1) foot above the base flood elevation.

7.18.11.2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure within Zones A1-30, AE and AH on the FIRM shall either have the lowest floor (including basement) elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer in the State of New Mexico or an architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the

DRAFT 10.20.15

design and methods of construction are in accordance with accepted standards of practice for purposes of meeting the requirement of this section, and a record shall be kept of such certificates by the floodplain administrator that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

7.18.11.3. Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. The design for meeting this requirement shall either be certified by a registered professional engineer in the State of New Mexico or an architect, or meet or exceed the following minimum criteria:

1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

2. the bottom of all openings shall be no higher than one foot above grade; and

3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

7.18.11.4. Manufactured Homes.

1. Generally. Each manufactured home that is placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites (i) outside of a manufactured home park (i.e., manufactured housing community development) or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Excepted Homes. Each manufactured home placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either the lowest floor of the manufactured home is one (1) foot above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

7.18.11.5. Recreational Vehicles. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Each recreational vehicle that is placed on a site within Zones A1-30, AH, and AE on the FIRM shall either:

1. be on the site for fewer than 180 consecutive days;

2. be fully licensed and ready for highway use; or

DRAFT 10.20.15

3. meet the permit requirements of this section and the elevation and anchoring requirements for manufactured homes of this section.

7.18.11.6. Cumulative Effects. Until a regulatory floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is determined that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

7.18.12. Additional Standards for Areas of Shallow Flooding (AO/AH Zones). The following standards apply to projects within AO and AH zones in addition to those in subsections 7.18.10 and 7.18.11:

7.18.12.1. Residential. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as depth number specified in feet on the FIRM (and at least two feet if no depth number is specified).

7.18.12.2. Nonresidential. All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as depth number specified in feet on the FIRM (and at least two feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

7.18.12.3 . Drainage paths. An adequate drainage path around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

7.18.13. Standards for Floodways. Where a regulatory floodway has been designated, the following standards apply:

7.18.13.1. Encroachments in a floodway are prohibited, including fill, new construction, substantial improvements and other development *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

7.18.13.2. The County may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that all of the provisions required by 44 CFR 65.12 are met, including application to the Federal Insurance Administrator for conditional approval of such action prior to permitting the encroachments to occur.

7.18.13.3. Notwithstanding the general prohibition on encroachments in subsection 7.18.13.1, the following uses are permitted in a floodway provided they are permitted in the designated zone, are undertaken in compliance with other applicable state and federal law, and do not constrict flow or create a rise in the base flood elevation during a 100 year flood event:

DRAFT 12.20.15

1. cultivating and harvesting of crops according to recognized soil conservation practices;

2. pasturing, grazing;

3. open area residential uses such as lawns, gardens and play areas;

4. passive recreation areas such as parks or trails;

5. active recreation uses that do not include permanent structures and so long as any temporary structures or equipment are removed when not in active use;

6. wildlife sanctuary or woodland preserve;

7. outlet installations for sewage treatment plants and sealed public water supply wells;

8. stormwater management and arroyo or watercourse stabilization facilities, such as check dams and gabions, provided that any such facilities that constrict flow or create a rise in the base flood elevation during a 100 year flood event shall comply with all applicable FEMA regulations and all provisions of this section 7.18 that are more stringent than the FEMA regulations; and

9. railroads, roads, driveways, bridges, private and public utility lines that cross the floodway with minimal disturbance as determined by the Floodplain Administrator, and structural works for the control and handling of flood flows, such as dams, embankments, flood walls, velocity control structures or storm drainage control and handling works (with the exception of required stormwater detention facilities) provided that any such facilities that constrict flow or create a rise in the base flood elevation during a base flood event shall comply with all applicable FEMA requirements and all provisions of this section 7.18 that are more stringent than the FEMA regulations.

7.18.14. Variances. The Floodplain Administrator may recommend to the Hearing Officer and the Planning Commission a variance from the requirements of this section in accordance with this subsection.

7.18.14.1. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. No variance shall be issued based on floodproofing until the Applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation, and meet current FEMA criteria for floodproofing.

7.18.14.2. A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of subsections .3 - .6 below. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7.18.14.3. A variance shall only be issued upon (i) a showing a good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public

DRAFT 12.20.15

expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

7.18.14.4. A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

7.18.14.5. The applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 or $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained by the Administrator as required in subsection .6 below.

7.18.14.6. The Administrator shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

7.18.14.7. A variance may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of subsections .1-.4 above are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

7.18.14.8. A variance may be issued for the repair or rehabilitation of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

7.18.14.9. Variances are further covered in the SLDC at subsection 14.9.7.1.

7.19. NPDES. Reserved.

7.20. SOLID WASTE.

7.20.1 Applicability. All development shall provide for collection and disposal of solid waste.

7.20.2 Requirements.

7.20.2.1. All developments within SDA-1 shall be served by County curbside collection as prescribed by separate ordinance, if applicable, or shall utilize a solid waste collection service.

7.20.2.2. All subdivisions within SDA-2 or SDA-3 and all non-residential, multi-family and manufactured home communities shall be served by County curbside collection and recycling as prescribed by separate ordinance, if applicable, or, if inapplicable, utilize one of the following:

1. A solid waste collection service; or

2. The nearest existing sanitary landfill or transfer station

7.20.2.3. Nonresidential and multifamily residential uses shall provide adequate

DRAFT 10.20.15

containers for solid waste collection and storage, a screened area for solid waste storage, and disposal through the County, or an appropriate solid waste collection service, or directly. Screening shall consist of a six foot high solid wall or fence with a solid gate.

7.20.2.4. Residential uses shall store all solid waste awaiting proper disposal in enclosed containers or within a structure.

7.20.2.5. All solid waste, shall be removed from the property on a regular basis, but not less than monthly. .

7.20.2.6. All facilities generating manure shall have a plan for manure management, which can include:

1. Removal of manure from the property on a regular basis, but not less than monthly;

2. Utilization of a composting system; or

3. Spreading or harrowing of the manure on the ground to enrich the soil.

7.21. AIR QUALITY AND NOISE.

7.21.1. Applicability/Environmental Performance Standards. This section shall apply to nonresidential construction.

7.21.2. General. Nonresidential construction shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter; radiation hazards; fire and explosive hazards, or electromagnetic interference.

7.21.3. Air Quality. If an air quality permit is required by the regulations of the NMED, a permit shall be obtained and a copy presented at the time of application. The applicant shall comply with the permit at all times.

7.21.4. Noise. Any actual or projected measurement that exceeds the average conditions calculated over a 12 hour period, at the property line, of the limits shown in Table 7-21 may be considered grounds for denial of a development application.

Table 7-21: Noise Limits.

Zoning District	Daytime	Nighttime
Industrial and Commercial*	70dBA, or 10 dBA above ambient; whichever is less	55dBA, or 5 dBA above ambient; whichever is less
All Other Districts	55dBA, or 5 dBA above ambient; whichever is less	45dBA, or 5 dBA above ambient; whichever is less

*These noise limits shall not apply to wind energy facilities'. Instead, see limits contained at §10.16.

7.22. FINANCIAL GUARANTY.

7.22.1. Applicability. Prior to the recording of a final plat and issuance of a development permit, an applicant for any of the following development projects shall submit for approval to the Administrator a financial guaranty for construction of any required public or private

DRAFT 10.20.15

infrastructure improvements, landscaping or reclamation in accordance with the requirements of this section:.

7.22.1.1. for non-residential development over 10,000 square feet;

7.22.1.2. for multi-family development over 10,000 square feet; and

7.22.1.3. for any subdivision in excess of five lots.

7.22.2. Construction of Improvements. No land alteration or grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for location of surveying stakes for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the applicant has:

7.22.2.1. Received a development order from the Administrator approving the construction plans and granting final plat approval;

7.22.2.2. Entered into a voluntary development agreement and a subdivision improvement agreement as applicable; and

7.22.2.3. Deposited with the Administrator cash, a letter of credit, an escrow agreement, surety bond, or a payment and performance bond, sufficient to cover the cost of completion of all improvements, together with costs, expenses and attorney's fees in the event of default (as set forth in the engineer's cost estimate below), required to be made pursuant to the conditions of the development order granting final plat approval, the development and subdivision improvement agreements executed pursuant to this Chapter and the approved construction plans. The acceptance of any surety bond or letter of credit shall be subject to the approval of the Administrator and County Attorney.

7.22.3. Engineer's Cost Estimate. A cost estimate for all required public and private site improvements or reclamation shall be prepared by a New Mexico registered professional engineer and shall be submitted with the financial guaranty.

7.22.4. Form of Guaranty. Any letter of credit, escrow agreement, performance and payment bond or surety bond shall utilize the standard County template (guide) for the format and content of such Agreements. The template may be obtained from the Administrator. The guaranty shall conform to the following standards:

7.22.4.1. a payment and performance surety bond executed by a surety company licensed to do business in New Mexico in the amount of 100 percent of the cost estimate of all required improvements, or

7.22.4.2. an irrevocable letter of credit in an institution licensed to do business in the State of New Mexico in the amount of 125 percent of the cost estimate of all required improvements.

7.22.5. [Reserved]

7.22.6. Maintenance Bonds. The applicant shall warranty any public improvements against defects in workmanship and materials for a period of five (5) years from the date of acceptance of such improvements.

7.22.7. Engineering Inspection and Tests. The Administrator may make inspections of improvements constructed pursuant to subsection 7.22.11 and this subsection of the SLDC to

DRAFT 10.20.15

ascertain compliance with the provisions of this subsection and to ascertain compliance with the standards in the SLDC.

7.22.7.1. The Administrator will charge the applicant for the actual costs of such inspections during construction and for final inspection; however, it is to be understood that the County will do no layout work or daily inspection.

7.22.8. Releases and Financial Guaranty.

7.22.8.1. When an applicant has given payment and performance security in any of the forms provided in this Chapter, and when required site improvements have been completed and accepted, the original guaranty may be substituted with a new guaranty in an amount equal to 125% of the cost for completing the remaining site improvements. Such new guaranty need not be in the same form as the original guaranty. However, in no event shall the substitution of one security for another in any way alter or modify the obligation under the performance and payment bonds, letter of credit, or cash. Releases shall not be requested more than once a month.

7.22.8.2. As the improvements are completed, applicant may submit a written request, prepared by the project engineer, for a partial or full release of the financial guaranty. Such application shall show, or include:

1. Dollar amount of commitment guaranty,

2. Improvements completed, including dollar value,

3. Improvements not completed, including dollar value,

4. Amount of previous releases,

5. Amount of commitment guaranty requested released,

6. Release or waivers of mechanics liens of all parties who have furnished work, services, or materials for the Improvements, and

7. Reasonable fee, if the County requires any, to cover the cost of administration and inspections.

7.22.8.3. Upon receipt of the application, the Administrator shall inspect the required improvements, both those completed and those uncompleted. If the Administrator determines from the inspection that the required improvements shown on the application have been completed as provided herein, that portion of the collateral supporting the commitment guaranty shall be released. The release shall be made in writing signed by the Administrator and the County Attorney. The amount to be released shall be the total amount of the collateral:

1. Less 100 percent of the costs of the required improvements not completed;

2. Less 100 percent of the cost of any required landscaping, which shall be retained for at least one year following the landscape installation to guaranty its survival; and

3. Less 100 percent of the contingency.

DRAFT 10.20.15

7.22.8.4. If the Administrator determines that any of the required improvements are not constructed in substantial compliance with specifications, it shall furnish the Applicant a list of specifications and shall be entitled to withhold collateral sufficient to insure substantial compliance.

7.22.9. Demand on Financial Guaranty. If the Administrator determines that the Applicant will not construct any or all of the improvements in accordance with all required specifications, the Administrator may demand on the collateral of such funds as may be necessary to construct the improvements in accordance with the specifications.

7.22.10. Guaranty. The applicant shall require his construction contractors, with whom he contracts for furnishing materials and for installation of the improvements required under this section, that each obtains the proper financial guaranty under the SLDC, and shall furnish to the County a written guaranty of all workmanship and materials, that each shall be free of defects for a period of two years from the date of acceptance by the Administrator.

7.22.11. Inspection and As-Built Plans.

7.22.11.1. The Administrator, at its own expense, shall independently inspect the construction of improvements while in progress, and, shall likewise inspect such improvements upon completion of construction. The design engineer shall certify that construction was completed to plan, and shall have approved any change(s) to the approved plan in consultation with the Administrator. After final inspection, the Administrator shall notify the applicant in writing as to its acceptance or rejection. The Administrator shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein or were not per County approved plans.

7.22.11.2. The engineer for the applicant shall submit to the County staff a complete set of as-built drawings and photographs in reproducible hard copy and digital format showing all subdivision improvements, including utility locations (gas, water, sewer and telephone), paving and drainage improvements, and all changes made in the plans during construction. Each hard copy sheet shall contain an as-built stamp bearing the signature of the engineer and the date. Digital information shall be provided in a format specified by the Administrator.

7.22.12. Reimbursement. Where oversized County, regional, federal or state facilities are required, or when public facilities are advanced by the owner, a special reimbursement procedure shall be provided for in the development order approving the final plat and in the development and subdivision improvement agreements, to reimburse the owner from funds received from subsequent developers utilizing a portion of the capacity of the public improvements in order to meet their adequate public facility and service requirements under the SLDC.

7.23. OPERATION AND MAINTENANCE OF COMMON IMPROVEMENTS.

7.23.1. Generally. All common infrastructure and improvements required by the SLDC shall be operated and maintained by the County or by a third party as required by this section. The instruments creating the dedication, homeowners' association (HOA), condominium association, easement, transfer, or improvement district shall be attached for review and approval to any application for a project that includes improvements for public use.

7.23.2. Dedication. Dedication of land and/or an improvement to the County satisfies the requirements of this section. Dedication shall take the form of a fee simple ownership. The County may accept an improvement if:

DRAFT 10.20.15

7.23.2.1. The improvement has been fully constructed;

7.23.2.2. Property dedicated is accessible to the general public;

7.23.2.3. There is no cost of acquisition other than costs incidental to the transfer of ownership, (such as title insurance); and

7.23.2.4. The improvement conforms to the applicable standards of the SLDC.

7.23.3. Homeowners' Association.

7.23.3.1. Improvements that are owned in common by all owners of lots or units in a subdivision or condominium are required to be operated and maintained by a homeowners' association ("HOA") established in the covenants, conditions, and restrictions ("CC&Rs") adopted as a condition of development approval. The CC&Rs shall provide that, in the event that the association fails to maintain the improvements according to the standards of the SLDC, the County may, following reasonable notice and demand that deficiency of operation or maintenance be corrected, enter the land area to repair, operate, or maintain the improvement. The CC&Rs shall provide that the cost of such repair, operation or maintenance shall be the responsibility of the HOA, which shall be required by the CC&Rs to levy an assessment to be charged to all owners.

7.23.3.2. The HOA shall be formed and operated under the following provisions:

1. The HOA shall be organized by the developer, and shall be operated with a financial subsidy from the developer prior to the sale of an adequate number of lots or units within the development or condominium to effectively operate the HOA;

2. Membership in the HOA is mandatory for all purchasers of homes and their successors, although owners of affordable units may be charged a lesser rate. The conditions and timing of transferring control of the HOA from developer to homeowners shall be identified;

3. The HOA shall be responsible for maintenance of insurance and taxes on undivided improvements, enforceable by liens placed by the County on the HOA. The HOA shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments. Such liens may require the imposition of penalty or interest charges. Should any bill or bills for maintenance of undivided improvement be unpaid by November 1st of each year, a late fee shall be added to such bills and a lien shall be filed against the premises;

4. A proposed operations budget and plan for long term capital repair and replacement of the improvements shall be submitted with the final plat or condominium declaration. The members of the HOA shall share the costs of maintaining and developing such undivided improvement. As provided in the HOA bylaws.

5. In the event of a proposed transfer, within the methods here permitted, of undivided improvement land by the HOA, notice of such action shall be given to the County and to all property owners within the development;

6. The HOA shall have, hire or contract for staff to administer common facilities

DRAFT 10.20.15

and properly and continually maintain the undivided improvement;

7. The HOA may lease improvement lands to any other qualified person, or corporation, for operation and maintenance of park or open space lands, but such a lease agreement shall provide that:

a. The residents of the development shall at all times have access to the reserved park or open space lands;

b. The undivided improvement to be leased shall be maintained for the purposes set forth in the SLDC; and

c. The operation of improvement facilities may be for the benefit of the residents only, or may be open to the general public, at the election of the developer or HOA, as the case may be. The lease shall be subject to the approval of the board, and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements so entered upon shall be recorded with the register of deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the County.

8. Failure to adequately maintain undivided improvements in reasonable order and condition constitutes a violation of the SLDC. The County is authorized to give notice, by personal service or by U.S. Mail, to the HOA owner or occupant, as the case may be, of any violation, directly to the owner to remedy same within thirty (30) days.

7.23.3.3. Except for HOAs and boards with authority over condominiums or time-shares, HOAs and boards shall comply with and be bound by the requirements of the Homeowner Association Act ("HOA"), enacted by the New Mexico Legislature as the Laws of 2013, Chapter 122 (SB 497), with an effective date of July 1, 2013. Such compliance shall include but not be limited to:

1. recording its declaration with the County Clerk if the HOA was organized after July 1, 2013;

2. recording with the County Clerk by June 30, 2014 a Notice of Homeowner Association if the HOA was organized before July 1, 2013;

3. making financial and other records of the HOA available to a lot owner within ten (10) business days of a request at no charge other than a reasonable copy fee;

4. furnishing to a lot owner within ten (10) business days of a request a binding, recordable statement setting forth the amount of any unpaid assessments against that owner's lot;

5. requiring the HOA's board, or lot owners if so-provided in the community documents, to adopt an annual budget for the HOA and to provide a summary of that budget to all lot owners; and

6. furnishing to a lot owner within ten (10) business days of a request a Disclosure Certificate containing some eleven (11) enumerated categories of detailed information about the property, the property owner's currency with associate assessments and fees, and the HOA's books.

DRAFT 10.20.15

7.23.4. Condominiums. The undivided improvement and associated facilities of a condominium may be controlled through the use of a permanent condominium agreement, approved by the County. All undivided improvement land within a condominium shall be held as a common element.

7.23.5. Easements.

7.23.5.1. The County may, but is not required to, accept easements for public use of any portion or portions of undivided improvement land, the title of which is to remain in ownership by a condominium or HOA, provided that:

1. Such easement is accessible to the County residents;

2. There is no cost of acquisition other than any costs incidental to the transfer of ownership, (such as title insurance); and

3. A satisfactory maintenance agreement is reached between, as applicable, the developer, the condominium, the HOA, the owners, and the County.

7.23.5.2. An easement consisting of land dedicated as a natural area, greenway, or green-belt shall be subject to a duly executed conservation easement meeting the requirements of, and enforceable in accordance with state statute, which easement shall be unlimited in duration.

7.23.6. Easements for Parks and Open Space. For parks and open space only, an owner may transfer perpetual easements to a private, nonprofit organization among whose purposes it is to conserve improvements or natural resources such as a land conservancy instead of transferring an easement to the County, provided that:

7.23.6.1. The organization is a bona fide conservation organization with perpetual existence;

7.23.6.2. The organization is financially capable of maintaining such improvement;

7.23.6.3. The conveyance contains legally enforceable provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;

7.23.6.4. The organization shall provide a proposed operations budget and plan for long term capital repair and replacement; and

7.23.6.5. A maintenance agreement is entered into initially by the developer and subsequently by the owners, HOA, condominium and the organization.

7.23.7. Improvement or Special Assessment Districts. An improvement or special assessment district may be established pursuant to Chapter 12 with authority, as appropriate, to levy taxes, fees, charges, land dedications, or special assessments to provide, operate, and maintain parks and open space lands and facilities.

7.24. SWIMMING POOLS.

7.24.1. Applicability. Except for community-accessible swimming pools, indoor or outdoor

DRAFT 10.20.15

swimming pools are prohibited for new development on any new lot being created. Only a development that received final plan or plat approval, or development plan approval, prior to the effective date of the enactment of the Santa Fe County Land Development Code, Ordinance No. 1996-10, may have a swimming pool, unless its final plan or plat approval, or development plan contained language that specifically prohibited a swimming pool or pools.

7.24.2. Restrictions on Construction of Swimming Pools, Temporary Restrictions on Construction of Swimming Pools

7.24.2.1. Construction of a Swimming Pool is not permitted unless specifically approved pursuant to the provisions of this Ordinance.

7.24.2.2. The requirements of § 7.24. may be waived upon a showing that construction and use of a Swimming Pool is necessary as treatment for a medical condition.

7.24.2.3. Construction of a Swimming Pool shall not be permitted during periods when the governing authority of the supplier of water to be used for filling and refilling the Swimming Pool has declared drought-related use restrictions or supply-related use restrictions, or when a water emergency is declared by Ordinance of the Board of County Commissioners.

7.24.3. New Construction of Swimming Pools. Construction of a new Swimming Pool shall be permitted, so long as:

7.24.3.1. the property proposed for the Swimming Pool is not restricted with water restrictive covenants or otherwise to the extent that operation of a Swimming Pool on the premises is not feasible;

7.24.3.2. the water budget and restrictions, if any, on the property are adequate to permit filling the Swimming Pool initially, and refill the Swimming Pool thereafter with up to twenty percent of the Swimming Pool's total volume annually;

7.24.3.3. the water supply proposed for the pool is adequate to supply water to fill the Swimming Pool initially and refill the Swimming Pool thereafter with up to twenty percent of the Swimming Pool's total volume annually; and

7.24.3.4. the Swimming Pool is covered when not in use, except for a Community Swimming Pool.

7.24.4. Replacement Swimming Pools. An existing Swimming Pool may be replaced with a Swimming Pool without being subject to the conditions set forth in § 7.24.4.1., so long as:

7.24.4.1. the replacement Swimming Pool is of the same total volume as the pool being replaced; and

7.24.4.2. the existing Swimming Pool was properly permitted under County ordinances in effect at the time of initial construction; and

7.24.4.3. the replacement Swimming Pool is covered when not in use.

7.24.5. Design.

7.24.5.1. Each outdoor Swimming Pool shall employ a means to conserve and utilize rainwater falling on the cover and adjoining deck area. Such captured water shall not be

DRAFT 10.20.15

accounted for in the calculation of water availability for or used by the Swimming Pool.

7.24.5.2. Each outdoor Swimming Pool shall have an automatic pool cover that covers the pool when not in use or after a specified period of time. The automatic pool cover shall be kept in operable condition at all times.

7.24.5.3. Each new Swimming Pool shall have a draft fire hydrant, approved by the County Fire Marshall, through which the Fire Department may draw water from the pool to fight fires in the vicinity. The fire hydrant may be tested by the Fire Marshall upon advance notice.

7.24.5.4. Filtering systems employed on each new Swimming Pool shall employ a cartridge filter or other filtering system that does not require backwashing and which uses less than two hundred gallons of water for filter cleaning and maintenance.

7.24.6. Filling and Refilling the Swimming Pool.

7.24.6.1. A Swimming Pool may be filled using water from a well, a shared well, a community water system, the County's Water Utility, a municipality, a mutual domestic water association, a water and sanitation district, or any other public water supply system regulated by the Public Regulation Commission. Trucked water may be used to fill and refill a Swimming Pool, but the fact that water is being trucked to the Swimming Pool shall not be used in making calculations of the ability of the relevant water source to fill and re-fill the Swimming Pool pursuant to Subsection 7.24.2.3. herein.

7.24.6.2. A Swimming Pool shall only be filled when absolutely necessary, and no more frequently than once each year, unless the Pool must be emptied to perform repairs.

7.25. SPECIAL PROTECTION OF RIPARIAN AREAS.

7.25.1. Applicability. This section applies to any development depicted in documents or activities, including but not limited to a subdivision plat, land division or site plan.

7.25.2. Relation to Flood Prevention and Flood Control. This section and Section 7.18 of the SLDC ("Flood Prevention and Flood Control") are related.

7.25.3. Beneficial Use Determination. A person aggrieved by restrictions applicable to property pursuant to this Section may apply for a beneficial use determination pursuant to Section 14.9.8 of the SLDC.

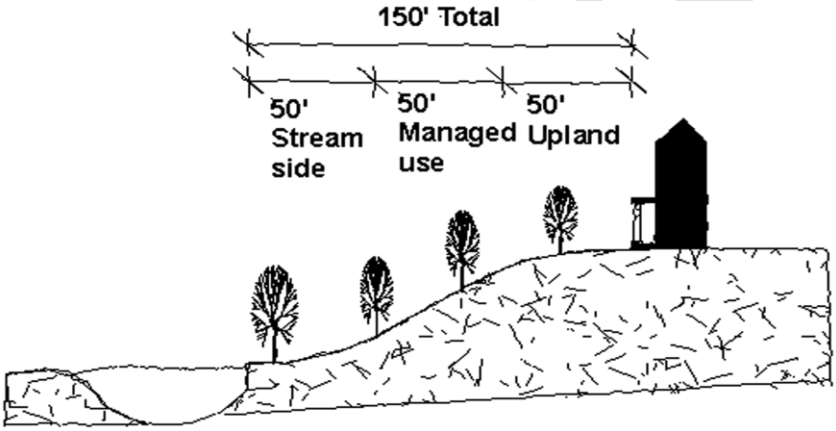
7.25.4. Riparian Corridors. Riparian corridors are established as described in Table 7-22 and the Official Map. *See also* Figure 7.7. Distances specified shall be measured as the horizontal, linear distance from the stream bank. There shall be three zones of stream corridors, having the dimensions shown in Table 7-22. Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC and are also designated as floodways and described in Section 7.18.13 of the SLDC, shall be designated as the "Stream Side Zone." Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC shall be designated and correspond to the "Managed Use Zone." Construction adjoining riparian areas that are also designated as Special Flood Hazard Zones under Section 7.18 of the SLDC, shall be set back as provided in Section 7.17.5.2.7 of the SLDC and shall be designated and correspond to the "Upland Zone."

Table 7-22 Definition of Stream Corridor Zones

DRAFT 10.20.15

(A) Corridor	Applicability			(E) Location and Required Width of Zone
	(B) Perennial Stream	(C) Intermittent Stream	(D) Perennial Water Body	
Stream Side Zone	Yes	Yes	Yes	50 feet from stream bank
Managed Use Zone	Yes	-	-	50 feet from outer edge of stream side zone
Upland Zone	Yes	-	-	50 feet from managed use zone, or out to resource conservation district elevation, whichever is greater
Total corridor area	150	50	50	150 feet minimum from each side of stream bank

Figure 7.7 Riparian Corridors



7.25.5. Permitted Uses and Activities in Riparian Corridors. Provided a specific use is permitted within the applicable zoning district, a use permitted in Column (A) of Table 7-23 is permitted within the applicable corridor zone as defined in Table 7-22. Such uses are restricted to the corridor zones indicated in Columns (B), (C), and/or (D) of Table 7-23.

Table 7-23
Permitted Uses Within Riparian Buffer Corridors

Dr. 10.2015

(A) Use	(B) Stream Side Zone	(C) Managed Use Zone	(D) Upland Zone
Trails, greenways, open space, parks or other similar public recreational uses and private recreational uses that do not require the use of fertilizers, pesticides, or extensive use of fences or walls.	**P**	**P**	**P**
Outdoor horticulture, forestry, wildlife sanctuary, and other similar agricultural and related uses not enumerated elsewhere in this table that do not require land-disturbing activities, or use of pesticides or extensive use of fences or walls.	**P**	**P**	**P**
Pastures or plant nurseries that do not require land-disturbing activities or use of pesticides, or extensive use of fences or walls.	**N**	**P**	**P**
Gardens, play areas, and other similar uses that do not require the use of pesticides for routine maintenance	**N**	**P**	**P**
Lawns, golf course fairways, play fields, and other areas that may require the use of fertilizers or pesticides.	**N**	**N**	**P**
Archery ranges, picnic structures, playground equipment, and other similar public and private recreational uses that do not require the use of fertilizers, pesticides, or extensive use of fences or walls.	**N**	**P**	**P**
Public utility and storm drainage facilities where there is a practical necessity to their location within the resource conservation district (RCD).	**P**	**P**	**P**
Streets, bridges, and other similar transportation facilities where there is a practical necessity to their location within the RCD.	**C**	**C**	**C**
Sidewalks.	**P**	**P**	**P**
Accessory land-disturbing activities ordinarily associated with a single- or two-family dwelling, such as utility service lines, gardens, and similar uses.	**N**	**P**	**P**
Public maintenance of streets, bridges, other similar transportation facilities and/or public utility and storm drainage facilities.	**P**	**P**	**P**
Detention/retention basin and associated infrastructure.	**N**	**P**	**P**
Lakes, ponds, and associated infrastructure, such as dams, spillways, riser pipes, and stilling basins, which are located outside of the regulatory floodplain.	**C**	**C**	**C**
Stream and riparian area restoration and maintenance.	**P**	**P**	**P**

P = the activity is permitted as of right; N = the activity is prohibited; and C = the activity is permitted only upon approval of a conditional use permit or a subdivision application.

DRAFT 10.20.15

7.25.6. Development Standards in Riparian Buffers. The following standards and criteria shall apply to any portion of a development or, as appropriate, to any land disturbance, within a riparian buffer:

7.25.6.1. Stormwater may be discharged from an impervious surface into a stream channel consistent with regulations of the Environmental Protection Agency pursuant to the Clean Water Act [33 U.S. Code § 1252 *et seq*] and, as applicable, the County's MS4 discharge permit as set forth in subsection 7.19.

7.25.6.2. Streets and driveways shall be located, as much as practicable, parallel to the flow of water. Where a street, driveway, or utility line necessarily must cross a watercourse, such crossing shall be located and designed to allow convenient access by wildlife through and beyond such crossing, and shall be designed to safely convey floodwaters to the same extent as before construction of said crossing.

7.25.6.3. Streets and bridges shall be spaced at an average interval of at least 400 feet within the proposed development, and not closer than 200 feet from streets on contiguous property. This distance shall be measured from the edge of the paved surface.

7.25.6.4. Water supply, sanitary sewer, and on-site waste disposal systems shall be designed to:

1. Prevent the infiltration of flood waters into the system;

2. Prevent discharges from the system or systems into flood waters; and

3. Avoid impairment during flooding to minimize flood damage. Finished floor elevations to be served by sanitary sewer shall be at or above the rim elevation of the nearest upstream manhole cover. Sanitary sewer manholes shall be provided with locking, watertight manhole covers, or be elevated to a height sufficient to prevent submersion or infiltration by floodwaters. All sewer and sewer outfall lines shall use gravity flow to a point outside the riparian buffers.

7.26. INFRASTRUCTURE AND RIGHT-OF-WAY DEDICATION.

7.26.1. Construction of Infrastructure Improvements. All developments approved pursuant to the SLDC shall dedicate property and rights-of-way for and construct thereon public infrastructure improvements to, as required by the SLDC including, but not limited to, the following:

7.26.1.1. fire hydrants, fire lanes, emergency access roads and access gates as may be required by the New Mexico Fire Code and the Santa Fe County Fire Code;

7.26.1.2. streets, roads, curbs, gutters, signing, striping, traffic control devices, and street lighting consistent with the standards established in the SLDC;

7.26.1.3. site grading and retaining walls;

7.26.1.4. fences, walls and landscaping required by the SLDC;

7.26.1.5. solid waste facilities required by the SLDC;

DRAFT 10.20.15

7.26.1.6. drainage or other facilities required to provide terrain and stormwater management, and flood or floodplain management pursuant to the SLDC;

7.26.1.7. landscaping, irrigation, amenities, and other improvements to common open space or parks provided pursuant to the SLDC;

7.26.1.8. connections and extensions to sanitary sewers or independent site-specific sewerage facilities pursuant to the SLDC;

7.26.1.9. connection to water mains or water facilities pursuant to the SLDC;

7.26.1.10. parks, trails and other facilities required by the SLDC:

7.26.1.11. other required utilities including natural gas, electricity, broadband or telephone facilities;

7.26.1.12. buildings to serve as fire stations, police substations, solid waste facilities, sewer facilities, water facilities, or other public buildings required to serve the development and made necessary by the application of an LOS; and

7.26.1.13. other facilities that may be required.

7.26.2. Dedication of Rights-of-Ways and Easements. Any property proposed to be dedicated for a right-of-way or easement in connection with a development, whether related to required infrastructure improvements described in the previous paragraph or not, shall be dedicated before or concurrently with the recording of a subdivision plat, land division plat, or prior to issuance of a development permit for which a plat is not required. Rights-of-ways or easements shall meet or exceed the dimensional standards set forth in the SLDC.

7.26.3. Infrastructure Completion Agreement.

7.26.3.1. Any infrastructure improvements required for development shall be completed by the applicant in accordance with the SLDC and/or any plans and specifications submitted and approved pursuant to the SLDC.

7.26.3.2. If the infrastructure improvement is not constructed at the time of issuance of a development permit, the applicant shall enter into an infrastructure improvement agreement with the County to construct the infrastructure improvements. Unless specific infrastructure improvements are included in a voluntary development agreement, any infrastructure improvement shall be completed or the improvement agreement executed prior to the earliest of the following:

1. Recording of a subdivision plat or land division plat; or

2. Issuance of a development permit.

7.26.3.3. All infrastructure improvements shall be completed no later than two (2) years following the execution of an infrastructure improvement agreement, with additional time provided by the Administrator for good cause shown, not to exceed an additional two (2) years.

7.26.3.4. An infrastructure improvement agreement shall be accompanied by financial assurance that complies with Section 7.22 of the SLDC, in the amount of 110% of the

DRAFT 10.20.15

total value of infrastructure improvements to be provided, as determined by an estimate provided by an engineer duly registered to practice engineering in the State of New Mexico.

7.26.4. Acceptance. Once constructed, infrastructure improvements may be accepted by the County following an inspection. If acceptable, the infrastructure improvements may be accepted so long as the infrastructure improvements conform to the SLDC and any plans and specifications submitted and approved pursuant to the SLDC. Acceptance shall be made by the Administrator following the inspection, and shall be in writing.

7.26.5. Infrastructure Warranties. Any infrastructure proposed for dedication to the County shall be accompanied by a written warranty for a period of one (1) year following acceptance. Any defects in design or construction arising within the warranty period shall be repaired or replaced at the sole expense of the applicant at no cost to the County if such occurs during the warranty period.

DRAFT 10.20.15

DRAFT 10.20.15

Chapter 8 – Zoning

Section **Contents** **Page**

8.1 Purpose....188
8.2 General Requirements....188
8.3 Establishment of Zoning Districts....189
8.4 Zoning Map....190
8.5 Use Regulations....191
8.6 Residential Zoning Districts....191
8.7 Non-Residential Zoning Districts....196
8.8 Public/Institutional Zoning District....199
8.9 Mixed Use Zoning District (MU)....199
8.10 Planned Development Zoning Districts....202
8.11 Overlay Zones....205
8.12 Bonus and Incentive Zoning (Reserved)....212

DRAFT 10.20.15

CHAPTER 8 – ZONING

8.1. PURPOSE. This chapter is adopted to promote and protect the public health, safety and general welfare through orderly zoning regulation of land uses throughout the unincorporated area of the County. In addition to the other purposes of the SLDC as described in Chapter 1 and succeeding chapters, the following additional specific purposes are hereby adopted:

8.1.1. Provide for consistency with the SGMP, and any applicable area, district and community plans, and internally with the SLDC;

8.1.2. Divide the County into base, planned development and overlay zoning districts of a number, size and location deemed necessary to carry out the purposes of the SGMP and the SLDC;

8.1.3. Provide for a system of Sustainable Development Areas (SDAs) that are established by the SGMP to guide orderly development when infrastructure and services become available and time and sequence development so that infrastructure and services are available when needed;

8.1.4. Promote and incentivize infill into SDA-1 and SDA-2 areas where adequate public facilities and services presently exist;

8.1.5. Balance residential development with economic development where appropriate to assure County fiscal integrity;

8.1.6. Promote and incentivize flexible planned mixed-use buildings, centers and neighborhoods;

8.1.7. Protect environmentally sensitive lands, and the preservation of natural, archaeological, cultural and historical resources pursuant to the Land Development Suitability Analysis contained in the SGMP;

8.1.8. Promote sustainable design and improvement standards;

8.1.9. Provide adequate light and air; and

8.1.10. Determine the location, density, height, mass, minimum lot size and use of buildings, structures and land for residential, commercial, industrial and other purposes.

8.2. GENERAL REQUIREMENTS.

8.2.1. No land shall be used or occupied and no structures shall be designed, erected, altered, used or occupied, including all lands, lots, parcels or tracts created through an exemption to the parcel division and subdivision process, except in conformity with all of the zoning regulations, standards and procedures, compliance with all sustainable design and improvement standards, and upon performance of all conditions attached to any zoning map or text amendment, conditional use permit, variance, beneficial use determination statement, development approval, voluntary development agreement, and/or site development plan approved pursuant to the SLDC, or otherwise.

8.2.2. No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, lease, or offer to sell, rent, or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter or by the SLDC.

DRAFT 10.20.15

8.3. ESTABLISHMENT OF ZONING DISTRICTS. This chapter establishes base zoning districts, planned development districts and overlay zones and describes use and design requirements that apply to each. All land in the unincorporated area of the County to which this SLDC applies is located within a base zoning district or a planned development district, and may be additionally subject to an overlay zoning designation.

8.3.1. Base Zoning Districts. Base zoning districts divide the County into agricultural, residential, commercial, industrial and mixed use zones with established boundaries and specified development uses. Base zoning districts approved for use in the County are listed in Table 8-1.

Table 8-1: Base Zoning Districts.

Residential:	
A/R	Agriculture/ranching
RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
RES-C	Residential Community
TC	Traditional Community
Non-Residential:	
CG	Commercial General
CN	Commercial Neighborhood
I	Industrial
P/I	Public/Institutional
Mixed Use:	
MU	Mixed Use

8.3.2. Planned Development Districts. Planned Development Districts may be established in appropriate areas in lieu of the base district zoning in accordance with §8.9. Planned development districts approved for use in the County are listed in Table 8-2.

Table 8-2: Planned Development Districts.

PD	Planned Development
PD-NC	Planned - Neighborhood Center
PD-TND	Planned - Traditional Neighborhood District
PD-RC	Planned - Regional Center
PD-CS	Planned - Conservation Subdivision
PD-C/O	Planned - Campus/Opportunity Center
PD-TOD	Planned - Transit Oriented Development

DRAFT 10.20.15

8.3.3. Overlay Zones. Overlay zones may be established over existing base zoning districts and planned development districts, as appropriate. Within an overlay zone, the standards of the underlying district shall apply, but as modified by the additional requirements and standards of the overlay zone. Overlay zones may be used to address special situations related to: providing commercial uses in rural areas; preserving community development and use patterns; preserving historic areas and buildings, preserving environmentally sensitive lands and cultural resources; or regulating developments of countywide impact to protect public health, safety and welfare. Overlay zones approved for use are listed in Table 8-3.

Table 8-3: Overlay Zones.

O-RC	Rural Commercial
O-CD	Community District
O-ERP	Environmental and Resource Protection
O-HP	Historic Preservation
O-DCI	Development of Countywide Impact
O-AN	Airport Noise Overlay

8.4. ZONING MAP.

8.4.1. Adoption of Zoning Map. All land in the unincorporated area of the County to which this SLDC applies shall be set forth on the County's zoning map, which will designate base zoning districts, planned development districts and, as applicable, overlay zones. All lands shall be zoned as set forth on the zoning map.

8.4.2. Zoning District Boundaries. Where uncertainty exists as to the boundaries of any zoning district shown on the zoning map, the following rules shall apply:

8.4.2.1. Where zoning district boundaries are indicated as approximately following road, highway, railroad or lot lines, such lines shall be construed as extending to the centerline of such road or highway, or lot line.

8.4.2.2. In property that has not been subdivided or where a zoning district boundary divides a lot, the location of the zoning district boundary, unless specified by dimensions, shall be determined by use of the scale appearing on the map.

8.4.2.3. Where a public road is officially vacated or abandoned, the regulations applicable to abutting property shall apply to the vacated or abandoned road.

8.4.2.4. Where any private right of way or easement of any railroad, acequia or public utility company is vacated or abandoned, the rules applicable to abutting properties shall apply to the vacated right of way or easement.

8.4.2.5. In case uncertainty exists after application of these rules, the Administrator shall determine the location of district boundaries, subject to appeal to the planning commission.

8.4.3. Default Zoning. Any property to which the SLDC applies that is not depicted on the zoning map within a zoning district established in Chapter 8 of the SLDC, shall be deemed to be located in the A/R Zoning District unless otherwise specifically provided for herein.

DRAFT 10.20.15

8.4.4. Interpretation of Zoning District Densities. Maximum densities that are specified for zoning districts in this chapter are maximum gross densities that apply to the entire area within a development project or subdivision and are not necessarily minimum lot sizes for individual lots.

8.5. USE REGULATIONS.

8.5.1. Use Matrix. Uses permitted in the base zones and planned development zoning districts are shown in the use matrix in Appendix B. All uses are designated as permitted, accessory, or conditional, as further explained in Table 8-4. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 8-4: Use Matrix Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.**
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the district.

8.5.2. Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

8.5.2.1. The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). See http://www.planning.org/lbcs/standards/.

8.5.2.2. If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). If the use cannot be located within the NAICS, the Administrator shall make a determination whether the proposed use is materially similar to a use within the same industry classification of the NAICS manual; if so, the Administrator shall approve the use. If not, the Administrator shall deny the use. *See http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

8.6. RESIDENTIAL ZONING DISTRICTS.

8.6.1. Agriculture/Ranching (A/R).

DRAFT 10.20.15

8.6.1.1. Purpose. The purpose of the Agriculture/Ranching (A/R) district is to designate areas suitable for agricultural, ranching and residential uses, and to prevent encroachment of incompatible uses and the premature conversion of agricultural and ranch lands to nonagricultural uses. Uses in the A/R district are limited to agricultural, ranch, residential and other compatible uses. This designation reflects areas whose present use is agricultural, such as grazing or dry land farming. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.1.2. Permitted Uses. Appendix B contains a list of all permitted, accessory, and conditional uses allowed within the A/R district.

8.6.1.3. Dimensional Standards. The dimensional standards within the A/R district are outlined in Table 8-5.

Table 8-5: Dimensional Standards – A/R (Agriculture/Ranching).

Zoning District	A/R
Density (# of acres per dwelling unit)	160
Lot width (minimum, feet)	400
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

8.6.2. Rural (RUR).

8.6.2.1. Purpose. The purpose of the Rural (RUR) district is to designate areas suitable for a combination of agricultural, equestrian, residential and other compatible uses. The intent of the RUR district is to protect agricultural uses from encroachment by development and to support agricultural, ranch, very large lot residential, ecotourism and equestrian uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.2.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the RUR district.

8.6.2.3. Dimensional Standards. The dimensional standards within the RUR district are outlined in Table 8-6.

Table 8-6: Dimensional Standards – RUR (Rural).

Zoning District	RUR
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	150
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

DRAFT 10.20.15

8.6.3. Rural Fringe (RUR-F).

8.6.3.1. Purpose. The purpose of the Rural Fringe (RUR-F) district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. The RUR-F designation provides an intermediate step in development density between typical open space and agricultural/ranching lands and primarily residential (low density) parcels. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.3.2. Permitted Uses. Appendix B contains a list of all permitted, accessory, and conditional uses allowed within the within the RUR-F district.

8.6.3.3. Dimensional Standards. The dimensional standards within the RUR-F district are outlined in Table 8-7.

Table 8-7: Dimensional Standards – RUR-F (Rural Fringe).

Zoning District	RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

8.6.4. Rural Residential (RUR-R).

8.6.4.1. Purpose. The purposes of the Rural Residential (RUR-R) district are: to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, farmers markets and produce stands. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

DRAFT 10.20.15

8.6.4.2. Permitted Uses. Appendix B contains a list of all permitted, accessory, and conditional uses allowed within the within the RUR-R district.

8.6.4.3. Dimensional Standards. The dimensional standards within the RUR-R district are outlined in Table 8-8.

Table 8-8: Dimensional Standards – RUR-R (Rural Residential).

Zoning District	RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

8.6.5. Residential Fringe (RES-F).

8.6.5.1. Purpose. The purpose of the Residential Fringe (RES-F) district is to designate areas suitable for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The RES-F district provides an intermediate step in single family residential development between open space and/or agricultural/ranching lands, and typically suburban residential densities. The RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.5.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the RES-F district.

8.6.5.3. Dimensional Standards. The dimensional standards within the RES-F district are outlined in Table 8-9.

Table 8-9: Dimensional Standards – RES-F (Residential Fringe).

Zoning District	RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

8.6.6. Residential Estate (RES-E).

DRAFT 12.20.15

8.6.6.1. Purpose. The purpose of the Residential Estate (RES-E) district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The RES-E district supports single-family homes on medium sized lots consistent with contemporary community development. Generally this district applies to low to medium density residential development in established neighborhoods (lands that are already committed to residential uses and have been subdivided for a specific development) and undeveloped or underdeveloped areas with a moderate to high development suitability. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.6.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the RES-E district.

8.6.6.3. Dimensional Standards. The dimensional standards within the RES-E district are outlined in Table 8-10.

Table 8-10: Dimensional Standards – RES-E (Residential Estate).

Zoning District	RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

8.6.7. Residential Community (RES-C).

8.6.7.1. Purpose. The purpose of the Residential Community (RES-C) district is to designate areas suitable for suburban-type residential development and other compatible uses. The RES-C district supports single-family homes on relatively small lots consistent with contemporary community development. Generally this district applies to existing medium to higher density residential development in established neighborhoods (lands that are already committed to residential uses and have been subdivided for a specific development) and undeveloped or underdeveloped areas with a moderate to high development suitability. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.7.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the RES-C district.

8.6.7.3. Dimensional Standards. The dimensional standards within the RES-C district are outlined in Table 8-11.

Table 8-11: Dimensional Standards – R-1 (Residential).

Zoning District	RES-C
Density (# of acres per dwelling unit)	1
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100

DRAFT 10.20.15

Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

8.6.8. Traditional Community (TC).

8.6.8.1. Purpose. The purpose of the Traditional Community (TC) district is to designate areas suitable for residential, small-scale commercial and traditional agricultural uses consistent with the existing development patterns of traditional communities. The TC district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agriculture found in traditional communities with acequia systems, from encroachment by development. Density bonuses and transfers of development rights may be utilized to achieve the purposes of the district. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.8.2. Permitted Uses. Appendix B contains a list of all permitted, accessory, and conditional uses allowed within the within the TC district.

8.6.8.3. Dimensional Standards. The dimensional standards within the TC district are outlined in Table 8-12.

Table 8-12: Dimensional Standards – TC (Traditional Community).

Zoning District	TC
Density (# of acres per dwelling unit)	0.75/0.33*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (commercial)	2,500 sq. ft.

* The standard density of one dwelling unit/0.75 acres may be increased to one dwelling unit/0.33 acres if the lot is served by public water and sewer.

8.7. NON-RESIDENTIAL ZONING DISTRICTS.

8.7.1. Commercial General (CG).

8.7.1.1. Purpose. The purpose of the Commercial General (CG) district is to designate areas suitable for general commercial activities such as retail and wholesale sales, offices, repair shops, limited manufacturing, warehouses and indoor and outdoor display of goods. The CG district promotes a broad range of commercial operations and services while ensuring that land uses and development are compatible with surrounding areas.

8.7.1.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the CG district.

8.7.1.3. Dimensional Standards. The dimensional standards within the CG district are outlined in Table 8-13. Multifamily residential development at densities above the base

DRAFT 10.20.15

density indicated in Table 8-13 requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

8.7.1.4. Review/approval procedures. All CG developments shall meet the design standards of this section in addition to the applicable standards of Chapter 7. A ~~master site~~conceptual plan shall be required for all phased develoment~~approved~~ in accordance with procedures outlined in Chapter 4.

8.7.1.5. Architectural Design Requirements.

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.

Table 8-13: Dimensional Standards – CG (Commercial General).

CG Zoning District	CG
Density (# acres per dwelling unit)	~~n/a~~2.5**
Multifamily Density with TDRs*	Up to ~~20~~15
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80

*Multi-Family Residential shall comply with supplemental use standards in Chapter 10.
** Density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

8.7.2. Commercial Neighborhood (CN).

8.7.2.1. Purpose. The purpose of the Commercial Neighborhood (CN) district is to allow for low-rise low-intensity convenience retail and personal services, as well as office uses, that are intended to serve and are in close proximity to individual residential neighborhoods. Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood. The size of neighborhood commercial districts will typically be between one and twenty contiguous acres.

8.7.2.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the CN district.

8.7.2.3. Dimensional Standards. The dimensional standards within the CN district are outlined in Table 8-14 below. Adjacent to residential zoning districts, setbacks shall be provided consistent with Subsection 7.3.3.

DRAFT 10.29.15

8.7.2.4. Review/approval procedures. All CN developments shall meet the design standards of this section in addition to the applicable standards of Chapter 7. A ~~master site~~conceptual plan shall be required for all phased development ~~approved~~ in accordance with procedures outlined in Chapter 4.

8.7.2.5. Architectural Design Requirements.

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.

Table 8-14: Dimensional Standards – CN (Commercial Neighborhood).

CN Zoning District	CN
Density (#acres per dwelling unit)	~~n/a~~2.5***
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	80
Maximum building size (aggregate)	50,000*
Maximum size of individual establishments (sq.ft.)	15,000**

*Building size may be increased up to 100,000 square feet with the issuance of a conditional use permit.
**Establishment size may be increased up to 30,000 square feet with the issuance of a conditional use permit.
** density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

8.7.3. Industrial General (I).

8.7.3.1. Purpose. The Industrial General (I) district accommodates areas of heavy and concentrated fabrication, manufacturing, access to transportation, and the availability of public services and facilities. These districts provide an environment for industry that is unencumbered by nearby residential or commercial development. Industrial districts shall be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses.

8.7.3.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the I district.

8.7.3.3. Dimensional Standards. The dimensional standards within the I district are outlined in Table 8-~~14~~15.

8.7.3.4. Review/approval procedures. All I developments shall meet the design standards of this section in addition to the applicable standards of Chapter 7. A ~~master site~~conceptual plan shall be required for all phased development~~approved~~.

DRAFT 10.2.15

8.7.3.5. Base Density. Development at levels above the base standards identified in Table 8-15, requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

Table 8-15: Dimensional Standards – I (Industrial).

I Zoning District	~~I~~Base	With TDRs
~~Density (maximum, dwelling units/acre)~~	~~n/a~~	
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	~~n/a~~50	25
~~Lot width (maximum, feet)~~	~~n/a~~	
Height (maximum, feet)	~~50~~36	50
Lot coverage (maximum, percent)	~~70~~60%	80%

8.7.4. Industrial Light (IL).

8.7.4.1. Purpose. The Industrial Light (IL) district is to provide for wholesale and warehousing uses for non-hazardous materials as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in a refined form and that do not in their transformation create smoke, gas, dust, noise, soot or lighting to a degree that is offensive when measured at the property line of subject property. This district also provides for research and development activities, mixed commercial and IL support services including offices, restaurants, call centers, etc.

8.7.4.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the IL district.

8.7.4.3. Dimensional Standards. The dimensional standards within the IL district are outlined in Table 8-~~14~~15.

8.7.4.4. Review/approval procedures. All I developments shall meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development.

8.7.4.5. Base Density. Development at levels above the base standards identified in Table 8-16, requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

Table 8-16: Dimensional Standards – IL (Industrial Light).

Zoning District	Base	With TDRs
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	50	25
Height (maximum, feet)	27	40
Lot coverage (maximum, percent)	60%	80%

8.8 PUBLIC/INSTITUTIONAL ZONING DISTRICT.

8.8.1. Purpose. The purpose of the Public/Institutional (PI) district is to accommodate governmental, educational, and non-profit or institutional uses, including public or community

DRAFT 10.20.15

parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

8.8.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the PI district.

8.8.3. Dimensional Standards. The dimensional standards within the PI district are outlined in Table 8-15 below.

8.8.4. Review/approval procedures. All PI developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A ~~master site~~conceptual plan shall be required for all phased development~~approved~~ in accordance with procedures outlined in Chapter 4.

Table 8-16 Dimensional Standards – PI (Public/Institutional)

PI Zoning District	~~CN~~P/I
Density	~~n/a (2)~~2.5*
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80

*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

8.8.5. Side and Rear Setbacks. For buildings in the PI district that are over 12 feet in height, side and rear setbacks adjacent to any A/R, RUR, RUR-F, RUR-R, RES-F, RES-E, R-C, or TC districts, and any predominantly single-family detached or attached dwelling districts or sub-districts in areas subject to community district zoning, as well as any existing or approved development consisting of predominantly single-family detached dwellings or 1- or 2-story duplex or single-family detached dwellings in MU or PDD districts, are ~~outlines~~ outlined in Table 8-~~16~~ 17 below.

Table 8-17 Side and Rear Setbacks – PI (Public/Institutional)

Building Height	Minimum Side and Rear Setbacks
Greater than 12 but less than or equal to 24 feet	40 feet
Greater than 24 but less than or equal to 36 feet	100 feet
Greater than 36 but less than or equal to 48 feet	150 feet

8.9. MIXED USE ZONING DISTRICT (MU).

8.9.1. Purpose. The Mixed Use (MU) district provides for areas of compact development with primarily residential and some commercial uses. The MU district provides a full range of housing choices and promotes a sense of community, vitality, and adequate facilities and services. The purpose of the MU designation is to accommodate compact communities, which typically have public gathering places or community facilities with a mix of associated land use such as residential and neighborhood-scale retail, small businesses, and local commercial uses. Community facilities may include schools, post offices, community centers, and recreational

DRAFT 10.20.15

facilities, multi-modal transportation facilities that promote bicycling, equestrian activities, park and ride, and transit.

8.9.2. Applicability. The MU district requires residential uses and allows commercial, retail, recreational, community and employment uses. A variety of housing types are allowed in this district, including duplexes, multi-family and single family. A housing density bonus is given (as shown in Table 8-17) if at least 10% of the developed square footage within the MU district is allocated to commercial/retail use intended to serve the local community.

8.9.3. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the MU district.

8.9.4. Base Density. The base density permitted in the MU zone is one (1) dwelling unit per acre for residential use. A minimum of ten percent (10%) nonresidential development is required with a maximum of 15% non-residential development allowed. Development at densities above the base density requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

8.9.4. Dimensional Standards. The dimensional standards within the MU district are outlined in Table 8-18.

8.9.6. Review/approval procedures. All MU developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development in accordance with procedures outlined in Chapter 4.

Table 8-18: Dimensional Standards – MU (Mixed Use).

MU Zoning District	**~~If residential uses only~~Base**	**~~If at least 10% commercial use~~With TDRs**
Density (~~minimum/maximum,~~Number of dwelling units~~/~~ per acre)	~~2/5~~1	~~2/12~~15
Non-Residential (Min required, percent/Max permitted, percent)	10/15	5/50
~~**Multi-Family Residential Density***~~	~~15~~	~~20~~
Frontage (minimum, feet)	50	~~50~~25
Lot width (minimum, feet)	50	~~50~~25
~~Lot width (maximum, feet)~~	~~n/a~~	~~n/a~~
Height (maximum, feet)	~~36~~27	48
Lot coverage (maximum, percent)	~~60~~40%	~~70~~80%
Setback where existing residential uses adjoin property (ft)	50	50
Setback where existing residential uses adjoin property (ft)	100	100
Setback from adjoining community district (ft)	1000	1000

~~*Multi-Family Residential shall comply with supplemental use standards in Chapter 10.~~

DRAFT 10.20.15

8.9.~~5~~7. Design requirements. The following requirements apply to all development within an MU zone. Where the following standards are silent with respect to a particular criterion, the applicable section of the SLDC shall apply.

8.9.~~5~~7.1. Site Planning. Mixed use developments shall adhere to all of the following site planning performance standards:

1. Safe ingress and egress, and adequate pedestrian and vehicular circulation;

2. Integrated circulation of roads, walkways and trails both within and external to the development;

3. Adequate stacking or vehicle queuing room at driveways and road intersections may be required, based on engineered traffic studies and calculations;

4. Shared access and circulation to minimize vehicular curb cuts or road approaches;

5. Off-site traffic controls, devices, or improvements, including traffic lights, intersection improvements, and/or turning lanes.

6. Outside storage shall be screened from view from public roads and neighboring properties;

7. Service vehicle accesses and parking areas shall be separated from customer parking and circulation; and

8. Duplex and multifamily structures shall be designed to orient to public or private roads and to provide pedestrian and vehicular connections to existing nearby amenities and neighborhoods. Each building shall be provided with direct pedestrian access from a road or drive fronting the building and from established parking areas.

8.9.~~5~~7.2. Services. Mixed-use developments shall at a minimum include public water and wastewater, garbage and recycling pickup, walkways and parking area lighting. In addition, the following performance standards shall be met:

1. Adequate safe pedestrian walkways shall be established within the development;

2. Street lighting shall be provided along walkways adjacent to and within the development;

3. Security lighting shall be provided in parking and designated outdoor recreation areas;

4. Garbage, maintenance, and recycling facilities shall be screened; and

5. Pedestrian connections to adjacent development shall be provided, in public rights-of-way, or along designated trail corridors.

8.9.7.3. Open Space. A minimum of 30% Open Space is required in a MU District. Developed parks shall be in accordance with Section 8.10.3.

DRAFT 10.20.15

1. The following property may be considered open space for the purpose of meeting the 30 percent requirement:

a. Open space identified on the Zoning Map shall be public open space;

b. Common or Public Parks and Plazas;

c. Trails allowing public access and connecting to County trails;

d. Public trailheads;

e. Archaeological easements;

f. Setbacks required by this section or other Ordinances; or

g. Open space shall be dedicated or reserved on the final plat.

2. Open space may be dedicated on property not contiguous to the area for which the applicant is seeking subdivision approval where all of the following circumstances exist:

a. Open space adjacent to or within the proposed development is not feasible or has already been dedicated as part of another development phase;

b. The continuous property is within property designated as open space on the Zoning Map; and

c. The proposed open space dedication is contiguous to other lands dedicated as open space

3. Required open space may not be used for a density bonus or as a sending area for TDRs.

8.9.~~5~~7.~~3~~4. Play Space. Usable open space and recreation areas shall be required within duplex and multifamily residential developments, as follows:

1. Duplex and multifamily residential projects comprised of five (5) or more dwelling units that are anticipated by their unit type and design to accommodate families shall provide a safe play space for children. Projects that are established solely for the occupancy of adults shall not be required to establish play spaces.

2. The provision of usable open space, play spaces, and/or recreational spaces within duplex or multifamily developments of five (5) or more units may be phased concurrent with an approved phasing plan; provided, that each phase shall include usable open space and play spaces (if required) established in proportion to the size and impacts of each phase.

8.9.~~5~~7.~~4~~5. Landscaping. Landscaping shall demonstrate compliance with the following performance standards:

1. Landscaping areas between public roads and parking shall be provided;

DRAFT 10.20.15

2. Outside storage areas shall be screened from view from public roads and neighboring properties.

3. Landscaping areas shall be provided as a buffer to adjacent residential uses or neighborhoods.

8.9.~~5~~7.~~5~~6. Off-road Parking. Off-road parking shall comply with the following performance standards:

1. The number of access points from parking areas to public roads shall be minimized or shall be shared (where possible) within a development.

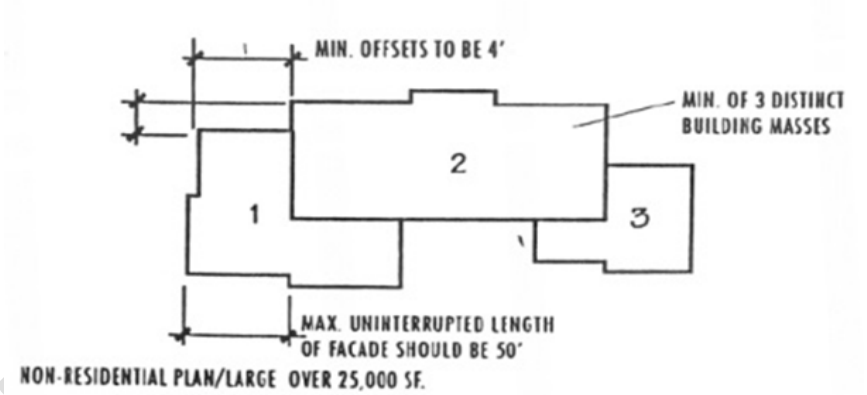
2. Parking areas shall include landscaping, fencing and/or berming when abutting residential zoning districts.

8.9.~~5~~7.~~6~~7. Architectural Design Requirements.

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.

Figure 8-1 Architectural Design Example



8.10. PLANNED DEVELOPMENT ZONING DISTRICTS.

8.10.1. Generally. A planned development district is a flexible zoning tool intended to provide for efficient land uses, buildings, circulation systems, and infrastructure in order to: promote a sense of place and aesthetic design; increase walkability; allow for a mixing of uses; reduce the cost of infrastructure and services; reduce vehicle miles traveled; and reduce air pollution and greenhouse gas emissions. A planned development district may be generic in nature and intent, or it may be of a special type that incentivizes certain kinds of development (e.g., neighborhood, regional commercial, transit-oriented, office) or protection of valuable natural resources. This section provides the processes and procedures for establishment of a standard Planned Development (PD), and includes additional standards and modifications for establishing special types of planned developments including Planned Traditional Neighborhood Developments,

Dr. 10.20.15

Planned Neighborhood Centers, Planned Regional Centers, Planned Campus/Opportunity Centers, Planned Transit Oriented Developments, and Planned Conservation Subdivisions.

8.10.2. Planned Development District (PD).

8.10.2.1. Purpose and findings. Planned Development (PD) districts are established to:

1. Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties;

2. Provide an environment within the layout of a site that contributes to a sense of community and a coherent living style;

3. Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for a minimum amount of open space;

4. Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and

5. Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

8.10.2.2. Application. Every application for creation of a PD zoning shall be accompanied by a ~~master site~~conceptual plan, a rezoning request if applicable and any concurrent preliminary subdivision plat, where applicable.

8.10.2.3. Review/approval procedures. All MU developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development in accordance with procedures outlined in Chapter 4.

8.10.2.~~3~~4. Criteria. In order to foster the attractiveness of a PD district and its surrounding neighborhoods, preserve property values, provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall apply to the required ~~master site~~conceptual plan. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation:

1. Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal;

2. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings;

3. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public roads, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties; and

DRAFT 10.20.15

4. Private roads and gates may be approved as part of the application but are not required.

8.10.2.4. Minimum Size. The minimum size for a PD district is five acres.

Table 8-19: Dimensional Standards – PD (Planned Development).

PD Zoning District	~~If residential uses only~~Base	~~If at least 10% commercial use~~With TDRs
Density (minimum/maximum, dwelling units/acre)	~~2/5~~1	~~2/12~~15
~~Multi-Family Residential Density*~~	~~15~~	~~20~~
Non-residential (Min required, percent/Max permitted, percent)	5/15	0/50
Frontage (minimum, feet)	50	~~50~~25
Lot width (minimum, feet)	50	~~50~~25
~~Lot width (maximum, feet)~~	~~n/a~~	~~n/a~~
Height (maximum, feet)	~~36~~27	48
Lot coverage (maximum, percent)	~~60~~40%	~~70~~80%
Setback from outside property boundary – no existing residential uses adjoining property	50	50
Setback from outside property boundary – existing residential uses adjoining property	100	100

~~*Multi-Family Residential shall comply with supplemental use standards in Chapter 10.~~

8.10.2.5. Permitted Uses and Density.

1. Uses. A PD district may include residential, commercial, and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PD district are those designated in the approved master site plan. Density limits are used to determine the maximum number of permitted dwelling units.

2. Base Density. The base density permitted in the PD zone is one (1) dwelling unit per acre for residential use. A minimum of five percent (5%) nonresidential development is required with a maximum of 15% nonresidential development allowed. Development at densities above the base density requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

~~2~~3. **Dimensional Standards.** The dimensional standards within the PD district are outlined in Table 8-19~~8~~.

~~**3. Density Table.** As shown on Table 8-18, the master site plan shall divide the PD district into land use categories and shall indicate the uses permitted in each category.~~

4. Lots. As shown on Table 8-~~18~~19, there is no minimum area requirement for lots, and lots do not need to front onto a road. Lot boundaries may coincide with structure boundaries except where perimeter lot setbacks are required.

DRAFT 10.20.15

8.10.2.6. Height and Yard Requirements. Setbacks shall be governed by the PD ~~master site~~conceptual plan and the Setback Table in Chapter 7. Lots located on the perimeter of a PD district shall adhere to the minimum and maximum setback requirements of the base zoning district set forth in the Setback Table in Chapter 7 unless a lesser setback is approved in the master site plan. There are no setbacks for interior lots, provided that the requirements of the New Mexico Building Code are met.

8.10.2.7. Infrastructure Requirements. Publicly owned and/or maintained utilities shall be placed in public roads or easements that are a minimum of 16 feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless an approved vehicular turnaround is provided at the end of each such easement.

8.10.2.8. Open Space. A minimum of 30% Open Space is required in a PD District. Developed parks shall be in accordance with Section 8.10.3.

1. The following property may be considered open space for the purpose of meeting the 30 percent requirement:

a. Open space identified on the Zoning Map shall be public open space;

b. Common or Public Parks and Plazas;

c. Trails allowing public access and connecting to County trails;

d. Public trailheads;

e. Archaeological easements;

f. Setbacks required by this section or other Ordinances; or

g. Open space shall be dedicated or reserved on the final plat.

2. Open space may be dedicated on property not contiguous to the area for which the applicant is seeking subdivision approval where all of the following circumstances exist:

a. Open space adjacent to or within the proposed development is not feasible or has already been dedicated as part of another development phase;

b. The continuous property is within property designated as open space on the Zoning Map; and

c. The proposed open space dedication is contiguous to other lands dedicated as open space

3. Required open space may not be used for a density bonus or as a sending area for TDRs.

~~**8.10.2.8. Parks/Open Space.** Each master site plan shall provide for a minimum amount of parks/open space as required by Table 8-19.~~

DRAFT 10.20.15

~~**Table 8-19: Planned Development: Parks and open space requirements.**~~

~~**Land Use Category**~~	~~**Required Parks/Open Space***~~
~~Residential~~	~~2,500 SF per dwelling unit~~
~~Nonresidential~~	~~200 SF per 1,000 SF of floor area, and 250 SF per 1,000 SF of parking and loading area~~

~~*Total required parks/open space is calculated by dividing the total open space within a PD district by the gross site area. The land use category shall be determined by the base zoning district.~~

~~**8.10.2.9. Reduction in Parks/Open Space.** The Planning Commission may approve a decrease of no more than 50% in the amount of required parks/open space when the master plan includes design features or amenities such as, terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture.~~

8.10.3 Planned District Santa Fe Community College District ~~(Ordinance 2000-12).~~

8.10.3.1. Purpose and Intent. The Community College District (CCD) is a planned development district as is intended to promote and focus compact, mixed-use development in a village land use pattern in the large county area south of the city of Santa Fe. It is a major employment, education and cultural center serving the city, county and other regional areas; and, its presence has led to the development of related public and institutional uses including churches and other educational institutions, which are integral to the creation of "community" and historically have been uses around which new communities and settlements have successfully developed.

The CCD was created to curb sprawl, maximize infrastructure efficiency and preserve open space in an area of Santa Fe County under substantial development pressure, and to otherwise to implement the vision, goals and principals of the CCD Plan. The CCD is expected to be the first of a number of new communities to be developed outside the urban area over the next 20 years.

The CCD Plan calls for New Community Centers, Neighborhood Centers and Employment Centers. These centers should be active places with identities and ambiance that attract people. They shall have a mixture of uses that keep them active and the heart of commerce and community activities in the District. Centers should be designed to principles that are different than typical strip commercial. Buildings, plazas, walks, parking and the landscape shall be designed to create centers that will be the focus of community life described in the CCD Plan.

The CCD Plan designates areas for Institutional Campuses. Campuses shall be anchored by an educational, large-scale non-profit, vocational, research or similar institution that desires a campus setting. In all Campuses, the first phase of the anchor institution must be built prior to or in conjunction with all other buildings. Commercial and residential uses support the anchor institution and its users, but are subordinate in design and size. Without the anchor institution, no other uses are allowed in this zone. Institutional campuses are not intended for large-scale commercial or retail businesses that desire a campus setting; these users may locate in Employment Centers or New Community Centers.

DRAFT 10.20.15

8.10.3.2 Adoption of CCD Land Systems Map, CCD Circulation Map, CCD Zoning Map and CCD Media Subdistrict Map. The CCD Land Systems Map, the CCD Circulation Map, the CCD Zoning Map and the CCD Media District Map are hereby adopted and incorporated, by reference, into the Code and attached as Appendix F. The road and trail network shown on the CCD Circulation Map shall be used as a guide for the establishment of the road and trail alignments and transit corridors in the CCD district.

8.10.3.3 General

1. The regulations, standards and provisions described herein are specific to the Planned District Community College District. Where conflict arises between SLDC regulations and the community district standards and provisions, the district's standards and provisions shall prevail. However, when the district's standards are silent on an issue that would otherwise be governed by the SLDC or other applicable County codes, the SLDC or those other codes shall prevail.

2. All development within the PD-CCD shall follow the procedures set forth in Chapter 4 of this SLDC.

8.10.3.4. Conceptual Plan. A conceptual plan is required for multi-phased development within the CCD. The Conceptual Plan shall:

1. Define the boundaries of the landscape types and the resulting designation and configuration of Village, Employment Center, Institutional Campus, and Fringe Zones and Open Space;

2. Calculate the zoning allowances and requirements including the minimum and maximum number of residential units, the minimum and maximum range of commercial square footage, FAR and the open space and park requirements;

3. Establish categories of land uses with sufficient specificity to allow for an analysis of the traffic and other impacts of the proposed uses, within each category;

4. Identify the location and general configuration of New Community Centers, Neighborhood Centers, Neighborhoods, Employment Center Zones and Institutional Campus Zones that are included in the Master Plan area. A digitized aerial photograph containing metes and bounds description may be used to establish zone locations;

5. Identify the proposed categories of land uses to be developed to demonstrate the mixed-use nature of the development;

6. Establish the general road layout and classification of road segments as living-priority, mixed-priority and traffic-priority roads;

7. Establish the general trail network and classification as district, village, local or any separate equestrian trails;

8. Establish a phasing schedule which details the timing for the proposed development which shall include a general description of each phase of the development, with projected sales and buildout;

9. An explanation of how each development phase promotes the mixed-use intent of this Section; a description of the phased development of the on-site

DRAFT 10.20.15

infrastructure and the manner in which it is coordinated with development of needed off-site infrastructure to ensure that the standards of the zones and densities of the development required by this Section are achieved; and

10. In an Employment Center Zone, an applicant many propose a phase which is not mixed use if:

a. the phase following the non-mixed use is a mixed use phase;

b. the proposed use is for a major employer, is not retail, creates a significant number of new jobs and all infrastructure is adequate;

c. the proposed non-mixed use phase bear a sufficient connection to the approved, proposed or built residential uses in the same Zone or any adjacent or contiguous Zone such that the overall mixed use intention of this Ordinance will be achieved and the uses in the non-mixed use phase promote and advance the County regional goals for employment and economic development and are compatible and appropriate with principles of the CCD and meet the requirements of the Land Use Table.

8.10.3.5. Conceptual Plan Review Criteria. The criteria for approval of a Conceptual Plan in the CCD are as follows:

1. Conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan;

2. Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and

3. Conformance to the this section 8.10 and other applicable law and ordinances in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards.

8.10.3.6. Land System. The location of land system boundaries shall be indicated on a digital or photo topographic map; a boundary survey is not required. Landscape classification boundaries and the location of subdistrict boundaries shall be established at the time Conceptual Plans are approved. Thereafter, such boundaries may be modified as new information becomes available as the project moved forward for final approval or final plat approval. The location of subdistricts within the CCD district is based on the land types shown on the Land System Map. This criteria is intended to establish a balance between preservation on the natural landscape and creation of concentrations of development that are adequate to create a vital community. The following landscape types are identified:

1. Mountains. Mountains open space begins at the 15 percent slope line at the base of the mountains and extend to the top.

2. Flatland/Grasslands. Upper flatland/ grasslands are open level areas that are elevated above arroyos and covered by grass and sparse tree cover. The edges of these areas are delineated by sharp breaks in the topography that slope down to the arroyo corridors. Tree edges often correspond to the topographic breaks. In

DRAFT 10.20.15

the absence of breaks in topography the edges of upper flatland/grasslands will occur along the line where slopes exceed 10 percent.

3. Flatlands/ Piñon Juniper. Upper flatland/piñon juniper are open level areas that are elevated above arroyos and covered by piñon and juniper. The edges of these areas are delineated by sharp breaks in the topography that slope down to the arroyo corridors. Tree edges often correspond to the topographic breaks. In the absence of breaks in topography the edge of upper flatland/ piñon juniper will occur along the line where slopes exceed 10 percent.

4. Hillside/ Piñon Juniper. The hillside/piñon juniper land type includes the wooded hillsides that transition between the upper flatland areas and the arroyo corridor edges. They are delineated on the uphill side by the slope break or the 10 percent slope line that establishes the edge of the upper flatland land type. The downhill side is defined by the topographic break of the 10 percent slope line that delineates the arroyo corridor.

5. Hillside/Grasslands. The hillsides/grassland land type includes the grassy hillsides that slope between the upper flatland areas and the arroyo corridor edges. They are delineated on the uphill side by the slope break or the 10 percent slope line that establishes the edge of the upper flatland land type. The downhill side is defined by the topographic break or the 10 percent slope line that delineates the arroyo corridor.

6. Arroyo Corridors. Arroyo corridors are arroyos and the adjacent level areas that together form the level bottoms of the major drainage ways that pass through the district. Arroyo corridors extend on both sides of arroyos to the point that there is a distinct slope break between from the arroyo corridor and the adjacent hillside. If no distinct slope break exists the arroyo corridor shall be delineated by the 5 percent slope line at the base of the adjacent hillsides.

7. Arroyo Hondo Corridor. The arroyo hondo is a special circumstance because of its broad width and rolling terrain without a clear slope break between the arroyo bottom and the adjacent hillsides. The arroyo corridor in this area extends a minimum of 50 feet outside of the 100-year floodplain boundary.

8.10.3.7. District Development Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

1. Off-site Improvements. The County may require developers, as a condition of approval, to enter into a development agreement pursuant to which the developer shall be required to pay a pro-rata share of future off-site improvements.

2. Development Performance Standards.

a. Building Design. Buildings of 15.000 sq ft or larger shall comply with the following:

i. Buildings of 15,000 sq ft to 24,000 sq ft shall be designed with a minimum of three distinct masses with four foot vertical and horizontal offsets.

ii. buildings of 25,000 sq ft or larger shall have an additional two feet of vertical and horizontal offsets for each additional 5,000 sq ft of footprint.

DRAFT 10.20.15

iii. The maximum uninterrupted length of any façade shall be 50 ft.

b. Blocks. The maximum block length shall be 2000 feet.

c. Centers and Campuses. All buildings in centers and campuses shall comply with the following standards:

i. Such buildings shall be oriented to street or plaza.

ii. Parking and storage areas shall be located to rear and side of buildings.

d. Middle and High Schools. Such uses should be located at edge of village subdistricts or the Institutional Campus Subdistrict.

e. Open Space Village Separators.

i. Within the CCD district open space village separators are intended to accommodate a connective system of open space that will:

(a) Provide natural drainage systems, aquifer recharge channels, core wildlife habitat and corridors, important community views, and community recreational amenities;

(b) Provide a connective community trails network and community recreational amenities; and

(c) Define and buffer development areas.

ii. These open space village separators includes the north/ south open space corridors that separate long linear village subdistricts into compact development areas with walkable centers. They are located on Arroyo Corridors and Mountains land types, and adjacent areas already designated as Open Space on plans and plats.

iii. The open space village separators shall be a minimum of 1000 feet in width at any point.

3. Landscaping and Buffering.

a. Buffers and landscaping for road frontages shall be provided as shown on the CCD Zoning Map or on the Road Cross Sections.

b. Street trees shall be provided every 500 linear ft. along mixed use and living priority roadways, this number can be reduced by 50% if a tree is provided in the front yard of at last 50% of single family lots accessing the road.

c. Residential yards shall be required to use Xeriscape designs incorporating drought-tolerant and native vegetation to the maximum extent possible. Cool season turf will not be permitted. Areas to be used for recreation, parks, playfields, and plazas shall be excluded from this requirement.

DRAFT 10.20.15

d. industrial areas shall have installed effluent reuse lines for irrigation of community and commercial landscapes. Subject to acquisition of applicable State and Federal permits, irrigation of such areas shall be converted to non-potable water when a reliable source is available from a district wastewater treatment facility that meets all applicable standards and requirements.

e. The following buffers shall apply for development within the CCD:

i. Buffers from road fontages s\hall be provided in as shown on the CCD Zoning Map;

ii. 150 feet from the I-25 ROW line; or, where a frontage road exists, 50 feet from the I-25 Frontage Road ROW line. This setback may be reduced to 25 feet with a landscaped buffer, berm and 4 foot masonry wall to screen parking on parcels where there is double frontage between SR 14 and the I-25 Frontage Road.

f. No more than 50 percent of the trees shall be evergreen with the remainder being low water use deciduous shade trees.

g. Evergreen trees shall be a minimum of 8 feet tall at time of planting. Deciduous trees shall be a minimum of 1½ inch caliper and 6 feet tall at time of planting.

4. Parking and Loading.

a. Minimum parking for residential uses shall be as follows:

i. For each detached dwelling unit, at least 2 off-street spaces shall be provided; and

ii. For each attached or multi family dwelling unit, at least one assigned and 1/4 unassigned off-street spaces shall be provided.

b. An applicant may propose a parking budget using shared parking, differential time use, one-stop multiple use, and on-street parking. Diagonal on-street parking may also be approved consistent with pedestrian safety.

5. Road Design Standards.

a. Road Improvements. A Traffic Impact Analysis (TIA) is required in accordance with Chapter 6. If the TIA shows that the development increases the burden on existing public roadways or generates traffic that will exceed the capacity of an existing or proposed public roadway, the developer shall make such improvements or contribute a fair share of improvements required to increase the capacity of the public roadway to the acceptable level of service.

b. Road Circulation and Design Standards. The following standards are applicable to all development in the CCD district:

DRAFT 10.20.15

i. Roadway circulation within the CCD district shall provide a network of roads that will integrate automobile traffic, pedestrian and other modes of transportation in a safe and controlled manner. Road networks shall be designed in such a way as to discourage high speed traffic.

ii. Within each development, roadway circulation shall be interconnected as shown on the Circulation Map. The developer shall be required to construct any portion of the roadway necessary to maintain connectivity throughout the CCD district.

iii. No-outlet roadways shall be used only to preserve open space contiguity or in cases that terrain does not allow connectivity. No-outlet roadways shall not exceed 300 feet in length and shall have a minimum 50-foot turn around. If an applicant can show that a particular fringe or rural area is not wide enough to allow more than a single road without negatively affecting open space corridors or terrain, a no-outlet roadway may exceed the 300 foot maximum as determined by the Administrator, but in no case shall exceed 1,000 feet.

iv. Roads shall not be gated.

v. Roadways shall be laid out to intersect as nearly as possible at right angles.

vi. Roadway networks shall be laid out to have the minimum number of intersections with state highways, arterials and traffic priority roads, consistent with sound engineering practice and the access needs for emergency and service vehicles.

vii. When 2 roadway categories intersect, the intersection design shall be for the largest road category and shall be consistent with pedestrian safety.

viii. Intersections and driveways shall be designed to meet the most current AASHTO standards (American Association of State Highway Transportation Officials, Policy on Geometric Design of Highways and Roads, latest edition) for sight distance. Clear sight triangles required by AASHTO shall be maintained.

ix. Minimum distance required between driveways or road intersections are as specified in Table 8-19-1 below:

Table 8-10-1 Driveway or Intersection Separation

DRIVEWAY OR INTERSECTION SEPARATION	
Roadway Classification (1)	**Minimum Separation (feet)**
Living	75
Mixed	125
Traffic	200

DRAFT 10.20.22

x. The design standards for each class of roadway are the minimum standards. Increased pavement thickness, subgrade or base material, turning lanes, extra width at medians or other improvements may be necessary where projected traffic loads, type of traffic (trucks or heavy equipment, etc.) or soil conditions require a higher standard pursuant to AASHTO standards and the Manual on Uniform Traffic Control Devices (MUTCD).

xi. When reviewing road designs and circulation plans, the Administrator shall consider whether the development's proposed circulation plan provides adequate overall capacity to meet the intent of the Community College (CCD) District Plan. Design details shall comply with the Institute of Traffic Engineer's Traditional Neighborhood Development: Street Design Guidelines for living priority and mixed priority roads and AASHTO or the Institute of Traffic Engineer's (ITE) Guidelines for Major Urban Street Design for traffic priority roads. Modification to these standards may be considered and approved administratively by the Administrator if sound technical evidence demonstrating effective alternatives is provided. Such evidence shall include but is not limited to engineering designs, drawings, studies and/or specifications.

c. Construction Standards. Any and all road construction shall conform to and comply with AASHTO 17 standards, ITE guidelines, New Mexico State Highway and Transportation Department specifications and all applicable National codes. Construction standards shall be according to sound engineering practice as follows:

i. Vertical and horizontal curves and the super-elevation of the horizontal curves shall conform to the requirements set forth in the AASHTO Standards.

ii. Vertical grade percentages shall not exceed eight percent (8%) for any roadway type. In order to minimize cuts and fills and the cutting of trees on steep and mountainous terrain which can lead to erosion problems and visual scars, the Code Administrator may allow a maximum driveway grade of fifteen percent (15%) with consideration for emergency access and maintenance and consistent with sound engineering practices for difficult terrain.

iii. Grades at the approach of intersections shall not exceed five percent (5%) for one hundred lineal feet (100') from the radius return of the intersection, excluding vertical curve distance.

iv. No horizontal road grade shall be less than one percent (1%).

v. Soil classification and subgrade conditions shall determine the base course thickness required. A minimum of six inches (6") of base course shall be required in all cases and more than six inches (6") may be required if soil conditions so indicate. Base course shall be compacted to no less than ninety five percent (95%) of maximum density, according to methods

DRAFT 12.2022

specified by the AASHTO, T-180 modified moisture density test.

vi. Base course and sub-base aggregate shall meet the gradation requirements specified in Table 304, Class I, II or III, NMSHTD "Standard Specifications for Road and Bridge Construction".

vii. All mixed priority and traffic priority roads shall be paved. All living priority roads, except lanes, closes and alleys shall be paved. Lanes, closes and alleys shall be, at a minimum, base course. All roadways that require asphalt paving shall be paved to minimum of four inches (4") in depth.

viii. There shall be a minimum of three percent (3%) crown in the driving surface for water runoff.

ix. Adequate provisions for drainage shall be installed at all waterway crossings. Culverts shall also be sized to accommodate a twenty-five year (25 yr.) storm, with provisions to safely pass a one hundred year (100 yr.) storm. Culverts shall also be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff. Where necessary to accommodate roadside drainage, driveways entering roads shall have eighteen inch (18") minimum diameter culverts installed so as not to impede flowing water. Driveways shall also be designed and constructed so as to prevent flowing water from entering onto or crossing the roadway.

x. Adequate road drainage shall be provided as shown in this Section. Notwithstanding other requirements of this Section, the Administrator may require curb and gutter whenever that is the best option for drainage control or to protect the safety of pedestrians and
traffic.

xi. Pedestrian sidewalks are required as shown in the above road sections. All sidewalks shall conform to the Americans With Disabilities Act (ADA) Compliance Guide as amended. Notwithstanding other requirements of this Section, the Code Administrator may require sidewalks wherever needed to protect the safety of pedestrians due to the particular characteristics or location of the site. Sidewalks shall be constructed of four inch (4") thick concrete. Other hard surface materials may be used if evidence is shown that the design is coordinated with streetscape and project design. Sidewalks shall not be located on the roadway surface or in a storm drainage.

xii. All wet utilities shall be located under the roadway surface. All dry utilities shall be located in the prescribed utility easement or right-of-way, in a shared trench.

xiii. Pavement striping is required as shown in the above road sections in accordance with the MUTCD.

DRAFT 10.28.15

xiv. On-street parking is allowed as shown in the above road sections.

xv. Curb radii minimum standards are shown in the above road sections. Where necessary, the County Fire Marshal may require that on-street parking, street trees, vertical curbs and other obstructions be restricted from being located on or near intersections with curb return radii of less than 20 feet, in order to allow emergency vehicles to drive over the curb return.

d. Roadway Classifications. Roadways within the CCD district are classified in a hierarchy by function and are designed to accommodate the traffic integration and purpose for which the roadway is intended. Various portions of a road may be more than one type of classification in order to respond to surrounding development, topographic and land use context.

i. Living Priority Roads. Living Priority Roads are slow speed roads that will comprise the majority of roads in the CCD district, even when high traffic volumes are present. The design priority is for the non-motorist. These roads have low design speeds, tight curb radii and narrow travel lanes to slow traffic speeds. Living priority roads vary greatly in character and are similar to or match "traditional neighborhood" engineering designs as defined by the Institute of Traffic Engineers. Living priority roads are found in the New Community Center, Neighborhood Center, Village Neighborhood, Existing Neighborhoods, Village Fringe, Institutional Campus, Employment Center, and Village Rural subdistricts.

ii. Mixed Priority Roads. Mixed Priority Roads are moderate speed roads that serve as transition areas between living priority and traffic priority roads and as internal links from one area to another within each village subdistrict. Design for mixed priority roads shall consider the safety and efficiency of non-motorists and motorists equally. These roads are usually found in Village Separators, but may be used in portions of Employment Center, Institutional Campus, and Village Rural subdistricts to transition between density clusters. Since mixed priority roads are used as transitions, their length does not generally exceed 2,500 feet.

iii. Traffic Priority Roads. Traffic Priority Roads are higher speed, long distance through roads primarily for efficient movement of motorists, but non-motorists shall also be safely accommodated. Traffic priority roads link village subdistricts and external regional roadways such as State Highway 14. Buildings do not generally front on traffic priority roads. These roads are usually found in Open Space Subdistrict and Village Separators Subdistrict.

iv. Road Ownership and Maintenance. Ownership and maintenance of all roads is to remain the responsibility of the

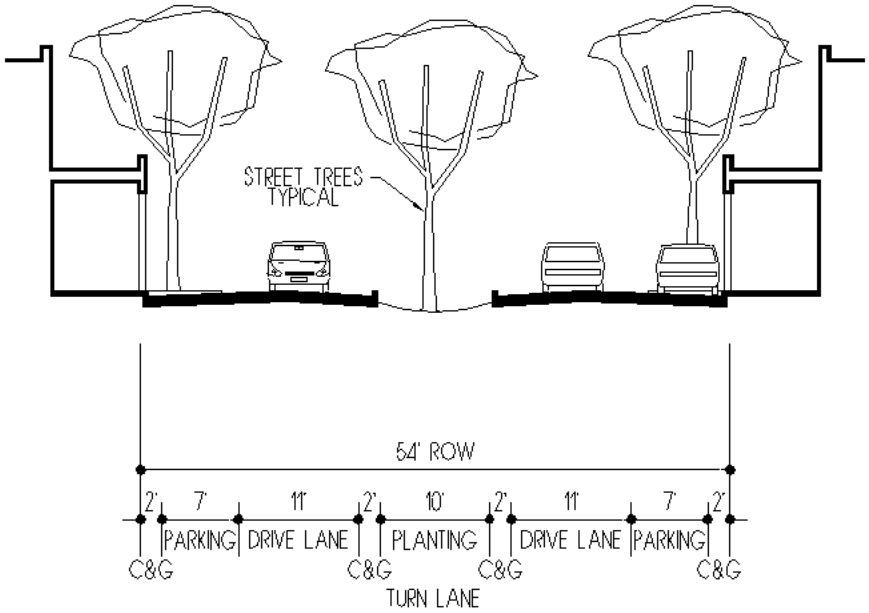
DRAFT 10.20.15

developer, owner or designated Home Owners Association. All roads designated as primary roads identified on the Circulation Map may be conditionally dedicated to Santa Fe County.

v. Road Sections. Road design sections for the CCD district are described below. Other road design options may be approved as long as the minimum standards of the CCD district and the intent of the Community College (CCD) District Plan are met.

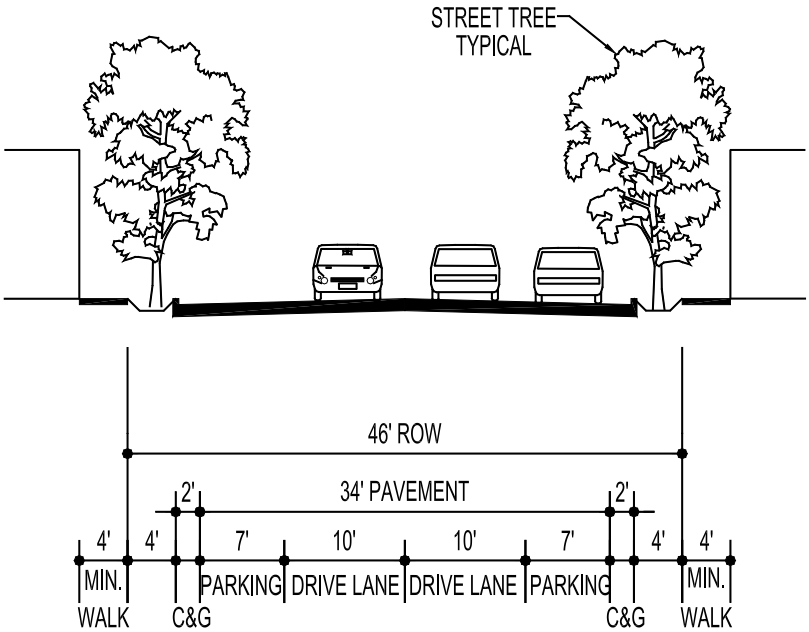
e. Living Priority Roads Cross Sections.

i. Main Street. The main street design is urban in character and may be used for roads that traverse the center of a New Community Center Subdistrict.



LIVING PRIORITY: MAIN STREET CROSS SECTION				
Design Speed	30 mph		Bike lanes	No
Travel lanes	2, with center turn lane		Median	10 foot minimum
Curb Radii	15 feet		Drainage	Curb and gutter
Striping	Centerline & turn lanes only		On street parking	Both sides, parallel
Sidewalks	Both sides, minimum 6 feet wide			

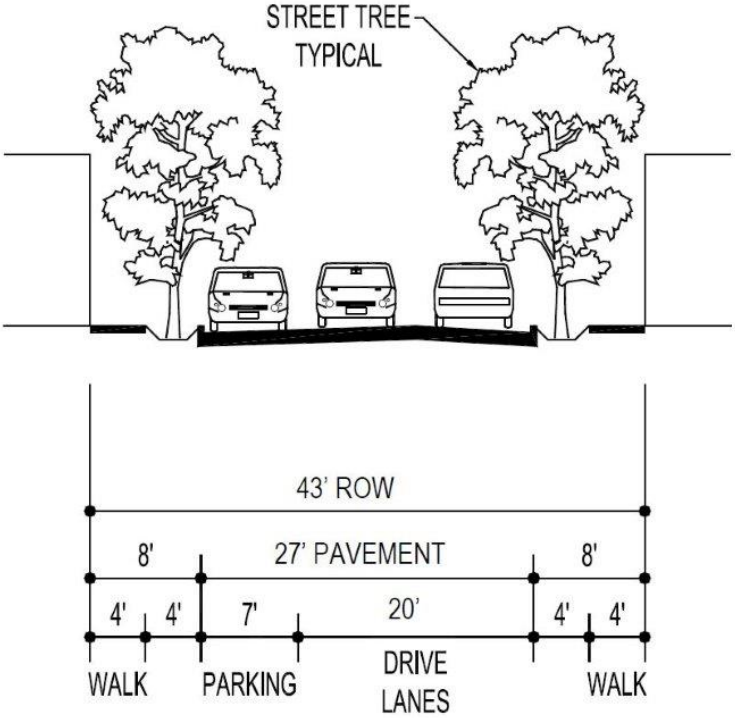
ii. Village Street. This design is urban in character and may be used throughout New Community Center, Neighborhood Center, Employment Center or Institutional Campus Subdistricts.



LIVING PRIORITY: VILLAGE STREET CROSS SECTION				
Design Speed	30 mph		Bike lanes	No
Travel lanes	2		Median	No
Curb Radii	15 feet		Drainage	Curb and gutter
Striping	Centerline only		On street parking	Yes, both sides
Sidewalks	Both sides, 4' minimum			

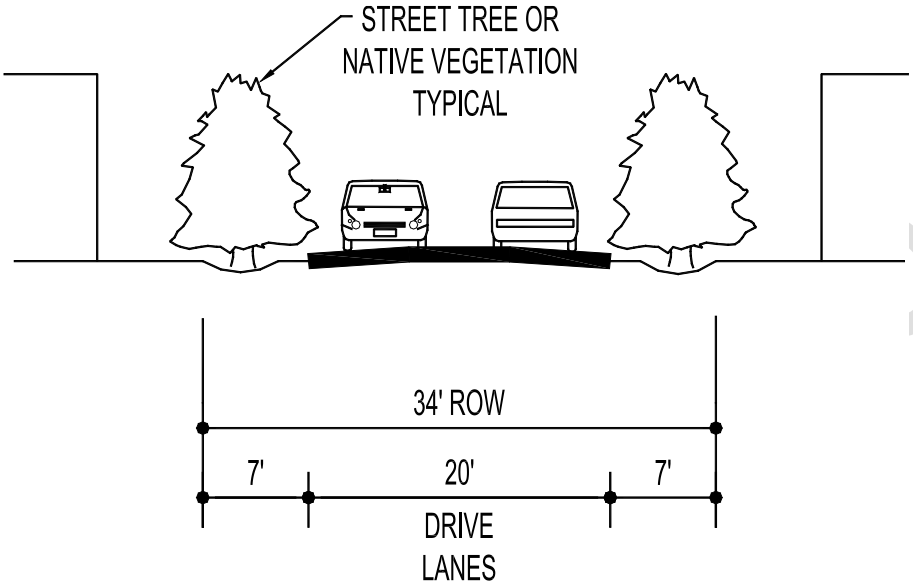
DRAFT 10

iii. Neighborhood Street. This design is typical for Neighborhood or Neighborhood Center Subdistricts; it may be urban or rural in character.



LIVING PRIORITY: NEIGHBORHOOD STREET				
Design Speed	25 mph		Bike lanes	No
Travel lanes	2		Median	No
Curb Radii	15 feet		Drainage	Curb and gutter or swale
Striping	Centerline		On street parking	Yes, one or both sides
Sidewalks	One or both sides, 4' minimum			

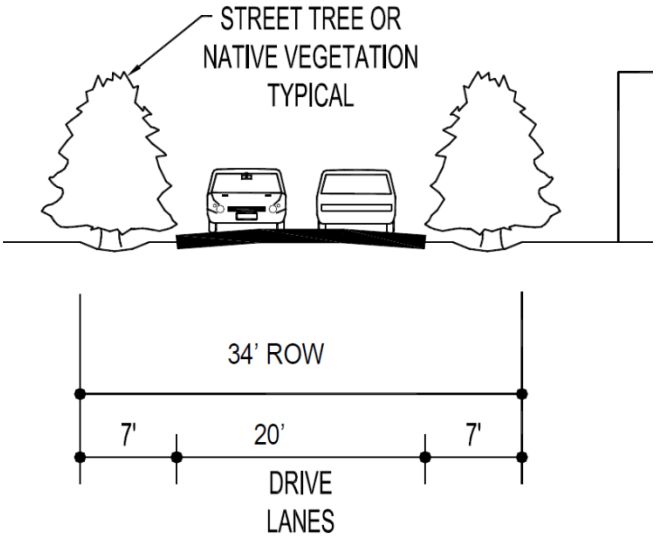
iv. Lane. This Section is suitable for low density Neighborhood, Fringe and Rural Subdistricts.



LIVING PRIORITY: LANE				
Design Speed	25 mph		Bike lanes	No
Travel lanes	2		Median	No
Curb Radii	10 feet		Drainage	Swale
Striping	Centerline only		On street parking	No
Sidewalks	Optional, may be "shared street"			

DRAFT 10.

v. Close. This section is designed to be used in all village areas. A close is a road loop, used in place of 2 parallel dead-end roads. A close is typically less than 1,000 feet in total length.

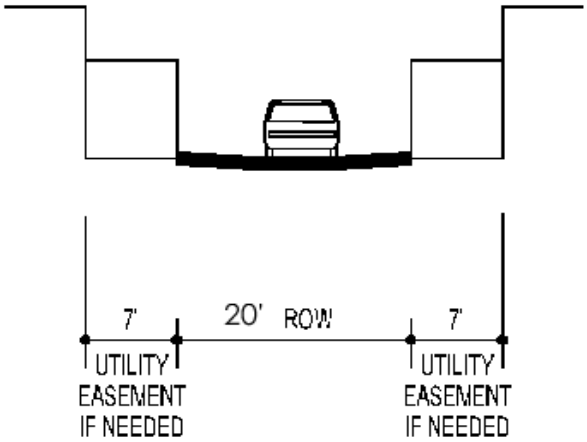


LIVING PRIORITY: CLOSE				
Design Speed	20 mph		Bike lanes	No
Travel lanes	2		Median	No
Curb Radii	10 feet		Drainage	Curb and gutter, sales, or inverted crown
Striping	No		On street parking	No
Sidewalks	No			

DRAFT 20.15

vi. Alley. Provides rear access for residential and commercial uses in high density areas such as Village Center, Neighborhood Center, Neighborhood, and Employment Center Subdistricts. Alleys must bisect an entire block "L" type or dead end alleys are not permitted.

Note: a 2-way alley is illustrated below; one-way alleys are also allowed.

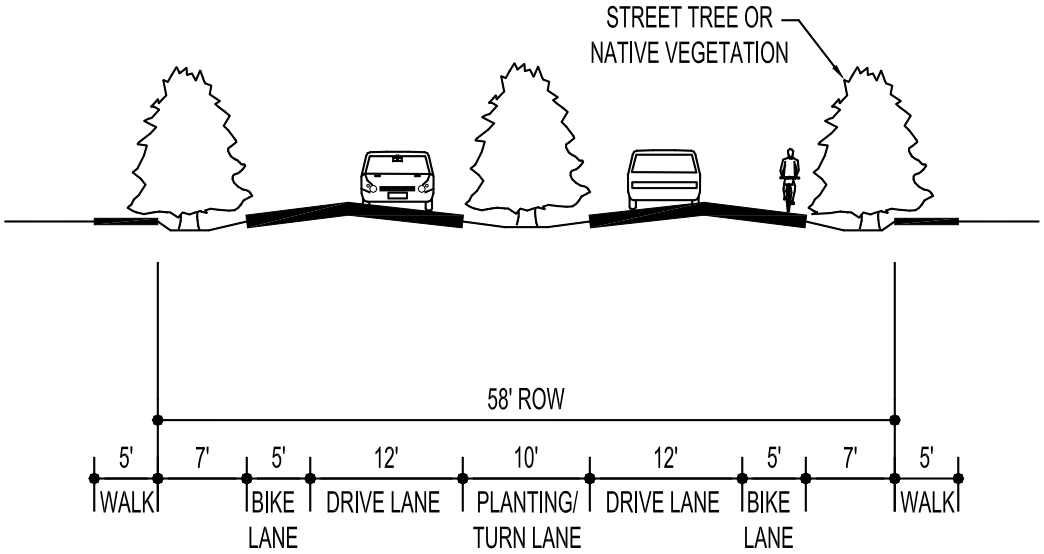


LIVING PRIORITY: ALLEY				
Design Speed	10 mph		Sidewalks	No
Travel lanes	1-2		Bike lanes	No
Curb Radii	10 feet		Median	No
Striping	No		Drainage	Inverted crown
			On street parking	No

DRAFT 10.20.15

f. Mixed Priority Road Cross Sections.

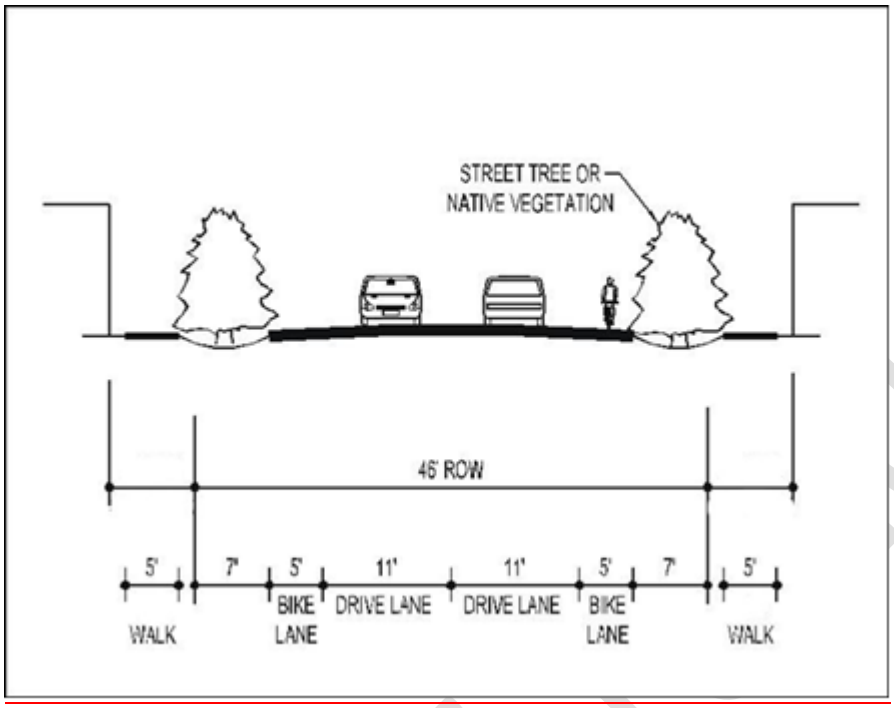
i. Split Rural Connector. Used in the Village Separator Subdistrict, these roads typically provide views of open space on one or both sides.



MIXED PRIORITY: SPLIT RURAL CONNECTOR				
Design Speed	30 mph		Bike lanes	Yes, both sides
Travel lanes	2 w/ center turn lane		Median	10 foot minimum
Curb Radii	20 feet		Drainage	Swales
Striping	Edgeline, both sides		On street parking	No
Sidewalks	Yes, both sides			

DRAFT 10.

ii. Community Road. This Section may be used to transition between density clusters, in the Institutional Campus and Employment Center Subdistrict. It may also be used to connect one neighborhood to another.



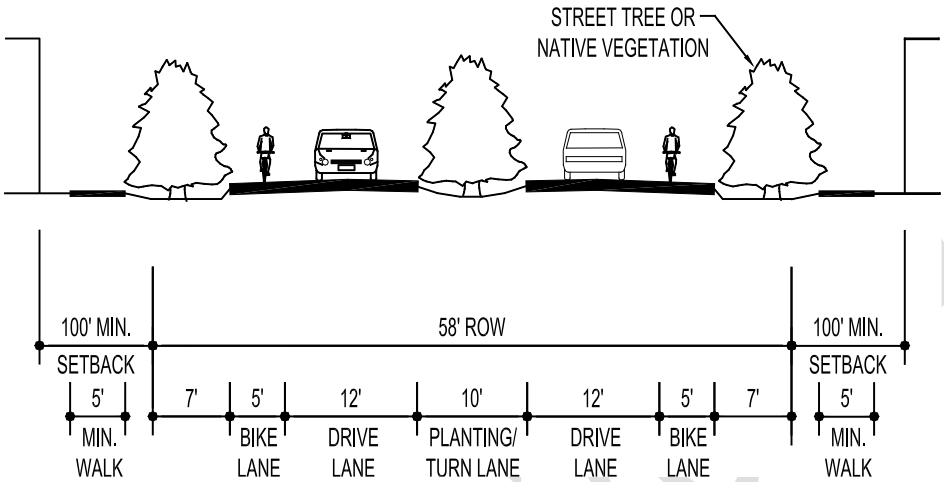
MIXED PRIORITY: COMMUNITY ROAD				
Design Speed	20 mph		Bike lanes	Yes
Travel lanes	2		Median	Optional*
Curb Radii	15 feet		Drainage	Curb and gutter or swales
Striping	Centerline		On street parking	Optional*
Sidewalks	Yes, one or both sides*			

*May increase right of way width

DRAFT 1.0.15

g. Traffic Priority Road Cross Sections.

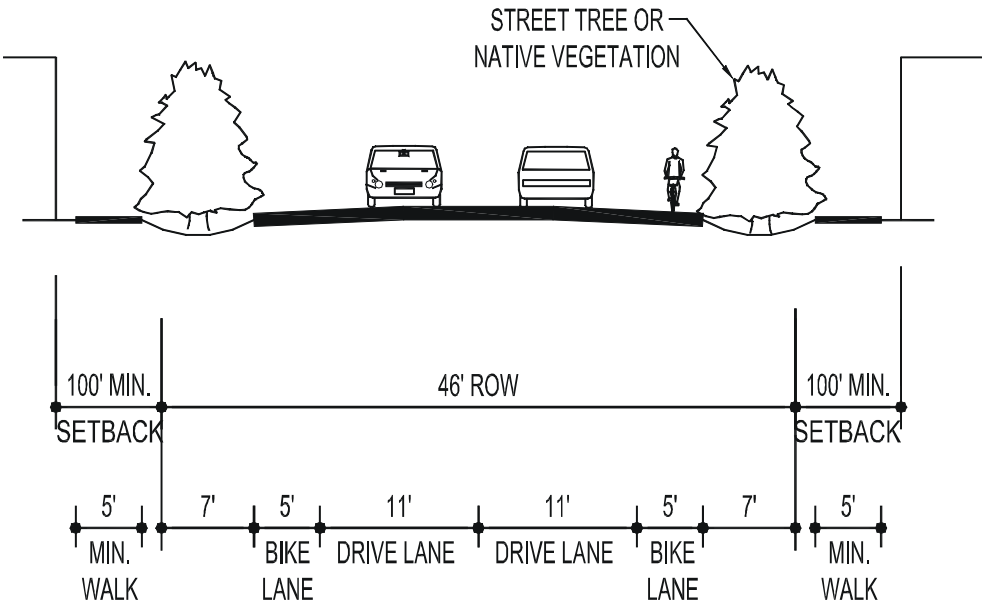
i. Split Lane Rural Highway. The preferred design for traffic priority roads, it provides views of open space on both sides of the road.



Traffic Priority: Split Lane Rural Highway			
Design Speed	40 mph	Bike lanes	Yes
Travel lanes	2 w/ center turn lane	Median	10 foot minimum
Curb Radii	30 feet	Drainage	Swales
Striping	Edgeline, both sides	On street parking	No
Sidewalks	Trail, on 1 or 2 sides		

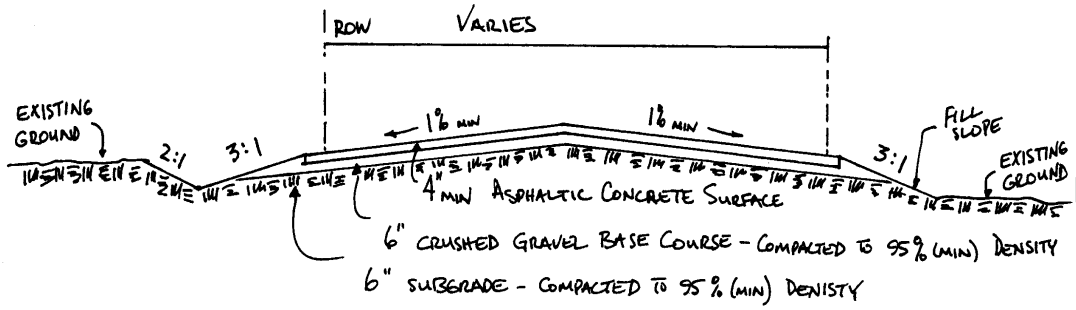
DRAFT 10.2

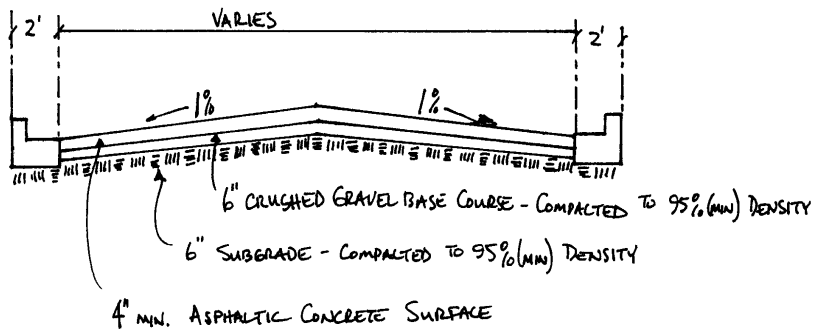
ii. Village Connector Highway. Used in areas when a split lane rural highway may not be possible due to steep terrain or the presence of mature vegetation.



TRAFFIC PRIORITY: VILLAGE CONNECTOR HIGHWAY				
Design Speed	35 mph		Bike lanes	Yes
Travel lanes	2		Median	No
Curb Radii	25 feet		Drainage	Swales
Striping	Yes		On street parking	No
Sidewalks	Trail, on 1 or 2 sides			

h. Typical Cross sections.





6. Open Space. Subdivisions in the CCD district shall comply with the park and open space requirements of Section 7.15 (Open Space), except as modified in this subsection; provided, however, this section shall not apply in the Existing Neighborhoods Subdistrict.

a. General.

i. Minimum open space: 50 percent of total land area for development.

ii. The following property may be considered open space for the purpose of meeting the 50 percent requirement:

(a) Open space identified on the Zoning Map shall be common or public open space;

(b) Common or Public Parks and Plazas;

(c) Trails allowing public access and connecting to the District Trail System;

(d) Public trailheads;

(e) Archaeological easements;

(f) Setbacks required by this section or other Ordinances; or

(g) In village subdistricts, private open space up to 15 percent of total residential floor area shall be counted if it is physically contiguous or separated only by road or trail features from adjacent open space and is not enclosed by fences, walls or other structures.

iii. Open space shall be dedicated or reserved on the final plat. Open space may be dedicated on property not contiguous to the area for which the applicant is seeking subdivision approval where all of the following circumstances exist:

(a) Open space adjacent to or within the proposed development is not feasible or has already been dedicated as part of another development phase;

(b) The continuous property is within property designated as open space on the Zoning Map; and

(c) The proposed open space dedication is contiguous to other lands dedicated as open space.

b. Parks, Plazas and Trails.

i. Purpose. Parks and plazas are intended to provide a variety of recreational facilities and improvements. Trails are intended to provide an equestrian, bicycle, and pedestrian transportation system.

ii. Applicability. The park, plaza, and trail standards of this subsection shall apply to all development within the CCD district, except in the Existing Neighborhood Subdistrict.

iii. General.

(a) Parks, plazas or trails must be dedicated or reserved on the Site Development Plan or Final Plat;

(b) Submittal of plans or plats showing the location of parks, plazas, and trails shall be accompanied by the following;

DRAFT 10.20.15

(i) An improvement plan showing trail sections, building materials, and trailhead improvements, and required improvements as set forth in the Park/Plaza Table in this subsection;

(ii) A landscaping and irrigation plan; and

(iii) A maintenance plan.

c. Park Categories.

i. Plaza. Plazas are developed community gathering areas, including seating, walks, shade trees and landscaping.

ii. Community Park. Community Parks are developed active recreational areas including: open play fields, seating or picnic facilities, walks, and trees. Public-accessible school play fields meeting minimum size requirements may be used to meet this requirement. No night lighting shall be allowed. Such land area should range between 3 and 5 acres. One park is needed for each neighborhood or village subdistrict of up to 1000 dwellings; a larger community park might serve an entire village subdistrict of up to 1500 dwellings.

iii. Neighborhood Park. Neighborhood Parks are to be developed quiet activity parks, including toddler play facilities, seating, walks, and trees. Such land area should range from 0.25 to 1.0 acres minimum.

iv. Passive Park Alternative. Passive Parks may be provided as an alternative to a Community Park, provided, that passive parks must be a minimum of 10 acres, with 10 percent of the park developed with seating or picnic facilities, walks and shade trees. The developed portion of a park can be an aggregate of several developed areas wit hin the park. Trails are not considered development.

v. District Park. District Parks may include, but are not limited to, multi-use play fields, soccer fields, ball fields, parking, and hard courts. Night lighting is allowed. Large scale recreational fields on Institutional Campuses may fulfill this requirement if accessible for public use.

d. Park and Plaza Standards. Standards for parks and plazas are set forth in Table 8-19-2 below.

Table 8-19-2 Parks and Plaza Standards.

PARKS AND PLAZA STANDARDS	
Allowable	**Subdistricts**

DRAFT 10.2.15

Locations	Employment Center Zone	Institutional Campus	New Community Center	Neighborhood Center	Neighborhood	Village Fringe	Village Separators	Village Rural
Plaza	Required .33-1.0 Ac.	Required .33-1.0 Ac.	Required .75-1.0 Ac.	Required .33-1.0 Ac.				X
Commu-nity Park (1)	X	X	Alter-nate location	Alter-nate location	Req-uired 3-6 Ac.	Alter-nate loca-tion	Alter-nate loca-tion	
Neighborhood Park (2)	X	X	X	X	Required .25-1.0 Ac.			X
Passive Park (3)	X	X			X	X	X	X
District Park (4)	X	X			X			

Notations:
(1) Required, one per neighborhood can be placed adjacent in alternate locations as noted on matrix.
(2) Required, one within 1000 ft. of each residence in neighborhood.
(3) Alternate to Community Park.
(4) Recommended (1) per 5000 dwelling units.
Required = Required minimum one per zone
Alternate = Alternate location for required park
X = Option per development

e. Substitution for Acreage Requirements. The following may be counted in the acreage calculation for parks:

i. Active recreation areas on school sites and on other institutional sites may be counted as parks if accessible to the public.

ii. Land for trails does not count towards the acreage required for parks. Land for trailheads does count toward the acreage required for parks.

iii. Community gardens and recreational facilities count toward the required acreage for parks.

f. General Landscaping Requirements.

DRAFT 10.20.15

i. Unpaved areas of parks and plazas shall be re-vegetated with native grasses or native wildflowers (turf grasses may be required for active recreation or high traffic areas only), and planted with shrubs, or a combination thereof.

ii. All non-native plant materials in parks and plazas shall be irrigated by a permanent automated irrigation system. All native plant materials shall be irrigated for a 3 year period or planted with permacultural methods to minimize irrigation.

g. Trail Categories.

i. District Trails. District Trails are the district-wide connective trail systems. District trails are an alternative transportation system. They connect the village subdistricts, Employment Center and Institutional Campus Subdistricts. District Trails are shown on the CCD Circulation Map. District Trails shall be designed for pedestrian, bicycle and equestrian use. Site development plans, Conceptual site development plans and subdivision plats shall show District Trails in the approximate locations shown on the CCD Circulation Map.

ii. Village Trails. Village Trails are the main trails connecting the centers of the village subdistricts, the Employment Center Subdistrict and Institutional Campus Subdistrict to the District Trail system. These are to be identified at the Preliminary Plat submittal. At a minimum, Village Trails shall be designed for pedestrian and bicycle use.

iii. Local Trails. Local Trails are the secondary trails connecting the Village Neighborhood Subdistrict, Neighborhood Center Subdistrict, Village Fringe Subdistrict or Village Rural Subdistrict to the Village and District Trails network. These are to be identified at the Preliminary Plat submittal. At a minimum, Local Trails shall be designed for pedestrian and bicycle use.

iv. Equestrian Trails. If additional equestrian trails are provided they shall be identified at the Preliminary Plat submittal.

h. Trail Standards. Trail standards are set forth in table 8-19-3 below:

Table 8-19-3 Trail Standards

TRAIL STANDARDS			
Trail Category (1)	**Minimum Trail Width**	**Min. Easement Width**	**Min. Surface Required**
District Trail	8	20	Natural Soil
Village Trail	6	20	4" Base Course or 3" Paved
Local Trail	5	15	4" Base Course
Equestrian Trail (2)	5	15	Natural Soil
Notes: (1) Trails shall be established as public easements and shall be subject to reasonable notes and regulation. Trails may be located within the 100-year flood plain.			

DRAFT 10.20.15

(2) Except for District Trails, Equestrian Trails should be separate from other trails.
(3) Subgrade surfaces for proposed trails shall be treated for weed control.

7. Terrain Management. The CCD is intended, in part, to provide opportunities for water harvesting, recharge, recycling and reuse of runoff and wastewater flows.

a. Terrain management standards.

i. Approved silt control measures shall be in place prior to the start of construction and shall remain until landscaping and revegetation is in place.

ii. Grading shall be kept to within 15 feet of development except as otherwise approved on the development plan.

iii. Areas disturbed by construction shall be revegetated within one year of completion of construction.

b. Stormwater Management.

i. Stormwater conveyance systems shall use methods that maximize infiltration and do not erode soil. The maximum flow rate from the developed area shall not exceed the historic pre-development flow rates. Conveyance systems that meet this requirement include, without limitation, shallow-sloped, gravel filled trenches and grass swales with in-line check dams, or other such systems as may be determined by the Administrator for the flow rate being managed.

ii. Retention and detention ponds or other proposed drainage structures shall be located downstream from the stormwater source to allow for positive drainage and erosion control.

iii. The entire length of the stormwater management system (including conveyance and detention) shall be used for infiltration.

iv. Stormwater control devices shall be located as close to the stormwater source as possible, except where impractical due to lot size and density. Control devices should include, without limitation, stormwater harvesting and irrigation to limit stormwater velocity and volume.

v. Stormwater control devices shall be designed to detain stormwater to maximize infiltration while accommodating a possible stormwater event the next day. Such design shall make allowance for the accumulation of silt.

vi. Drop inlets, catch basins and piped systems shall be avoided when practical. Where used, such facilities shall have downstream stilling basins or energy dissipaters to slow stormwater velocity and minimize erosion.

vii. A National Pollution Discharge Elimination System permit shall be provided, if applicable.

DRAFT 10.20.15

8.10.3.8. CCD subdistricts Established. The following subdistricts are hereby established and approved for use in the PD-CCD district:

Table 8-19-4 CCD Subdistricts

V	Village Zone
NCC	New Community Centers
NC	Neighborhood Centers
VN	Village Neighborhoods
EC	Employment Center
IC	Institutional Campus
M	Media District
RUR	Community College Rural
F	Community College Fringe
EN	Existing Neighborhoods

8.10.3.9. Village Subdistricts Development Standards. Village subdistricts are development areas where the most intense uses are clustered within the New Community Center and Neighborhood Center Subdistricts. Village subdistricts are further delineated by the Village Separators Subdistrict that generally runs north/south and defines and separates village areas.

1. General. Development is allowed in the village subdistricts on flatland areas and adjacent areas in accordance with applicable requirements of this section and the following sustainable development requirements:

a. Each phase of a village subdistrict must include both residential and nonresidential development;

b. A variety of housing types and household income levels shall be integrated within each village subdistrict;

c. 75 percent of dwellings are located on south facing slopes and designed to use passive solar gain;

d. Development is tightly structured (generally of more than one story) and pedestrian-oriented with inner areas free of roads and parked vehicles; and

e. Structures are energy efficient (passive solar gain, energy efficient appliances, recycled building materials, nontraditional electric energy sources).

2. Open Space, Plazas, Parks and Trails. Private open space shall be provided equal to a minimum of 15 percent of total residential floor area.

DRAFT 10.20.15

3. Village Zone Dimensional Standards. The dimensional standards in Table 8-19-5 below shall apply in the Village Zone.

Table 8-19-5 Dimensional standards – CCD Village Zone (V)

Zoning District	VILLAGE (V)
Density (# of acres per dwelling unit)	Minimum of 3.5 DU per acre
Lot Size - Residential	1500 sq ft
Setback	No minimum

8.10.3.10. New Community Centers Subdistrict Development Standards (NCC). The New Community District subdistrict is intended to accommodate compact mixed use, with the highest density possible in relation to design standards, and a variety of housing choices. Civic, community, commercial, retail and services for the CCD district are to be concentrated in the New Community Center Subdistrict.

1. General. The New Community Center Subdistrict shall be located in Flatlands/Grasslands or Flatlands/Piñon Juniper land types, and within ½ mile walking distance of any residence of the neighborhood it serves. Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

a. The maximum size of a NCC is 60 acres.

b. Residential uses shall constitute a minimum of 50 percent of gross square footage.

c. A mix of housing types is required, including single-family and multi-family.

d. The New Community Center Subdistrict shall be the location and focus of retail, office and service uses and major civic and public uses within the CCD district.

e. New Community Center Subdistricts shall be located on a primary district road with potential transit connections. Roads, open space and walkways connect to surrounding village subdistricts.

2. Parking and Loading. The parking budget may include on street parking, shared parking, one-stop multiple use.

3. Blocks. The maximum block length shall be 2000 feet.

4. Buffers. The New Community Center Subdistrict shall be located outside of required buffer areas.

DRAFT 10.2.15

5. New Community Center Subdistrict Dimensional Standards. The dimensional standards in Table 8-19-6 below shell apply in the New Community Center.

Table 8-19-6 Dimensional standards – New Community Center (NCC)

Zoning District	NCC
Density with community water and community sewer	Minimum of 3.5 DU per acre
Lot size -Residential	1500 sq ft min
Floor Area Ratio	0.33 min, 3 max
Height (maximum, feet)	36ft with 42 ft allowed up to 25% of footprint
Setback	No minimum

8.10.3.11. Neighborhood Centers Subdistrict development standards (NC). The Neighborhood Center Subdistrict is less intense than the New Community Center Subdistrict, and intended to allow mixed uses providing services to surrounding neighborhoods.

1. General. The Neighborhood Center subdistrict shall be located on Flatlands/ Grasslands and Flatlands /Juniper. The Neighborhood Center subdistrict shall be located within village subdistricts, Employment Center Subdistricts, and Institutional Campus subdistricts, and within ½ mile (walking distance) of any residence of the neighborhood it serves. Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

a. The minimum size of a NC is 3 acres, there is no maximum size on a NC.

b. Residential uses shall constitute a minimum of 50 percent of gross square footage.

c. Mix of housing types is required, including single-family and multi-family.

d. Commercial, industrial and civic/Public buildings shall be oriented to the surrounding neighborhoods.

e. Living priority roads are required. Roads, open space and walkways shall connect to surrounding village subdistricts.

2. Buffers. The Neighborhood Center Subdistrict shall be located outside of required buffer areas.

3. Neighborhood Center Density and Dimensional Standards. The dimensional standards in Table 8-19-7 below shall apply in Neighborhood Center.

Table 8-19-7 Dimensional standards – Neighborhood Center (NC)

DRAFT 10.20.15

Zoning District	NC
Density with community water and community sewer (Sq.Ft per dwelling Unit)	Minimum of 3.5 DU per acre
Lot size -Residential	1500 sq ft min
Floor Area Ratio	0.25 min, 2 max
Height (maximum, feet)	24ft.
Height within 500 ft of perimeter of plaza	30 ft with 36ft allowed for up to 25% of building footprint
Setback	No minimum

8.10.3.12. Village Neighborhood Subdistrict development standards (VN). The Village Neighborhood Subdistrict is intended for application to village subdistrict lands outside of the Village Center and Neighborhood Center Subdistricts where residential uses predominate. The Village Neighborhood Subdistrict may have distinct identities based on location, natural landscape, design theme or the nature of the adjacent neighborhood center.

1. General. The Village Neighborhood subdistrict is appropriate for Flatlands/ Grasslands and Flatlands/Piñon Juniper land types, and shall be located within a village subdistrict outside of the New Community Center Subdistrict and Neighborhood Center Subdistrict. Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

a. There is no minimum or maximum size on a VN.

b. A mix of housing types is required, including single-family and multi-family.

c. Non residential and civic/Public uses shall be small scale and neighborhood oriented.

d. Living Priority Roads are required.

2. Village Neighborhood Density and Dimensional Standards. The dimensional standards in Table 8-19-8 below shall apply in the Village Neighborhood Zone.

Table 8-19-8 Dimensional standards – Village Neighborhood (VN)

Zoning District	VN
Density with community water and community sewer (Sq.Ft per dwelling Unit)	Minimum of 3.5 DU per acre
Lot size -Residential	1500 sq ft min
Height (maximum, feet)	24ft.
Setback	No minimum

DRAFT 10.20.15

8.10.3.13. Employment Center Subdistrict Development Standards (EC). The Employment Center Subdistrict is intended to accommodate mixed uses, where large scale employers, anchor businesses and light industry can locate in support of New Community Center Subdistrict development. Businesses with special needs for access; buffering for visual, noise or other impacts; technology; storage and size can located in the Employment Center Subdistrict. The Employment Center Subdistrict provides a concentrated planned multi-use environment for light industrial and business uses. Retail uses may be included as necessary to support the needs of anchor employees.

1. General. The Employment Center Subdistrict shall be located on Flatlands/Grasslands and Flatlands/Piñon, Juniper land types, provided housing opportunities and a New Community Center Subdistrict are located within one mile. Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

a. There is no minimum or maximum size on a EC.

b. Each phase of development in a multi-phase project shall include mixed use, unless the EC complies with Section 8.10.9.3.3.9 of this SLDC.

c. A mix of housing types appropriate to the characteristics of the Employment Center Subdistrict shall be required, including single-family and multi-family.

d. Living or Mixed Priority Roads are required and shall include direct primary road connection to a New Community Center with potential transit connections.

e. The Neighborhood Center Subdistrict may be utilized and located within the Employment Center Subdistrict.

2. Parking and Loading. Parking shall be designed around internal pedestrian walkways, with parking in a series of small parking areas.

3. Open Space, Parks, Plazas and Trails. District, Village and Local trails are required to connect the Employment Center Subdistrict to the CCD district trail system.

4. Building design. Feature buildings shall provide a focal point for each Employment Center Subdistrict and adjacent neighborhoods.

5. Employment Center Density and Dimensional Standards. The dimensional standards in Table 8-19-9 below shall apply in the Employment Center Zone.

Table 8-19-9 Dimensional standards – Employment Center (EC)

Zoning District	EC
Density with community water and community sewer (Sq.Ft per dwelling Unit)	Minimum of 3.5 DU per acre
Lot size -Residential	1500 sq ft min
Floor Area Ratio	No min, 3 max

DRAFT 10.20.15

Height (maximum, feet)	30ft with 36 ft allowed for up to 25% of building footprint
Setback	No minimum

8.10.3.14. Institutional Campus Subdistrict Development Standards (IC). The Institutional Campus Subdistrict is a mixed use subdistrict that is reserved for large civic and public uses and to allow a concentration of facilities and room for flexibility and growth. The anchor institutional use is a large civic or public institution for which the campus is created.

1. General. The Institutional Campus Subdistrict shall be located on Flatlands/ Grasslands and Piñon/ Juniper land types as shown on the Zoning Map. Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

a. The minimum size of an IC is 5 acres. The maximum size of an IC is 100 acres.

b. Residential, commercial and industrial uses must be accessory to the anchor institutional use.

c. Neighborhood Center Subdistricts may be located within the Institutional Campus Subdistrict.

d. Living or Mixed Priority Roads are required and shall include direct primary road connection to an Institutional Campus with potential transit connections.

e. Each phase of development in a multi-phase project shall include mixed use, unless the EC complies with Section 8.10.9.3.3.9 of this SLDC.

f. A mix of housing types appropriate to the characteristics of the Employment Center Subdistrict shall be required, including single-family and multi-family.

g. The Neighborhood Center Subdistrict may be utilized and located within the Institutional Campus Subdistrict.

h. Commercial and residential uses support the anchor institution and its users, but are subordinate in design and size. Without the anchor institution, no other uses are allowed in this subdistrict.

2. Parking and Loading. Parking shall be designed around internal pedestrian walkways, with parking in a series of small parking areas.

3. Open Space, Parks, Plazas and Trails. District, Village and Local trails are required to connect and Institutional Campus Subdistrict to the CCD district trail system.

4. Building design. Feature buildings shall provide a focal point for each Institutional Campus Subdistrict and adjacent neighborhoods.

5. Phasing. The first phase of the anchor institution must be built prior to or in conjunction with all other buildings.

DRAFT 10.20.15

6. Institutional Campus Density and Dimensional Standards. The dimensional standards in Table 8-19-10 below shall apply in the Institutional Campus Zone.

Table 8-19-10 Dimensional standards – Institutional Campus (IC)

Zoning District	IC
Density with community water and community sewer (Sq.Ft per dwelling Unit)	Minimum of 3.5 DU per acre
Lot size -Residential	1500 sq ft min
Floor Area Ratio	No min, 3 max
Height (maximum, feet)	30ft with 36 ft allowed for up to 25% of building footprint
Setback	No minimum

8.10.3.15. Media Subdistrict Development Standards (M). The Media Subdistrict creates a specific district within the Santa Fe Community College District where a variety of media businesses, including the film industry, publishing industry and broadcast media, can be located to accommodate and support the special needs of such uses. The Media Subdistrict is intended to facilitate media uses and media-related uses in a functional and pedestrian friendly development.

1. General. The Media Subdistrict shall be located on Flatlands/ Grasslands, Flatlands/ Pinon, juniper land types in the location identified on the CCD Zoning Map. Development shall be in accordance with applicable requirements of this Section and the following development requirements:

a. No requirement for residential use.

b. Uses shall be oriented to a street or plaza.

c. Feature buildings shall provide a focal point for the center and adjacent neighborhoods.

2. Building Design. Building massing should incorporate vertical and horizontal offsets as well as architectural detailing that articulation as well as visual and tactile relief.

3. Roads.

a. Perimeter Service Roads are permitted and shall be shown on final development plan.

b. Direct Primary District road connections to new Community Center with potential transit connections.

DRAFT 10.20.15

c. Direct primary District roads, open space and walkways connect to surrounding Village Zone and Fringe.

4. Open space.

a. Trails shall be provided along primary District Road Connections to new Community Center and Village Zones.

b. Private Open Space to include Community Center walkways and Plaza within secured perimeter.

5. Media Subdistrict Density and Dimensional Standards. The dimensional standards in Table 8-19-11 below shall apply in the Media Zone.

Table 8-19-11 Dimensional standards – Media Subdistrict (M)

Zoning District	M
Floor Area Ratio	No min, 3 max
Height (maximum, feet)	36 ft
Height for Special Needs Structures	80 ft
Height for Ancillary Special Needs Structures	48 ft with 60 ft allowed for up to 40% of building footprint
Setback	No minimum

8.10.3.16. Community College Fringe Subdistrict Development Standards (F). The Community College Fringe Subdistrict is intended for hillsides, which are more sensitive to development. Residential and nonresidential development shall be sited and designed to blend into the Fringe and protect the character of the land. Developed Community College Fringe Subdistrict lands shall be designed with minimal disturbance as lower density additions to village subdistricts, Employment Center Subdistrict or Institutional Campus subdistrict.

1. General. The Community College Fringe Subdistrict is located on Hillside/Grasslands and Hillside/Piñon Juniper land types; and the slopes that transition between Flatlands and Arroyo Corridors as shown on the Zoning Map.

a. There is no minimum or maximum size on a EC.

b. Lands not developed shall remain Open Space Subdistrict or Village Separator Subdistrict.

c. Development in the Community College Fringe Subdistrict shall be permitted to occur only after or simultaneously with development in the adjacent village subdistricts, Employment Center Subdistrict and Institutional Campus Subdistrict.

DRAFT 10.20.15

d. Clustering of development is required; minimum residential density in each development shall be 1.0 dwelling units per gross acre. Such density may be clustered up to 4 dwelling units per gross acre.

e. Living or Mixed Priority Roads are required. Roads, open space and walkways shall connect to neighboring subdistricts.

f. Commercial, industrial, civic and public uses may be allowed on flatlands as an extension of adjacent nonresidential development.

g. A minimum of 50 percent of gross square footage must be residential use.

2. Buildings.

a. Buildings shall step down hillsides to appear as a continuation of building clusters on the Flatlands.

b. Building pads shall be close to natural grade; on steeper slopes this may require that buildings step (up or down) with the natural grade or be built as separate structures to fit the natural grade.

c. Mass grading of multiple building sites shall be avoided and grading contained within individual building envelopes.

d. Nonresidential buildings shall parallel hillsides and parking shall be separated and placed at different elevations to prevent overlot grading.

3. Open Space, Parks, Plazas and Trails.

a. Map and protect significant trees.

b. Private open space is not required in the Community College Fringe Subdistrict.

c. Village and Local trails required connecting to CCD District trails and adjacent village subdistricts. Equestrian trails are optional.

d. The Community College Fringe Subdistrict is an alternative location for community or passive parks required for adjacent village subdistricts.

4. Community College Fringe Density and Dimensional Standards. The dimensional standards in Table 8-19-12 below shall apply in the Community College Fringe Zone.

Table 8-19-12 Dimensional standards – Community College Fringe (F)

Zoning District	F
Density with community water and community sewer	1 DU per acre
Lot size -Residential	Cluster up to 4 du per acre. 1500 sq ft min
Floor Area Ratio	No min, 2 max

DRAFT 10.20.15

Height (maximum, feet)	20ft
Setback	No minimum
Lot coverage (building and parking)	50%

8.10.3.17. Community College Rural Subdistrict Development Standards (R). The Community College Rural Subdistrict should be applied to lands where topography and vegetation are not suitable for concentrated center and neighborhood development.

1. General. The Community College Rural Subdistrict shall be located on Flatlands/ Piñon, juniper; Hillside/Grasslands; and Hillside/Piñon, juniper land types, as shown on the Zoning Map.

a. There is no minimum or maximum size of a rural subdistrict.

b. Clustering of development is required; minimum residential density in each development shall be one (1) dwelling units per five (5) gross acres. Such density may be clustered up to four (4) dwelling units per gross acre.

c. Living or Mixed Priority Roads are required. Roads, open space and walkways shall connect to surrounding Village Subdistrict.

d. Commercial, industrial, civic and public uses shall be small scale and limited to neighborhood oriented uses.

e. A minimum of 25 percent of gross square footage must be residential use.

f. Mix of housing types is required, including single-family and multi-family.

2. Community College Rural Density and Dimensional Standards. The dimensional standards in Table 8-19-13 below shall apply in the Community College Rural Zone.

Table 8-19-13 Dimensional standards – Community College Rural (R)

Zoning District	R
Density with community water and community sewer	1 DU per acre
Lot size -Residential	Cluster up to 4 du per acre. 1500 sq ft min
Floor Area Ratio	No min, 2 max
Height (maximum, feet)	20ft
Setback	No minimum
Lot coverage (building and parking)	50%

DRAFT 10.20.15

8.10.3.18. Existing Neighborhood Subdistrict Standards. (EN) The Existing Neighborhood Subdistricts are identified on the CCD Zoning Map and include Valle Lindo/Vista Del Monte, Vista Ocasa and West Arroyo Hondo.

1. Road Design Standards. Living Priority or Mixed Priority Roads are required where roads directly connect to roads within the CCD.

2. Open Space. Trails conforming and connecting to the district trail system shall be provided as required for subdivision and land division roads.

3. Community College Existing Neighborhood Density and Dimensional Standards. The dimensional standards in Table 8-19-14 below shall apply in the Community College Existing Neighborhood Subdistrict.

Table 8-19-14 Dimensional standards – Existing Neighborhood (EN)

Zoning District	**EN**
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

DRAFT 10.20.15

8.10.3.19 CCD Use Matrix. The Use Matrix attached to this section shall apply within the CCD.

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Residential	-	-	-	-	-	-	-		-	-	-	-
Single-family	P	P	P	P	P	P	P	P	X	P	P	-
Accessory dwelling units	A	A	A	A	A	A	A	A	X	A	A	-
Multifamily dwellings	P	P	P	P	C	C	C	C	X	P	P	-
Retirement Housing (Apartments)	P	P	P	P	C	C	C	C	X	P	P	-
Assisted living facility	p	P	P	P	P	P	P	P	X	X	X	-
Life care or continuing care facilities	p	P	P	P	P	P	P	P	X	X	X	-
Nursing facilities	p	P	P	P	P	P	P	P	X	X	X	-
Community Home, NAICS 623210	P	P	P	P	P	P	P	P	X	X	X	-
Barracks	X	X	X	X	X	A	X	X	X	X	X	-
Dormitories	X	X	X	X	X	A	X	X	X	X	X	-
Temporary structures, tents etc. for shelter	A	A	A	A	A	A	A	A	A	A	A	-
Hotels, motels, or other accommodation services	-	-	-	-	-	-	-	-	-	-	-	-
Bed and Breakfast inn	P	P	P	P	P	X	P	P	X	X	P	-
Rooming and boarding housing	P	P	P	P	P	X	P	P	X	X	X	-
Resorts	X	P	P	X	C	X	P	X	X	X	P	-
Retreats	X	P	P	X	C	X	P	X	X	X	X	-
Hotels, motels, and tourist courts	X	P	C	X	X	X	X	X	X	P	P	-
Commercial	-	-	-	-	-	-	-	-	-	-	-	-
Shop or store with drive-through facility	X	C	C	X	X	X	X	X	X	P	P	-
Restaurant, with incidental consumption of alcoholic beverages	C	C	C	X	X	X	X	X	X	C	C	-
Restaurant, with no consumption of alcoholic beverages permitted	C	P	P	X	X	X	X	X	X	P	P	-
Stand-alone store or shop	X	C	C	X	X	X	X	X	X	P	P	-
Department store	X	C	C	X	X	X	X	X	X	C	C	-
Warehouse discount store/superstore	X	C	C	X	X	X	X	X	X	C	C	-
Market shops, including open markets	X	C	X	X	X	X	X	X	X	C	C	-
Gasoline station	X	C	C	X	X	X	X	X	X	C	C	-

DRAFT

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Automobile repair and service	X	C	C	X	X	X	X	X	X	P	P	_
Car dealer	X	C	X	X	X	X	X	X	X	C	C	_
Bus, truck, mobile home, or large vehicle dealers	X	X	X	X	X	X	X	X	X	C	C	_
Bicycle, motorcycle, all terrain vehicle dealers	X	X	X	X	X	X	X	X	X	P	P	_
Boat or marine craft dealer	X	X	X	X	X	X	X	X	X	C	C	_
Automotive parts, accessories, or tires	X	C	C	X	X	X	X	X	X	P	P	_
Gasoline service	X	X	X	X	X	X	X	X	X	C	C	_
Lumberyard and materials	X	P	P	X	X	X	X	X	X	P	P	_
Outdoor resale business	X	C	X	X	X	X	X	X	X	C	C	_
Pawnshops	X	C	C	X	X	X	X	X	X	P	P	_
Beer, wine, and liquor store (off-premises consumption of alcohol)	X	C	C	C	X	C	X	X	X	C	C	_
Shopping center	X	P	P	X	X	X	X	X	X	C	C	_
Convenience stores or centers	X	P	P	X	X	X	X	X	X	P	P	_
Car care center	X	C	C	X	X	X	X	X	X	P	P	_
Car washes	X	C	C	X	X	X	X	X	X	P	P	_
Office or bank (without drive-through facility)	X	P	P	X	X	P	X	X	X	P	P	_
Office (with drive-through facility)	X	P	P	X	X	P	X	X	X	P	P	_
Office or store with residence on top	P	P	P	P	P	P	P	P	X	P	P	_
Office-over storefront structure	X	P	P	X	X	P	X	X	X	P	P	_
Research and development services (scientific, medical, and technology)	X	C	X	X	X	P	X	X	X	P	P	_
Car rental and leasing	X	C	X	X	X	X	X	X	X	C	C	_
Leasing trucks, trailers, recreational vehicles, etc.	X	C	X	X	X	X	X	X	X	C	C	_
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	X	P	P	X	X	P	X	X	X	P	P	_
Bars, taverns and nightclubs	X	C	C	C	X	C	X	X	X	C	C	_
Sexually oriented business	X	X	X	X	X	X	X	X	X	X	X	_
Tattoo parlors	X	P	P	X	X	P	X	X	X	P	P	_
Industrial , manufacturing and wholesale trade					_	_	_	_	_	_	_	_

DRAFT

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)	X	C	C	X	X	X	C	X	X	P	P	_
Loft	X	C	C	X	X	X	C	X	X	P	P	_
Mill-type factory structures	X	X	X	X	X	X	X	X	X	C	C	_
Manufacturing plants	X	X	X	X	X	X	X	X	X	C	C	_
Industrial parks	X	X	X	X	X	X	X	X	X	C	C	_
Laboratory or specialized industrial facility	X	X	X	X	X	X	X	X	X	C	C	_
Assembly and construction-type plants	X	X	X	X	X	X	X	X	X	C	C	_
Process plants (metals, chemicals asphalt, concrete, etc.)	X	X	X	X	X	X	X	X	X	C	C	_
Construction-related businesses	X	C	C	X	X	X	C	X	X	P	P	_
Heavy construction	X	X	X	X	X	X	X	X	X	C	C	_
Machinery related	X	X	X	X	X	X	X	X	X	C	C	_
Special trade contractor	X	C	C	X	X	X	C	X	X	P	P	_
Automotive paint and body	X	C	C	X	X	X	X	X	X	P	P	_
Automotive wrecking and graveyards, salvage yards, and junkyards	X	X	X	X	X	X	X	X	X	X	X	_
Vehicle storage for towing or related business	X	X	X	X	X	X	X	X	X	X	X	_
Demolition, building and structure business	X	X	X	X	X	X	X	X	X	C	C	_
Warehouse or storage facility Structure	X	X	X	X	X	X	X	X	X	P	P	_
Mini-warehouse, mini-storage units	X	C	C	X	X	X	X	X	X	C	C	_
High-rise mini-warehouse	X	C	C	X	X	X	X	X	X	C	C	_
Warehouse structure	X	X	X	X	X	X	X	X	X	P	P	_
Produce warehouse	X	X	X	X	X	X	X	X	X	P	P	_
Refrigerated warehouse or cold storage	X	X	X	X	X	X	X	X	X	P	P	_
Large area distribution or transit warehouse	X	X	X	X	X	X	X	X	X	P	P	_
Wholesale trade— durable goods	X	X	X	X	X	X	X	X	X	P	P	_
Wholesale trade nondurable goods	X	X	X	X	X	X	X	X	X	P	P	_
Food, textiles, and related products	X	X	X	X	X	X	X	X	X	C	C	_
Wood, paper, and printing products	X	X	X	X	X	X	X	X	X	C	C	_
Tank farms	X	X	X	X	X	X	X	X	X	C	C	_

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Public assembly structures	-	-	-	-	-	-	-	-	-	-	-	-
Performance theater	X	P	P	X	X	P	X	X	X	C	P	-
Movie theater	X	P	C	X	X	C	X	X	X	P	P	-
Amphitheater	X	P	C	X	X	C	X	X	X	X	P	-
Drive-in theaters	X	P	C	X	X	C	X	X	X	X	X	-
Indoor games facility	X	P	C	X	X	C	X	X	X	X	P	-
Amusement, sports, or recreation establishment not specifically enumerated	X	P	C	X	X	C	X	X	X	X	C	-
Amusement or theme park	X	X	X	X	X	X	X	X	X	C	C	-
Arcade	X	P	C	X	X	C	X	X	X	X	C	-
Miniature golf establishment	X	P	P	C	C	P	X	X	X	X	X	-
Fitness, recreational sports, gym, or athletic club	X	P	P	X	X	P	X	X	X	P	P	-
Bowling, billiards, pool, etc.	X	P	C	X	X	C	X	X	X	X	X	-
Skating rinks	X	P	C	X	X	C	X	X	X	X	X	-
Sports stadium or arena	X	P	P	P	X	P	P	X	C	C	C	-
Racetrack or raceway	X	X	X	X	X	X	X	X	X	C	C	-
Exhibition, convention or conference structure	X	P	P	X	X	P	X	X	X	C	C	-
Churches, temples, synagogues, mosques, and other religious facilities	P	P	P	P	P	P	P	P	X	P	P	-
Covered or partially covered atriums and public enclosure	P	P	P	P	P	P	P	P	C	C	C	-
Passenger terminal, mixed mode	X	P	P	P	X	P	X	X	X	P	P	-
Active open space/ athletic fields/golf courses	P	P	P	P	P	P	P	X	P	P	C	-
Passive open space	P	P	P	P	P	P	P	P	P	P	P	-
Arts, entertainment, and recreation	-	-	-	-	-	-	-	-	-	-	-	-
Active leisure sports and related activities	C	P	C	P	C	C	C	C	C	C	C	-
Movie Ranch	X	P	P	X	C	X	P	X	X	X	P	-
Camps, camping, and related establishments	X	X	X	P	X	C	C	X	C	C	C	-
Exhibitions and art galleries	X	P	P	X	X	P	X	X	X	C	C	-

DRAFT

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Performing arts or supporting establishment	X	P	P	X	X	P	X	X	X	C	P	_
Theater, dance, or music establishment	X	P	P	X	X	P	X	X	X	C	P	_
Institutional or community facilities	_	_	_	_	_	_	_	_	_	_	_	_
Community center	X	P	P	C	C	P	X	X	X	X	X	_
Hospitals	X	X	X	X	X	C	X	X	X	C	C	_
Medical clinics	X	P	P	P	X	P	X	X	X	X	X	_
Social assistance, welfare, and charitable services (not otherwise enumerated)	X	P	P	P	X	P	X	X	X	X	X	_
Child and youth services	X	P	P	P	X	P	X	X	X	X	X	_
Child care institution (basic)	X	P	P	C	P	P	P	X	X	P	P	_
Child care institution (specialized)	X	P	P	C	P	P	P	X	X	P	P	_
Day care center	X	P	P	C	P	P	P	X	X	P	P	_
Community food services	P	P	P	P	P	P	P	X	X	P	P	_
Emergency and relief services	P	P	P	P	P	P	P	P	X	P	P	_
Other family services	X	P	P	P	X	P	X	X	X	X	X	_
Services for elderly and disabled	X	P	P	P	X	P	X	X	X	X	X	_
Animal hospitals	X	C	C	X	X	C	C	X	X	X	X	_
School or university (privately owned)	X	P	P	P	C	P	C	X	X	C	C	_
Grade school (privately owned)	X	P	P	P	C	P	C	X	X	C	C	_
College or university facility (privately owned)	X	P	P	P	C	P	C	X	X	C	C	_
Technical, trade, and other specialty schools	X	P	P	X	X	P	X	X	X	X	X	_
Library	X	P	P	X	X	P	X	X	X	P	P	_
Museum, exhibition, or similar facility	X	P	P	X	X	P	X	X	X	C	C	_
Planetarium	X	P	P	X	X	P	X	X	X	C	C	_
Aquarium	X	P	P	X	X	P	X	X	X	C	C	_
Zoological parks	X	P	P	X	X	P	X	X	X	C	C	_
Public safety related facility	P	P	P	P	P	P	P	P	X	P	P	_
Fire and rescue station	P	P	P	P	P	P	P	P	X	P	P	_
Police station	P	P	P	P	P	P	P	P	X	P	P	_

DRAFT

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Emergency operation center	P	P	P	P	P	P	P	P	X	P	P	-
Correctional or rehabilitation facility	X	X	X	X	X	C	X	X	X	C	C	-
Cemetery, monument, tombstone, or mausoleum	X	X	X	P	P	X	P	X	C	X	X	-
Funeral homes	X	X	X	X	X	C	X	X	X	C	C	-
Cremation facilities	X	X	X	X	X	C	X	X	X	C	C	-
Public administration	X	P	P	X	X	P	X	X	X	P	P	-
Post offices	X	P	P	X	X	P	X	X	X	P	P	-
Space research and technology	X	C	X	X	X	P	X	X	X	P	P	-
Clubs or lodges	X	P	P	X	C	C	X	X	X	P	P	-
Transportation-related facilities	-	-	-	-	-	-	-	-	-	-	-	-
Commercial automobile parking lots	X	P	P	X	X	P	X	X	X	P	P	-
Commercial automobile parking garages	X	P	P	X	X	P	X	X	X	P	P	-
Surface parking, open	X	P	P	X	X	P	X	X	X	P	P	-
Surface parking, covered	X	P	P	X	X	P	X	X	X	P	P	-
Underground parking structure with ramps	X	P	P	X	X	P	X	X	X	P	P	-
Rooftop parking facility	X	P	P	X	X	P	X	X	X	P	P	-
Bus terminal	X	P	P	P	X	P	X	X	X	P	P	-
Bus stop shelter	P	P	P	P	P	P	P	P	X	P	P	-
Truck storage and maintenance facilities	X	X	X	X	X	C	X	X	X	C	C	-
Truck freight transportation facilities	X	X	X	X	X	X	X	X	X	C	C	-
Light rail transit lines and stops	P	P	P	P	P	P	P	P	P	P	P	-
Local rail transit storage and maintenance facilities	X	X	X	X	X	X	X	X	X	P	P	-
Taxi and limousine service maintenance and storage facilities	X	X	X	X	X	C	X	X	X	C	C	-
Taxi and limousine service dispatch facilities	X	X	X	X	X	X	X	X	X	P	P	-
Bus transportation storage and maintenance facilities	X	X	X	X	X	C	X	X	X	C	C	-
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	X	X	X	X	X	X	X	X	X	C	C	-

DRAFT

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	C	C	C	C	C	C	C	C	C	C	C	-
Courier and messenger service facilities	X	X	X	X	X	X	X	X	X	C	C	-
Commercial airports	X	X	X	X	X	X	X	X	X	X	X	-
Private airplane runways and landing strips	X	X	X	X	X	X	X	X	X	X	X	-
Airport maintenance and hangar facilities	X	X	X	X	X	X	X	X	X	X	X	-
Heliport facility	X	X	X	X	X	X	X	X	X	X	X	-
Helistops	X	X	X	X	X	X	X	X	X	X	X	-
Glide port, stolport, ultralight airplane, or balloon port facility	X	X	X	X	X	X	X	X	X	X	X	-
Railroad tracks, spurs, and sidings	P	P	P	P	P	P	P	P	P	P	P	-
Railroad switching, maintenance, and storage facility	P	P	P	P	P	P	P	P	X	P	P	-
Railroad passenger station	P	P	P	P	P	P	P	P	X	P	P	-
Railroad freight facility	X	X	X	X	X	X	X	X	X	C	C	-
Utility	-	-	-	-	-	-	-	-	-	-	-	-
Local distribution facilities for water, natural gas, and electric power	X	C	C	C	C	P	C	C	C	P	P	-
Telecommunications lines	X	C	C	C	C	P	C	C	C	P	P	-
Electric power substations	X	C	C	X	C	C	C	C	X	C	C	-
High-voltage electric power transmission lines	X	C	C	C	C	P	C	C	C	P	P	-
Dam	X	C	C	C	C	C	C	C	C	C	C	-
Livestock watering tank or impoundment	-	P	P	P	P	P	P	P	P	P	P	-
Levee	X	C	C	C	C	C	C	C	C	C	C	-
Water tank (elevated, at grade, or underground)	C	C	C	C	C	P	C	C	C	P	P	-
Water wells, well fields, and bulk water transmission pipelines	C	C	C	C	C	P	C	C	C	P	P	-
Water treatment and purification facility	C	C	C	C	C	P	C	C	C	P	P	-
Water reservoir	C	C	C	C	C	C	C	C	C	C	C	-

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation	P	P	P	P	P	P	P	P	P	P	P	_
Wastewater storage or pumping station facility, lift stations, and collection lines	C	C	C	C	C	P	C	C	C	P	P	_
Solid waste landfill facility DCI	X	X	X	X	X	X	X	X	X	X	X	_
Composting facility	X	X	X	X	X	C	X	X	X	C	X	_
Recycling transfer center	P	P	P	P	P	P	P	P	P	P	P	_
Solid waste collection transfer station (Governmental)	X	X	X	X	C	X	C	X	X	C	C	_
Solid waste collection transfer station (Private)	X	X	X	X	C	X	C	X	X	C	C	_
Solid waste combustor or incinerator	X	X	X	X	X	X	X	X	X	X	X	_
Septic tank service, repair, and installation business	X	X	X	X	X	X	X	X	X	P	P	_
Household hazardous waste collection facility	X	X	X	X	X	X	X	X	X	C	X	_
Hazardous waste storage facility	X	X	X	X	X	X	X	X	X	C	X	_
Hazardous waste treatment and disposal facility	X	X	X	X	X	X	X	X	X	C	X	_
Sewage treatment plant and disposal facilities	C	C	C	C	C	P	C	X	C	P	X	_
Gas or electric power generation facility	C	C	C	X	C	C	C	X	X	C	C	_
New Wireless Communication Facility/Modification of existing wireless communication facility with substantial changes	X	X	X	X	C	P	X	X	X	C	P	_
Modification of existing wireless communication facility with no substantial changes/Collocation	P	P	P	P	P	P	P	P	P	P	P	_
Roof Mounted/Surface Mounted/Stealth	C	C	C	C	C	C	C	C	C	p	p	_
Amateur Radio Antenna	p	p	p	p	p	p	p	p	p	P	P	_
Weather stations or transmitters	X	C	C	X	X	P	X	X	X	P	P	_
Environmental monitoring station (air, soil, etc.)	X	C	C	X	X	P	X	X	X	P	P	_
Commercial solar energy production	X	C	C	X	X	C	X	X	X	C	C	_

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
facility												
Geothermal production facility	X	C	C	X	X	C	X	X	X	C	C	-
Large scale wind facility (DCI)	X	C	C	X	X	C	X	X	X	C	C	-
Highway rest stops and welcome centers	P	P	P	P	P	P	P	P	X	P	P	-
Fountain, sculpture, or other similar decorative structures	P	P	P	P	P	P	P	P	X	P	P	-
Permanent outdoor stage, bandstand, or similar structure	X	P	P	X	X	P	X	X	X	P	P	-
Agriculture, forestry, and conservation/open space	-	-	-	-	-	-	-	-	-	-	-	-
Grain silos and other storage structure for grains and agricultural products	A	A	A	A	A	C	A	A	X	X	X	-
Animal production that includes slaughter	X	X	X	X	X	X	X	X	X	C	X	-
Livestock pens or hog houses	X	X	X	X	X	X	X	X	X	C	C	-
Commercial greenhouses	C	C	C	C	C	C	C	C	X	P	P	-
Nurseries and other growing of ornamental plants	P	P	P	P	P	P	P	P	X	P	P	-
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.	C	C	C	C	C	C	C	C	C	C	C	-
Stables and other equine-related facilities - Commercial over 12 horses	C	X	X	X	C	C	C	C	C	C	C	-
Kennels and commercial dog breeding facilties	X	C	C	X	C	P	C	X	X	P	P	-
Apiary and other related structures	P	P	P	P	P	P	P	P	X	P	P	-
Crop production outdoor	P	P	P	P	P	P	P	P	X	P	P	-
Crop production greenhouse	P	P	P	P	P	P	P	P	X	P	P	-
Display or sale of agricultural products raised on the same premises	A	X	A	X	A	A	A	A	A	A	X	-
Forestry and logging operations	X	X	X	X	X	X	X	X	X	X	X	-
Game preserves and retreats	X	X	X	X	X	X	X	X	X	X	X	-
Support business and operations for agriculture and forestry	X	X	X	X	A	X	A	X	X	C	C	-

DRAFT

Use	Village Zone	Village Zone New Community Center	Village Zone Neighborhood Center	Village Zone Neighborhoods	Fringe Zone	Institutional Campus Zone	Rural Zone	Existing Neighborhood Zone	Open Space Zone	Employment Center	Media District	Special Conditions
Parks, open space areas, conservation areas, and preservation areas	P	P	P	P	P	P	P	P	P	P	P	-
Public or community outdoor recreation facilities	P	P	P	P	P	P	P	P	C	P	P	-
Concentrated animal feeding operation	X	X	X	X	X	X	X	X	X	X	X	-
Cattle ranching, and the grazing or cattle or other livestock	X	X	X	X	P	X	P	X	P	X	X	-
Dairy farms	X	X	X	X	X	X	X	X	X	X	X	-
Other farm and farming-related structures (Sale of farming products)	A	A	A	A	P	A	P	A	X	C	X	-
Poultry farms and poultry production facilities	X	X	X	X	X	X	X	X	X	X	X	-
Sheds, or other agricultural facilities	A	A	A	A	P	A	P	A	X	C	C	-
Animal waste lagoons (DCI)	X	X	X	X	X	X	X	X	X	X	X	-
Mining and extraction establishments	-	-	-	-	-	-	-	-	-	-	-	-
Oil and natural gas exploration or extraction	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	-
Hard Rock mining	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	-
Sand and gravel mining	X	X	X	X	C	X	C	X	C	C	X	-
Sand and gravel mining with blasting (as specified in Section 11.2.7) DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	-
*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**	-	-	-	-	-	-	-	-	-	-	-	-

DRAFT

8.10.~~3~~4. Planned Traditional Neighborhood Development (PD-TND). Reserved.

8.10.~~4~~5. Planned Neighborhood Center (PD-NC). Reserved.

8.10.~~5~~6. Planned Regional Center (PD-RC). Reserved.

8.10.~~6~~7. Planned Campus/Opportunity Center (PD-C/O). Reserved.

8.10.~~7~~8. Planned Transit Oriented Development (PD-TOD). Reserved.

8.10.~~8~~9. Planned Conservation Subdivision (PD-CS). Reserved.

~~**8.10.9. Planned District Santa Fe Community College District (Ordinance 2000-12).**~~

~~**8.10.10. Planned District Media District (Ordinance 2007-12).**~~

8.10.11. Existing Master Plans Identified as PDDs. In order to recognize existing approvals, PDDs identified on the initial zoning map may be built out in accordance with their approved master plans which were approved prior to the effective date of this SLDC.

8.10.11.1. Expansion of existing PDDs. Non-residential structures within an existing PDD may expand up to twenty-five (25%) under a conditional use permit.

8.11. OVERLAY ZONES.

8.11.1. Generally. Overlay zones address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

8.11.2. Rural Commercial Overlay (O-RC).

8.11.2.1. Intent. The Rural Commercial Overlay zone (O-RC) accommodates the development of agriculture business, commercial, service-related, and limited industrial activities that have adequate facilities and would not cause a detriment to any abutting rural residential lands. This zone is appropriate for areas where such development should logically locate because of established land use patterns, planned or existing public facilities, and appropriate transportation system capacity and access. Although this zone allows a mixture of land uses, there are controls intended to minimize or buffer any nuisances caused by such land uses.

8.11.2.2. Location. The Rural Commercial Overlay is appropriate for use in the A/R, RUR, RUR-F, RES-F, RUR-R, RES-E, RES-C, and TC districts.

8.11.2.3. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the Rural Commercial Overlay upon the issuance of a development permit:

1. Agriculture production, storage and food processing facilities, business, service, and commercial establishments, provided the maximum floor area for each establishment shall not exceed five thousand (5,000) square feet;

DRAFT 10.20.15

2. Commercial greenhouses, plant nurseries, and landscapers;

3. Kennels, animal shelters, veterinary hospitals;

4. Animal feed stores, tack shops, farm equipment sales;

5. Day-care and child-care services;

6. Cemeteries; and

7. Public utility structures including renewable energy facilities, transformers, switching, pumping, or similar technical installations essential to the operation of a public utility.

8.11.2.4. Conditional Uses. The following uses may be allowed in the Rural Commercial Overlay upon the issuance of a conditional use permit:

1. Agriculture production, storage and food processing facilities, business, service, and commercial establishments provided the maximum floor area for each establishment shall not exceed fifteen thousand (15,000) square feet;

2. Limited industrial activities subject to the following regulations:

a. The manufacturing, processing, assembling, renovating, treatment, storage, or warehousing of raw materials, goods, merchandise, or equipment shall be conducted within an enclosed building and/or within an area completely enclosed by a fence or wall,

b. No building for manufacturing purposes shall exceed twenty-five thousand (25,000) square feet in floor area;

c. No building for manufacturing purposes shall be located less than three hundred (300) feet from any residential structure, except for a resident caretaker dwelling;

d. All buildings on a manufacturing site shall not cover an aggregate area of more than forty percent (40%) of such site, and

e. All manufacturing activities shall be conducted in accordance with State and Federal environmental standards.

3. Salvage yards for scrap material, including automobile bodies, provided that:

a. All activities are conducted within an enclosed building or within an area completely enclosed by an opaque fence or wall not more than six (6) feet in height; and

b. Outside storage of salvage materials or automobile bodies may not be stacked higher than the surrounding fence or wall and shall not be visible from any nearby road or surrounding properties; and

c. The entire site for a salvage yard shall not exceed one (1) acres.

4. Commercial stables, rodeo arenas, polo grounds, and riding academies.

DRAFT 10.20.15

8.11.2.5. Dimensional Standards. Dimensional standards are as prescribed in the underlying zoning except as prescribed in this section. Minimum lot size for a non-residential use within a Rural Commercial Overlay is 2.5 acres in A/R, RUR, RUR-F, RUR-R, RES-F, RES-E.

8.11.3. Overlay Community District (O-CD).

8.11.3.1. Description. Santa Fe County has many unique and distinctive communities that contribute significantly to the overall character and identity of the County. A community district (O-CD) may be established through an overlay zone:

1. To recognize the diversity of issues and character in individual communities ;

2. To preserve and protect the character and valued features of established communities;

3. To reduce conflicts between new construction and existing development in established communities;

4. To provide a reliable understanding of the parameters of community character; and

5. To enhance identifiable attributes of design, architecture, history or geography.

8.11.3.2. Purpose. The community overlay district establishes overlay zoning that will implement the recommended land uses of an adopted community plan.

8.11.3.3. Relation to Underlying Base Zoning. An approved overlay community district does not replace the underlying zoning of the area. The approved overlay district may, however, include appropriate modifications to the regulations of the underlying base zoning district to accommodate unique conditions that do not fit the base zoning districts of the SLDC.

8.11.3.4. Creation.

1. Procedure. Each community overlay district shall be established by a separate resolution of the Board in accordance with the zoning amendment procedures established in §1.15;

2. Community Plan Prerequisite. Prior to the establishment of a community overlay district, a community plan shall be prepared and adopted in accordance with §2.1.5. The adopted community plan shall include a recommendation that the community overlay district be created as one of the plan's implementation policies.

8.11.3.5. Community Overlay District Regulations.

1. A community overlay district may regulate the following:

DRAFT 10.20.15

a. building design, including scale, mass and distinctive architectural characteristics such as front porches, height or roof styles;

b. streetscape, including lot frontage, fences, walls, parking, lighting and landscaping;

c. ~~density~~ base zoning district and minimum lot size;

d. lot coverage;

e. setbacks;

f. building height;

g. Developments of Countywide Impact or DCIs; and

h. uses.

2. A community overlay district shall not restrict the following:

a. Countywide policies and priorities;

b. County affordable housing requirements;

c. no impact and low impact home occupations, however, design standards may be modified for low impact home occupations;

d. group or foster homes;

e. day care facilities;

f. public or private schools for elementary, middle or senior high students;

g. religious institutions;

h. other uses determined by the Administrator as necessary for the health and safety of the community; or

i. procedures established in the SLDC found in Chapters 4 and 5.

j. wireless communications facilities and amateur radio facilities.

8.11.3.6. Adopted Community Overlay Districts. For adopted community overlay districts and their specific regulations see Chapter 9.

8.11.4. Environmental and Resource Protection Overlay (O-ERP).

8.11.4.1. Purpose. The purpose of the Environmental and Resource Protection Overlay (O-ERP) is to ensure that property is developed in a manner consistent with the protection of environmental, natural, historical and archeological resources and that development is designed and arranged to protect both on-site and adjacent resources. Damage to the natural, scenic, and cultural environment has significant impacts on visual

DRAFT 10.20.15

and natural resources. The County has identified goals to protect archaeological, historic and cultural resources, species, habitat and biodiversity, scenic beauty and environmentally sensitive lands. Preserving and supporting the conservation of these resources will enhance the character and function of communities, neighborhoods and rural areas. - This section establishes procedures to enable the applicant to achieve the mutually compatible objectives of reasonable use of land and resource protection.

8.11.4.2. Applicability. The boundaries of an Environmental and Resource Protection Overlay zone shall be delineated using the most current and best available location data and be of sufficient size to guarantee the appropriate level of resource protection. Boundaries may be modified as necessary as new data becomes available.

8.11.4.3. Establishment of Presumed Protection Areas. ~~The SGMP Land Development Suitability Analysis (LDSA) identifies areas of high, moderate and low development suitability. All areas identified as Low Development Suitability are most sensitive to development pressures~~ Environmentally critical areas such as unique and scenic areas, or endangered habitats may be identified as areas in need of protection. The County may determine that a development site includes areas with environmental, natural, historical or archeological resources in need of protection based on other information or the findings of the EIR.

8.11.4.4. Required Mitigation. While development is not anticipated inside the Environmental and Resource Protection Overlay zone, if development is proposed, the burden is on the applicant to establish that the applicant will not disturb these areas and shall undertake adequate mitigation measures to restore any damaged or lost resources. The applicant shall propose a mitigation plan that includes a timeline for restoration and mitigation of disturbed areas, and may include a performance guaranty ensuring fulfillment of, and compliance with, the mitigation plan. Buffer zones shall be established adjacent to areas of priority protection, as reasonably appropriate. ~~(See also § 7.3.3)~~

8.11.4.5. Restoration, Protection and Preservation. All development within the Environmental and Resource Protection Overlay zone shall ensure:

1. That restoration of previously disturbed or degraded areas;

2. That if the development site contains areas that connect to other off-site areas of a similar nature, to the maximum extent feasible, then the applicant shall preserve or mitigate such connections;

3. That important cultural resources, including historic, archaeological, and scenic resources are taken into consideration, and protected to the maximum extent feasible; and

4. That projects located adjacent to and within an O-ERP zone shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, choice of colors and building materials and lighting shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.

8.11.4.6. Encroachment. Encroachment into or through the O-ERP zone may be permitted provided the following standards are met:

DRAFT 10.20.15

1. Roads, utilities and stormwater management facilities will be limited;

2. No more land shall be disturbed than is necessary; and

3. Indigenous habitat and other resources shall be preserved to the maximum extent feasible.

8.11.4.7 Turquoise Trail Environmental and Resource Protection Overlay (TT O-ERP).

1. Purpose. Some of the County's most significant resources are the views from the Turquoise Trail National Scenic Byway. The Turquoise Trail National Scenic Byway was forged centuries ago by Native Americans, miners and Spanish Conquistadores. The character of rural and scenic highway corridors should be preserved and protected as an important resource.

2. Applicability. The Turquoise Trail Environmental and Resource Protection Overlay (TT-OERP) is a segment of the Turquoise Trail National Scenic Byway on State Road 14.

3. Sustainable Design Standards. Sustainable design standards shall be as identified in Chapter 7 of this Code, except as prescribed below:

a. Buffers:

i. Nonresidential development is prohibited within 1,000 feet of the centerline of State Road 14.

ii. Nonresidential development requires a 2,000-foot wide buffer adjacent to a community overlay district.

iii. Residential development is required to provide a 500 foot wide buffer from centerline of State Road 14.

iv. Residential development is required to provide a 500 foot wide buffer adjacent to a community overlay district.

8.11.5. Historic Preservation Overlay (O-HP).

8.11.5.1. Purpose. As a matter of public policy, Santa Fe County aims to preserve, protect, enhance, and perpetuate the value of its historic areas through the establishment of Historic Preservation (O-HP) zones.

8.11.5.2. Implementation. The O-HP zone implements:

1. The creation and adoption of guidelines and standards that will enhance the quality of life and encourage the preservation and enhancement of the community's important historic and cultural characteristics, including architectural styles and historic districts; and

DRAFT 10.20.15

2. Public involvement in developing area plans that define the character and pattern of development for historic districts and establish infill development guidelines.

8.10.5.3. Designation Criteria. To be designated as an O-HP zone, the site or area shall be accepted for listing or listed on the National or State Registers of Historic Places.

8.11.5.4. Design Standards. Development within an O-HP zone shall be consistent with design standards adopted at the time of the O-HP designation, which standards shall be derived from the appropriate provisions of the nominating forms for the National and/or State Registers of Historic Places.

8.11.6. Airport Noise Overlay Zone (O-AN).

8.11.6.1. Short Name and Map Symbol. The City of Santa Fe Municipal Airport Noise Impact Overlay Zone is referred to as the O-AN Zone, and is shown on the Zoning Map as O-AN.

8.11.6.2. Purpose. The O-AN Overlay Zone is intended to reduce the impact of aircraft noise on human health within the noise impact area surrounding the City of Santa Fe Municipal Airport. The zone achieves this by limiting residential uses and by requiring noise insulation, noise disclosure statements, and noise easements, as applicable.

8.11.6.3 Applicability. The O-AN Zone shall apply within the areas designated as O-AN on the Zoning Map. However, aircraft noise/land use control zone regulations in the O-AN Zone shall not apply to existing residential and non-residential development. Nor shall the control zone regulations apply to compatible land uses such as commercial, industrial, and office uses and/or vacant land zoned for such use, or vacant properties zoned for residential use prior to the adoption of the SLDC (unless an application proposes to eliminate or reduce noise/land use compatibility). This subsection shall not be construed to require the sound conditioning or other changes or alteration of any pre-existing structure not conforming to this subsection as of the effective date of the SLDC, or to otherwise interfere with the continuance of any pre-existing nonconforming use. Nothing in this subsection shall require any such change in the construction or alteration of a structure which was begun prior to the effective date of this part and is diligently pursued, or of property upon which development rights are vested.

8.11.6.4. Location. The boundaries of the Airport Noise Overlay are identified on the Zoning Map. The effect of noise generated by any other uses is not reflected in the DNL contours. The overlay district includes the following four zones which establish expected airport area intermittent noise levels, based on average ambient conditions and existing and projected aircraft operations:

1. O-Zone. The City of Fe Municipal Airport Noise Impact Overlay Zone is shown on the Zoning Map. The outside contour of the O-AN zone was accomplished based on two noise metrics (DNL and dBA Aircraft Noise Metric). The DNL metric is a day-night sound level used to present cumulative/average long term aircraft noise exposure. The dBA Aircraft Noise Metric is a single event maximum sound level measure used to describe peak noise levels of representative aircraft flyovers.

2. O-AN Subzones. There are three subzones within the O-AN Zone established according to the sound levels expected to be present within the subzone. The three subzones correspond to sound levels of 65 DNL or above, 60

DRAFT 10.20.15

DNL and 55 DNL, as established by a 2008 Noise Compatibility Study conducted pursuant to 14 CFR Part 150.

3. Revised Contours. The contours of the O-AN Zone and its subzones may be altered following a Part 150 study through an appropriate change to the Zoning Map.

4. Map Corrections. An owner may request that the Administrator initiate a correction to the location of the noise contours shown on the Zoning Map. The owner shall show, and the Administrator shall find, that the noise contours do not conform with the locations shown on the March 2008 14 CFR Part 150 Noise Compatibility Study by the City of Santa Fe, as amended or superseded by subsequent 14 CFR Part 150 studies.

8.11.6.5 Residential Uses in the O-AN Zone.

1. **Noise disclosure statement.** Before a development permit is issued for new residential construction (or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site) in the O-AN zone, the owner shall sign a noise disclosure statement. The noise disclosure statement acknowledges that the property is located within the O-AN zone noise contour and signifies the owner's awareness of the associated noise levels associated with the airport. The noise disclosure statement shall be recorded in the Office of the County Clerk. A sample is available from the Administrator. If a property is subdivided, an appropriate disclosure shall be included in the subdivision disclosure statement, and each person subsequently coming into possession of a lot shall execute a noise disclosure statement prior to purchasing the lot.

2. Noise easement in the 60 DNL. Before a development permit is issued for new residential construction or reconstruction (where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site) in the 60 DNL subzone, the owner shall dedicate and record a noise easement on the property. The easement shall authorize aircraft noise impacts over the property at levels established by the relevant DNL noise contour. Any increase of the DNL noise level above that stated on the easement will not void nor be protected by the easement. A sample easement form is available from the Administrator.

3. Noise insulation required in 60 DNL.

a. A new residential or nonresidential dwelling unit within the 60 DNL subzone shall be constructed with sound insulation or other means to achieve a day/night average interior noise level of no more than 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site shall also meet this standard. Garages and similar accessory structures that do not include living area are not subject to this requirement.

b. A registered professional engineer in the State of New Mexico who has expertise or specializes in acoustical engineering shall certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.

DRAFT 10.20.15

4. New Residential Construction Within the 65 DNL Subzone.

a. New residential construction is prohibited within the 65 DNL subzone. If a site is divided by a 65 DNL noise contour line, all residential construction shall be located entirely outside the 65 DNL subzone.

b. Residential housing that existed prior to enactment of the SLDC located within the 65 DNL noise contour, may remain and also may be replaced within five (5) years if damaged or destroyed by fire or other causes beyond the control of the owner.

5. Prohibited Uses Within the 65 DNL Subzone. The following uses are prohibited within the 65 DNL Subzone: hospitals, clinics, nursing homes, childcare facilities, nonresidential housing units, and schools (except for aviation-related training/educational facilities).

6. Conditional Use Permit Required. A conditional use permit is required to locate any hospital, clinic, nursing home, childcare facility, nonresidential housing unit, or school (except for aviation-related training/educational facilities) within the O-AN zone.

8.11.7. Agriculture Overlay (O-AG).

8.11.8 Economic Development Overlay (O-ED)

8.12. ~~BONUS AND INCENTIVE ZONING~~DENSITY BONUS. ~~[Reserved]~~

8.12.1. Purpose. The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, that are not already protected, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.

8.12.2. A Density Bonus project may be approved on land zoned AR, RUR, RUR-F, RUR-R, RES-F, RES-E, and TC and containing the minimum lot size within each residential zone in accordance with the SLDC. If a property is governed by an adopted Community Overlay District, the respective provisions and regulations apply.

8.12.3. The Area required for a Density Bonus project within the RES-F and RES-E zones shall be 10 acres.

8.12.4. Density calculations by zone are outlined in Table -22.

The following new Table 8-22 shall be added:

Table 8-22: Density Bonus Calculations, Requirements and Criteria by Zoning District

Zoning District	Base Density	Density with Bonus	Bonus Calculation	Open Space Easement Required	Criteria

DRAFT 10.20.15

A/R	1 du/160 acres	1 du/80 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR	1 du/40 acres	1 du/20 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR-F	1 du/20 acres	1 du/10 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR-R	1 du/10 acres	1 du/5 acres	Base Density x 2 = Total Bonus Density	One half (.5) of the Total Site Area	Plat, Easement/Deed Restriction/ Community Water
RES-F	1 du/5 acres	1 du/3.75 acres	Base Density x 1.33 = Total Bonus Density	One half (.5) of the Total Area	Minimum area of 10 acres, Plat, Easement/Deed Restriction, Community Water and Sewer
RES-E	1 du/2.5 acres	1 du/1.875 acres	Base Density x 1.33 = Total Bonus Density	One half (.5) of the Total Site Area	Minimum area of 10 acres, Plat, Easement/Deed Restriction, Community Water and Sewer
RES-C	1 du/1 acre	1 du/1 acre	Not Applicable	Not Applicable	Density bonus not available in this zone
TC	1 du/ .75 ac.	3 du/acre	Base Density x 2.25 = Total Bonus Density	Not Applicable	Community Water and Sewer
MU	1 du/Acre	2 du/acre	Base Density x 2 = Total Bonus Density	Not Applicable	Only for areas identified as Environmental Resource Protection Overlay; Historic Preservation Overlay or Agricultural Overlay Districts; cannot be used for required open space
PD	1 du/Acre	2 du/acre	Base Density x 2 = Total Bonus Density	Not Applicable	Only for areas identified as Environmental Resource Protection Overlay; Historic Preservation Overlay or Agricultural Overlay Districts; cannot be used for required open space

8.12.5. All plats with approved density bonus shall comply with the provisions of Chapter 5 (Subdivision and Land Division) and Chapter 4 (Procedures) for total number of lots created.

8.12.6. The open space easement shall be used exclusively for agriculture, landscaping, recreation, open space or any combination thereof and any accessory structures needed to support these uses.

8.12.7. The area of land covered by the open space easement shall be a contiguous area unless otherwise approved. Considerations for approval on non-contiguous open space areas include:

DRAFT 10.20.15

8.12.7.1. Irrigated lands that are separate.

8.12.7.2. Special features to be protected such as rock outcroppings, arroyos, archaeological sites, scenic features and environmental sensitive areas that are separate.

8.12.8. For the purposes of preserving areas to include open space, scenic features and environmentally sensitive areas the open space easement areas shall be visible from a public right-of-way, except where impractical.

8.12.9. Land used for streets, driveways, parking, sidewalks and private yards may not be counted as part of an open space easement. No buildings or structures are permitted in an open space easement except those necessary to support the operation and maintenance of the easement. An open space easement may include underground utility easements.

8.12.10. Refer to Section 7.15.3.5 for covenants governing the restriction of the open space easement.

DRAFT 10.20.15

DRAFT 10.20.15

Chapter 9 – Community Districts

Section **Page**

9.1 Purpose…….. 9-3

9.2 Establishment of Community Overlay Districts…… 9-3

9.3 Effect of SLDC on Existing Community Districts……. 9-3

9.4 Los Cerrillos Community District Overlay…… 9-5

9.5 Tesuque Community District Overlay…… 9-23

9.6 Madrid Community District Overlay…….. 9-46

9.7 San Pedro Community District Overlay……..... 9-62

9.8 La Cienega and La Cieneguilla Community District Overlay……. 9-77

9.9 El Valle de Arroyo Seco Highway Corridor District Overlay……... 9-104

9.10 U.S. 285 South Highway Corridor District Overlay……9-122

9.11 Tres Arroyos Del Poniente District Overlay……. 9-156

9.12 Village of Agua Fria District Overlay……9-173

9.13 Pojoaque Valley Community District Overlay……. 9-187

9.14 San Marcos Community District Overlay……9-201

9.15 Galisteo Community District Overlay……... 9-215

9.16 Chimayo Community District Overlay……. 9-233

The current Chapter 9 will be deleted in its entirety and replaced by the new Chapter 9 below:

CHAPTER NINE – COMMUNITY DISTRICTS

~~**9.1.** PURPOSE. The Community District is a zoning tool intended to preserve and protect unique communities and areas through the implementation of an adopted Community Plan that is consistent with the SGMP as set forth in Chapter 2. As a matter of public policy, Santa Fe County aims to preserve, protect, enhance, and perpetuate the value of these areas through the establishment of Community Districts. The Board, pursuant to Chapter 8, may establish Community District Overlay Zones (O-CD) that are consistent with the SGMP, an adopted Community Plan and any applicable Land Use Plans adopted by the County.~~

~~**9.2.** ESTABLISHMENT OF COMMUNITY DISTRICT OVERLAY ZONES. Chapter 8 sets forth the standards and procedures for establishment of a Community District Overlay Zone (O-CD) to implement the zoning-related provisions of an adopted Community Plan. With the adoption of the SLDC, local communities are encouraged to revise their Community Plans to become consistent with the SGMP and this ordinance, and to propose appropriate overlay zoning regulations to establish an O-CD in accordance with Chapter 8. Upon the establishment of an O-CD for any given Community District, the regulations of the applicable O-CD will be inserted into this section and become part of the SLDC.~~

~~**9.3.** EFFECT OF SLDC ON EXISTING COMMUNITY DISTRICTS. Prior to the adoption of the SLDC, numerous community districts were established by ordinance, and these individual community district ordinances shall remain in effect until such time as new community plans are adopted in accordance with Chapter 2, and a corresponding O-CD is established in accordance with Chapter 8. Previously established community districts are as follows:~~

~~**9.3.1.** Los Cerrillos Community District (Ordinance 2000-8, amended by Ordinance 2006-11).~~

~~**9.3.2.** Tesuque Community District (Ordinance 2000-13).~~

~~**9.3.3.** Madrid Community Planning District (Ordinance 2002-1).~~

~~**9.3.4.** San Pedro Community District (Ordinance 2002-2).~~

~~**9.3.5.** La Cienega and La Cieneguilla Community Planning District (Ordinance 2002-9).~~

~~**9.3.6.** El Valle de Arroyo Seco Highway Corridor District (Ordinance 2003-7).~~

~~**9.3.7.** U.S. 85 South Highway Corridor District (Ordinance 2005-08).~~

~~**9.3.8.** Tres Arroyos Del Poniente District (Ordinance 2006-10 and Ordinance EZA 2007-01).~~

~~**9.3.9.** Village of Agua Fria Planning District (Ordinance 2007-2).~~

~~**9.3.10.** Pojoaque Valley Community District (Ordinance 2008-5).~~

~~**9.3.11.** San Marco Community District (Resolution No. 2003-83).~~

~~**9.3.12.** Galisteo Community Plan (Resolution No. 2012-36).~~

~~**9.3.13.** Chimayo Community Plan (Resolution Pending).~~

9.1. PURPOSE. The Community District is a zoning tool intended to preserve and protect unique communities and areas through the implementation of an adopted Community Plan that is consistent with the SGMP as set forth in Chapter 2. Santa Fe County is committed to preserving, protecting, enhancing, and perpetuate the value of these areas through the establishment of Community Districts. The Board, pursuant to Chapter 8, may establish Community District Overlay Zones (O-CD) that are consistent with the SGMP, an adopted Community Plan and any applicable County Land Use Plans.

9.2. ESTABLISHMENT OF COMMUNITY DISTRICT OVERLAY ZONES. Chapter 8 sets forth the standards and procedures for establishment of a Community District Overlay Zone (O-CD) to implement the zoning-related provisions of an adopted Community Plan. With the adoption of the SLDC, local communities are encouraged to revise their Community Plans to be consistent with the SGMP and this ordinance, and to propose appropriate overlay zoning regulations to establish an O-CD in accordance with Chapter 8. Upon the establishment of an O-CD for any given Community District, the regulations of the applicable O-CD will be inserted into this section and become part of the SLDC.

9.2.1. Adoption of Community District's Overlay Zone. This community district overlay zone shall be established upon adoption by the BCC of an overlay zone ordinance specific to this community district which includes adoption of base zoning set forth in an attached map.

9.3. EFFECT OF OVERLAY DISTRICTS ON SLDC.

9.3.1. General Provisions. The regulations, standards and provisions described herein are specific to each community district's overlay zone. Where conflict arises between SLDC regulations and the community district standards and provisions, the district's standards and provisions shall prevail. However, when the district's standards are silent on an issue that would otherwise be governed by the SLDC or other applicable County codes, the SLDC or those other codes shall prevail.

9.3.2. Use Matrix. Where a community district overlay has established a Use Matrix that Use Matrix shall prevail. Where a community district overlay has not established a Use Matrix, the SLDC Use Matrix other than exceptions identified by the community district overlay shall prevail.

9.3.3. Effect on Zoning Map. As stated in Chapter 8 of this Code, an approved overlay community district does not replace the underlying zoning of the area. Instead, it allows for a modification of the regulations of the underlying zoning district to accommodate unique conditions that do not fit the base zoning district.

9.4. LOS CERRILLOS COMMUNITY DISTRICT OVERLAY.

9.4.1. Purpose and Intent. The provisions of the Los Cerrillos Community District (LCCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Los Cerrillos Community Plan and the Sustainable Growth Management Plan (SGMP). The LCCD is designed to ensure compatibility among various land uses, encourage cluster development, protect cultural, historical and scenic features and environmentally sensitive areas, enhance rural Los Cerrillos development patterns, support a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the community. Provisions include standards, dimensions and incentives to encourage cluster development in conjunction with conservation easements that preserve agricultural land and open space, preserve authentic rural village values, atmosphere, peace and quiet, village's dirt or base course roads, and encourages economic activity that reinvests into the community.

9.4.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.4.2.1. NM 14 Setbacks. As regulated in Chapter 7 of this Code with the following exceptions:

1. Parcels fronting NM 14 shall have a minimum 200 foot setback in LCCD RUR-R and RES-E. If an existing legal parcel is unable to meet the setback requirements, the third of the parcel furthest away from NM 14 can be built upon.

9.4.2.2. Non-residential setbacks. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. No front setbacks are required for new, non-residential development along First Street. For all other new non-residential development, front setbacks shall be a minimum of 10 feet from property line.

2. Landscaping is required in all front setbacks for non-residential development as specified in Chapter 7 of this Code.

3. Side setbacks shall be minimum of 5 feet from the property line throughout the planning district. Reduced side setbacks may be approved by the administrator. In this instance, fire restrictive construction between commercial buildings must be used pursuant to applicable Fire Code standards as approved by the County Fire Marshal.

4. Rear setbacks shall be a minimum of 10 feet from the property line.

9.4.2.3. Residential setbacks. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Setbacks for residential development shall be a minimum of 10 feet between neighboring dwelling units. Where zero lot lines exist, new development on

neighboring lots shall require a 10 foot minimum set back between property line and structure.

9.4.2.4. Lighting. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Solar lighting shall be used in parking and associated public walkways.

2. Street lights shall be shielded.

9.4.2.5. Glare Reduction. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. All new buildings and additions to existing structures shall be constructed of non-reflective material.

9.4.2.6. Road Design. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. With the exception of First Street, all roads in the Los Cerrillos Planning Area shall remain dirt or base course.

9.4.2.7. Terrain Management. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Landscaping and Screening. Evergreen trees at least 5 feet tall shall be used for screening and buffering of structures, cuts and fills in order to maintain year round screening of previously disturbed areas.

a. Cut slopes with a slope or retaining wall closer than 6 feet from the edge of a road or driveway, where the planting area for trees is limited, may be screened with a trellis supporting planted vegetation or some other similar means that creates a natural screened effect.

9.4.2.8. Special Protection of Riparian Areas. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Native vegetation endemic to riparian areas is exempted from the xeriscape requirements set forth in Chapter 7 of this Code.

9.4.2.9. Wildlife Corridors. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. In all instances where wildlife corridors are identified, development shall be adjusted to avoid disturbance.

9.4.3. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.4.3.1. Generally. The LCCD Overlay modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone

regulation conflicts with any standard of this Code, the standard of this overlay zone shall govern.

9.4.3.2. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the LCCD Use Table and below:

1. Bicycle, motorcycle, all-terrain vehicle dealers:

a. Bicycle only are permitted.

2. All office or bank uses:

a. Limited to 1,500 sq. foot per level.

3. Services including pest control, janitorial, landscaping, carpet, upholstery, cleaning and other:

a. Pest control services are prohibited.

4. Active open space/athletic fields/golf courses:

a. Golf courses are prohibited.

5. Camps, Camping, and related establishments:

a. Stay is limited to 2 weeks.

b. Electricity and electric/gas generators are prohibited.

c. The camping perimeter shall be fenced.

d. Campsites shall be self-contained.

e. Motor coaches shall be prohibited.

f. Adequate bathroom facilities shall be provided and maintained by the property owner.

9.4.3.3. Base Zoning Districts. Base zoning districts approved for use in the LCCD are listed in Table 9.4.1.:

Table 9.4.1 Los Cerrillos Base Zoning Districts.

RUR-R	Rural Residential
RES-E	Residential Estate
TC	Traditional Community
PI	Public/Institutional

1. LCCD Rural Residential (LCCD RUR-R); Purpose. This designation covers areas associated with contemporary residential subdivisions and is

appropriate for single-family development with options for clustering and accessory dwelling structures, agricultural related uses and home occupations.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code, Rural Residential, except as prescribed in LCCD Table 9.4.2.

Table 9.4.2: Dimensional Standards LCCD RUR-R (Rural Residential).

Zoning District	LCCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Lot coverage residential (maximum, percent)	25
Lot coverage non-residential (maximum, percent)	50

2. LCCD Residential Estate (RES-E); Purpose. This designation covers areas adjacent to the LCCD Traditional Community District which is historically associated with the historic village core due to proximity, use and subdivision patterns. It is the intent of this designation to preserve the existing development pattern and recognize this area as contributing to the character of the historic village and as a transition zone from the denser village area to the larger agricultural and ranching lots. This area is appropriate for single-family development with options for clustering, agricultural related uses and home occupations.

a. Use Regulations. Uses permitted, conditional, accessory and prohibited as identified in Chapter 8 of Appendix B of this Code with exceptions identified on LCCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code, Residential Estate, except as prescribed in LCCD Table 9.4.3.

Table 9.4.3: Dimensional Standards LCCD RES-E (Residential Estate).

Zoning District	LCCD RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Lot coverage residential (maximum, percent)	25
Lot coverage non-residential (maximum, percent)	50

3. LCCD Traditional Community (TC); Purpose. The purpose of this district is to continue to reflect the unique historic development patterns of the old village with a mixed pattern of lot sizes, shapes and housing types. This district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses. It should remain as a primarily single-family residential district consistent with historic options for compact residential development including clustered housing, and family compounds. Community facilities, institutional uses, agricultural uses, and home occupations that are residential in scale should continue to be allowed in the district.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 of Appendix B of this Code with exceptions identified on LCCD Use Matrix.

b. Dimensional Standards. As identified in Chapter 8 of this Code except as prescribed in LCCD Table 9.4.4.

i. Minimum Density. The minimum lot size for LCCD TC is 1 DU/.75 acres.

Table 9.4.4: Dimensional Standards LCCD TC (Traditional Community).

Zoning District	LCCD TC
Density (# of acres per dwelling unit)	.75*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Height (maximum, feet), hay or animal barn, silo	24
Maximum building size (commercial)	2,000 sq. ft.
Lot coverage residential (maximum, percent)	50
Lot coverage non-residential (maximum, percent)	70

* Base density may not be adjusted through Density Bonus.

c. Architectural Design Standards. All new non-residential development shall be designed to integrate with the general style of Los Cerrillos.

4. LCCD Public/Institutional (PI); Purpose. The purpose of this district is to continue to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 of this Code with exceptions identified on LCCD Use Matrix.

b. Dimensional Standards. As identified in Chapter 8 of this Code except as prescribed in LCCD Table 9.4.5.

Table 9.4.5: Dimensional Standards LCCD PI (Public/Institutional).

Zoning District	LCCD PI
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	30
Lot coverage residential (maximum, percent)	25
Lot coverage (maximum, percent)	50

c. Architectural Design Standards. In order to preserve the historical design character of Los Cerrillos, any new development in PI district shall be designed to integrate with the general style of Los Cerrillos.

9.4.4. LCCD Overlay Zones.

9.4.4.1. LCCD Rural Commercial Overlay (LCCD O-RC); Purpose. LCCD O-RC is intended to support the needs of the community and to retain the predominately residential character of the Village. Commercial uses that are small in scale are appropriate within this overlay zone in order to support the development of the Village as a mix of residential and commercial and promote self-sufficiency for the community. This zone is appropriate for areas where such developments should logically locate because of established historic land use patterns in Los Cerrillos, planned or existing public facilities, and appropriate access.

1. Location. The Rural Commercial Overlay is appropriate for use in the area identified on the zoning map, within the TC district. Commercial and non-residential development shall conform to all requirements of this Code with exceptions identified in this section.

2. Uses permitted, conditional, accessory and prohibited as regulated in the LCCD base zoning districts, with exceptions identified below:

a. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the LCCD O-RC upon the issuance of a development permit, and are limited to 2,500 square feet:

i. Retail services such as: market shops, open markets, bicycle sales and repair shops, outdoor resale business, beer/wine/liquor stores, offices, banks, services such as janitorial, landscaping, carpet, upholstery cleaning, tattoo parlors; and

ii. Public facilities such as: medical clinics, highway rest stops, covered atriums and public enclosures, public administration buildings, bus shelters, community center, bus stop shelters; and

iii. Arts, entertainment, and recreation services such as: restaurants with and without the consumption of alcohol, movie theaters, performance theaters, fitness/active open space,

theater/dance/music establishments, exhibitions and art galleries, performing arts and supporting establishments.

b. Conditional Uses. The following uses may be allowed in the Rural Commercial Overlay upon the issuance of a conditional use permit, and are limited to 2,500 square feet:

i. Services such as stand-alone stores, convenience stores, bars/taverns/nightclubs, support business and operations for agriculture and forestry, fitness/recreational sports/gym/athletic club, passenger terminal mixed mode.

(a) Shooting ranges and activities are prohibited.

3. Parking. All businesses within the LCCD O-RC shall be eligible for on street parking. A maximum of sixty-six percent (66%) of customer parking shall be allowed on the County right-of-way within the commercial district. All designated on street parking shall be parallel parking, except where the width of the street allows for diagonal parking.

4. Architectural Design Standards. In order to preserve the historical design character of Los Cerrillos, any new non-residential development in LCCD O-RC shall be designed to integrate with the general style of Los Cerrillos.

9.4.5. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.4.5.1. Accessory Dwelling Units. The standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

1. Accessory Dwelling Units are allowed in the LCCD RUR-R and LCCD RES-E zones. Accessory Dwelling Units are prohibited within the LCCD TC, and PI zones.

2. Accessory Dwelling Units located within the LCCD RES-E zone.

a. Accessory dwelling units constructed within the LCCD RES-E zone shall be limited to a maximum of 600 square feet of heated interior square footage.

b. Accessory dwelling units constructed within the LCCD RES-E zone shall be required to install rain barrels, cisterns or other rain water catchment system, per Chapter 7 of this Code.

3. The combined water consumption of the primary and accessory structures shall not exceed .25 acre feet/year.

9.4.5.2. Home Occupations; Purpose. Home Occupations are small-scale uses that are conducted from one's home and are clearly incidental and secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and

as regulated in Chapter 10 of this Code with the following exceptions as identified in Table 9.4.6.

Table 9.4.6: LCCD Home Occupations Standards:

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	2	3
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/ patron visits (max/day)	0	6	8
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	Up to 2	3

9.4.5.3. Low Impact Home Occupations, as identified in Chapter 10 of this Code are permitted throughout the Los Cerrillos Community Planning Area with the following adjustments:

1. Limited to 2 employees.

2. Up to 6 patron visits per day.

9.4.5.4. Medium Impact Home Occupations, as identified in Chapter 10 of this Code are conditionally allowed within the LCCD RUR-R, RES-E, and O-RC.

1. Medium impact home occupations shall be prohibited within the LCCD TC zone.

9.4.5.5. Home Occupation parking. Parking for Home Occupations shall be provided on-site unless historic land use and small lot development pattern of Los Cerrillos prohibits parking on-site. In that case, the Home Occupation proprietor shall provide alternative parking sites for customers, staff and associated vehicles without infringing on neighbors or blocking driveways. All designated on street parking shall be parallel parking, except where the width of the street allows for diagonal parking.

9.4.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the LCCD Use Table 9.4.8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.4.7. Accessory uses may be subject to specific

regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.4.7: Use Table Labels

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.4.8. LCCD Use Table

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Residential								
Single family		1110		P	P	P	A	
Accessory dwelling units		1130		A	A	X	X	Ch.9 & 10
Townhouses				X	X	X	X	
Multifamily dwellings		1202-99		X	X	X	X	
Retirement Housing	1210			P	P	P	P	
Assisted living facility	1230			C	C	C	P	
Life care or continuing care facilities	1240			C	C	C	P	
Nursing facilities	1250			C	C	C	P	
Community Home, NAICS 623210				C	C	C	C	
Barracks		1310		X	X	X	X	
Dormitories		1320		X	X	X	X	
Temporary structures, tents etc. for shelter		1350		C	C	C	X	
Hotels, motels, or other accommodation services								
Bed and Breakfast inn	1310			C	C	P	X	Ch. 10
Rooming and boarding housing	1320			X	X	X	X	
Resorts				X	X	X	X	
Retreats				C	C	C	C	
Hotels, motels, and tourist courts	1330			X	X	X	X	
Commercial								
Shop or store with drive-through facility		2210		X	X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	
Stand-alone store or shop		2230		X	X	X	X	
Department store		2240		X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	
Market shops, including open markets		2260		X	X	X	C	
Gasoline station		2270		X	X	X	X	
Automobile repair and service		2280		X	X	X	X	
Car dealer	2111			X	X	X	X	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	X	X	Ch. 9
Boat or marine craft dealer	2114			X	X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	X	
Gasoline service	2116			X	X	X	X	
Lumberyard and materials	2126			X	X	X	X	
Outdoor resale business	2145			C	C	X	X	
Pawnshops	NAICS 522298			X	X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	X	X	
Shopping center		2510-2580		X	X	X	X	
Convenience stores or centers		2591		X	X	X	X	Ch.10
Car care center		2593		X	X	X	X	
Car washes	NAICS 811192			X	X	X	X	
Office or bank (without drive-through facility)		2100		X	X	X	X	Ch. 9
Office (with drive-through facility)		2110		X	X	X	X	Ch. 9
Office or store with residence on top		2300		X	X	X	X	Ch. 9
Office-over storefront structure		2400		X	X	X	X	Ch. 9
Research and development services (scientific, medical, and technology)	2416			X	X	X	X	
Car rental and leasing	2331			X	X	X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	X	Ch. 9
Bars, taverns and nightclubs				X	X	X	X	
Sexually oriented business				X	X	X	X	Sec. 10.20
Tattoo parlors				X	X	X	X	
Industrial , manufacturing and wholesale trade								
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	X	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Loft		2611		X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	
Manufacturing plants		2613		X	X	X	X	
Industrial parks		2614		X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	
Construction-related businesses	7000			X	X	X	X	
Heavy construction	7400			X	X	X	X	
Machinery related	7200			X	X	X	X	
Special trade contractor	7300			X	X	X	X	
Automotive paint and body				X	X	X	X	Sec.10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	
Demolition, building and structure business				X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	
High-rise mini-warehouse		2720		X	X	X	X	
Warehouse structure		2730		X	X	X	X	
Produce warehouse		2740		X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	X	
Food, textiles, and related products				X	X	X	X	
Wood, paper, and printing products				X	X	X	X	
Tank farms		2780		X	X	X	X	
Public assembly structures								
Performance theater			3110	X	X	X	X	
Movie theater			3120	X	X	X	X	
Amphitheater			3130	X	X	X	C	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Drive-in theaters			3140	X	X	X	X	
Indoor games facility		3200		X	X	X	X	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	C	
Amusement or theme park	5310			X	X	X	X	
Arcade	5320			X	X	X	X	
Miniature golf establishment	5340			X	X	X	X	
Fitness, recreational sports, gym, or athletic club	5370			X	X	X	C	Ch. 9
Bowling, billiards, pool, etc.	5380			X	X	X	X	
Skating rinks	5390			X	X	X	X	
Sports stadium or arena		3300		X	X	X	X	
Racetrack or raceway	5130			X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	X	X	P	
Passenger terminal, mixed mode		3810		X	X	X	C	*
Active open space/ athletic fields/golf courses	6340			X	X	X	P	Ch. 9
Passive open space	6340			P	P	P	P	
Arts, entertainment, and recreation								
Active leisure sports and related activities			7100	X	X	X	X	
Movie Ranch				P	C	C	P	
Camps, camping, and related establishments	5400			C	C	X	X	Ch. 9
Exhibitions and art galleries		4410		X	X	X	X	
Performing arts or supporting establishment	5100			C	C	X	C	
Theater, dance, or music establishment	5101			C	C	C	P	
Institutional or community facilities								
Community center		2200		C	C	C	P	
Hospitals		4110		X	X	X		
Medical clinics		4120		P	P	X	P	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			P	P	P	P	
Child and youth services	6561			P	P	P	P	
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	
Day care center	6562			P	P	P	P	
Community food services	6563			P	P	P	P	
Emergency and relief services	6564			P	P	P	P	
Other family services	6565			P	P	P	P	
Services for elderly and disabled	6566			P	P	P	P	
Animal hospitals	6730			X	X	X	C	
School or university (privately owned)		4200		C	C	X	C	
Grade school (privately owned)		4210		P	P	P	P	
College or university facility (privately owned)		4220		X	X	X	X	
Technical, trade, and other specialty schools	6140	4230		X	X	X	C	
Library		4300		P	P	P	P	
Museum, exhibition, or similar facility	5200	4400		C	C	P	P	
Planetarium		4420		X	X	X	P	
Aquarium		4430		X	X	X	X	
Zoological parks		4450		C	C	C	P	
Public safety related facility			4500	P	P	P	P	
Fire and rescue station			4510	P	P	P	P	
Police station			4520	P	P	P	P	
Emergency operation center			4530	X	X	X	C	*
Correctional or rehabilitation facility			4600	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	C	C	C	P	
Funeral homes			4800	X	X	X	X	
Cremation facilities			4800	X	X	X	X	
Public administration		6200		X	X	X	P	
Post offices		6310		X	X	X	P	
Space research and technology		6330		X	X	C	P	*
Clubs or lodges				C	C	C	C	
Transportation-related facilities								

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Commercial automobile parking lots		5200		X	X	X	X	
Commercial automobile parking garages				X	X	X	X	
Surface parking, open		5210		C	C	C	C	
Surface parking, covered		5220		C	C	C	C	
Underground parking structure with ramps		5240		X	X	X	X	
Rooftop parking facility		5250		X	X	X	X	
Bus terminal		3830		X	X	X	X	
Bus stop shelter		5300		C	C	C	C	
Truck storage and maintenance facilities		5400		X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	
Light rail transit lines and stops	4151			C	C	C	C	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	
Taxi and limousine service maintenance and storage facilities	4155			X	X	X	X	
Taxi and limousine service dispatch facilities				X	X	X	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	
Courier and messenger service facilities	4190			X	X	C	X	
Commercial airports		5600		X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	
Heliport facility		5640		X	X	X	C	
Helistops				X	X	X	C	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	C	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Railroad passenger station		5701		C	C	C	C	
Railroad freight facility		5702		X	X	X	X	
Utility								
Local distribution facilities for water, natural gas, and electric power		6100		X	X	X	X	
Telecommunications lines				P	P	P	P	
Electric power substations				X	X	X	X	
High-voltage electric power transmission lines				X	X	X	X	
Dam		6220		X	X	X	X	
Livestock watering tank or impoundment				C	X	X	X	
Levee		6230		C	C	C	C	
Water tank (elevated, at grade, or underground)		6250		P	P	P	P	
Water wells, well fields, and bulk water transmission pipelines		6260		P	P	P	P	
Water treatment and purification facility		6270		P	P	P	P	
Water reservoir		6280		C	C	C	C	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		C	C	X	X	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		X	X	X	X	
Solid waste landfill facility	4345	6320		X	X	X	X	
Composting facility		6330		C	X	X	X	
Recycling transfer center		6331		X	X	X	X	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	
Household hazardous waste collection facility				X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Sewage treatment plant and disposal facilities		6350		X	X	X	X	
Gas or electric power generation facility		6400		X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	X	X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	C	C	P	
Amateur radio antenna		6510		X	X	X	X	
Weather stations		6520		X	X	X	X	
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	P	
Commercial solar energy production facility				X	X	X	X	
Geothermal production facility		6450		X	X	X	X	
Large scale wind facility				X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		P	P	X	P	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	P	
Agriculture, forestry, and conservation/open space								
Grain silos and other storage structure for grains and agricultural products		8100		A	A	C	X	
Animal production that includes slaughter	9300			X	X	X	X	
Livestock pens or hog houses		8200		C	X	X	X	
Commercial greenhouses		8500		P	C	C	C	
Nurseries and other growing of ornamental plants				P	C	C	C	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		X	X	X	X	
Stables and other equine-related facilities - Commercial over 12 horses				X	X	X	X	

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Kennels and commercial dog breeding facilities		8700		X	X	X	X	
Apiary and other related structures		8700		P	P	P	P	
Crop production outdoor	9100			P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	
Display or sale of agricultural products raised on the same premises				A	A	A	P	
Forestry and logging operations	9300			X	X	X	X	
Game preserves and retreats	9400			X	X	X	X	
Support business and operations for agriculture and forestry				A	A	X	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	
Concentrated animal feeding operation		8310		X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	X	X	X	
Dairy farms		8210		X	X	X	X	
Other farm and farming-related structures		8900		A	A	A	A	
Poultry farms and poultry production facilities		8220		X	X	X	X	
Sheds, or other agricultural facilities		8000		A	A	A	A	
Animal waste lagoons		8420		X	X	X	X	Ch. 11
Mining and extraction establishments								
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.5. TESUQUE COMMUNITY DISTRICT OVERLAY.

9.5.1. Purpose and Intent. The provisions of the Tesuque Community District (TCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Tesuque Community Plan and the Sustainable Growth Management Plan (SGMP). The TCD is designed to ensure compatibility among various land uses, encourage compact development, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the community. Provisions include standards and dimensions based on historic development patterns and incentives to facilitate compact development where appropriate in conjunction with conservation easements that preserve agricultural land and open space.

9.5.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.5.2.1. Fences and Walls. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Intent. In order to maintain and enhance the rural character of Bishops Lodge Road north of the Santa Fe City boundary to its intersection with Hwy 285, fencing and walls in this area shall be built to reflect historic design patterns. Fencing in this area has historically been short, open fencing for farming and grazing management which created the sense of a small rural agricultural community.

2. A permit is required for any new or replacement fences or yard walls within 25 feet of any property line fronting Bishops Lodge Road and Tesuque Village Road.

3. Location and Height. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Any new or replacement fences or yard walls within 25 feet of any property line fronting Bishops Lodge Road and Tesuque Village Road shall not be opaque above 3 feet in height. Coyote fences are considered opaque.

b. Any new or replacement front yard fence or wall with any opaque sections facing Bishop's Lodge Road and Tesuque Village Road shall incorporate landscaping with permanent trees, shrubs or vines for a minimum of 40% of the wall length.

c. Any new or replacement front yard fence or wall beyond the 25 foot setback may be fully opaque to a maximum of 6 feet and shall be landscaped to the Bishops Lodge Road or Tesuque Village Road side with permanent trees, shrubs or vines for a minimum of 40% of the wall length. See Chapter 7 of this Code for landscape standards for planting requirements.

d. Fencing and walls shall not exceed 6 feet in height.

4. Fencing Materials and Design. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Fencing or walls above 3 feet but limited to 6 feet, must be constructed with materials that allow for safety for traffic by assuring clear visibility through the fencing.

b. Fence materials to be utilized above the 3 foot limit may not include glass or similar plastic or polycarbonate type materials.

c. Chain link fencing is prohibited.

d. Fencing and walls visually accessible from Bishop's Lodge Road, and greater than 30 feet in length, shall incorporate architectural offsets at a minimum of 1 every 30 feet.

e. All opaque portions of walls shall be colored in tones consistent with shades historically used in Tesuque, including earth tones, brown, tan, or white.

9.5.2.2. Signs. The standards for signs shall be as regulated by Chapter 7 of the Code with the following exception:

1. Pole mounted signs are prohibited.

2. Wall, fence, and pedestal signs with a maximum size of 6 square feet are allowed for non-residential uses.

3. Electronic and internally illuminated signs are prohibited.

4. Indirect sign illumination for way-finding purposes during the hours of operation is permitted, so long as it is shielded, with the light source concealed from view and directed downward.

9.5.2.3. Parking. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parking Lot Location. Rear or side parking is required for all non-residential parking when the property is adjacent to a public road.

2. Parking Lot Setback. Non-residential front parking shall be set back 10' from the roadway and the setback area shall be landscaped to provide screening.

3. Screened Parking. Non-residential parking shall be screened from adjacent residential properties.

4. Parking Lot Design Standards. All non-residential parking should be designed with base course except as required to meet accessibility standards.

9.5.2.4. Terrain Management. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Steep Slopes and Ridges. These standards apply to all new structures and additions to existing structures located on development sites where any portion of the land has a natural slope prior to development of 15 % or greater, and on ridgetops.

a. Exterior walls, façades and roof shall be darker shades of the natural earth tones (such as tan, brown) of the soils on the building site. Tones of gray, green and white are prohibited for exterior building colors.

b. Roof colors and all wall and façade colors visible from adjacent properties or from US 84/285, CR 73 and CR 73A shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than forty pursuant to manufacturer's specifications. When such data is unavailable, compliance will be determined by a comparison of samples for which data is available.

c. Windows and door glazing shall be limited to no more than 30% of a façade and shall be non-mirrored and the LRV shall be less than 20, except:

i. Glazing shall be limited to no more than 50% under portals of 8 feet or deeper. This subsection shall not apply to glazing on a south-facing façade where incorporated into a documented design solar heating application equivalent to one for which the annual "Solar Saving Fraction (SSF)" exceeds 60%.

2. Height on Steep Slopes and Ridges. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Structure heights on slopes greater than 15%. Structure heights are limited to 18 feet. The distance between the highest point of the structure and the lowest point at the natural grade or finished cut shall not exceed 18 feet.

b. Structures on ridge tops. Pitched roofs are prohibited on ridge tops throughout the planning area.

3. Storm Drainage. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. In order to protect the Little Tesuque and Big Tesuque rivers from siltation and contaminants, drainage from all land uses which may discharge runoff containing high nitrogen content or other contaminants, such as stables or kennels, shall be retained in ponds which must be setback set back a minimum of 25 feet from the natural edge of the river or FEMA designated floodplain, whichever is closer. Retention ponds shall be cleaned regularly to maintain their planned capacity and shall be incorporated into the landscaping to maintain the integrity of aesthetics for the site.

4. Landscaping. These standards apply to all new structures and additions to existing structures located on development sites where any portion of the land has a natural slope prior to development of 15 % or greater, and on ridgetops.

a. Indigenous evergreen trees at least 5 feet tall and approximating the original density and type existing on the site prior to disturbance shall be used for screening and buffering of structures and cuts and fills, where required, in order to maintain year round screening.

b. Cut slopes with a slope or retaining wall closer than 6 feet from the edge of a road or driveway, where the planting area for trees is limited, may be screened with a trellis supporting planted vegetation or some other similar means which creates a natural screened effect.

9.5.2.5. Special Protection of Riparian Areas. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Native vegetation endemic to riparian areas are exempted from the xeriscape requirements set forth in Chapter 7 of this Code.

9.5.2.6. Special Protection of Wildlife Corridors. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. In all instances where wildlife corridors are identified, development shall be adjusted to avoid disturbance.

9.5.3. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.5.3.1. Generally. The TCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the base zoning districts of this Code. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.5.3.2. Base Zoning Districts. Base zoning districts approved for use in the TCD are listed in Table 9.5.1.

Table 9.5.1: Tesuque Base Zoning Districts.

RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
RES-C	Residential Community
TC	Traditional Community
PI	Public/Institutional

1. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the TCD Use Table and below:

a. Research and development services:

i. Animal testing is prohibited.

b. Active leisure sports and related activities:

i. Shooting activities and archery are prohibited.

c. Commercial and crop production greenhouses:

i. Limited to 3,000 square feet.

d. Weather stations or transmitters:

i. Limited to 10 feet in height.

e. Accessory farm structures, sheds, and agricultural facilities:

i. In all zoning districts, farming related structures, sheds and other agricultural facilities are considered accessory to the primary use of crop production.

2. Lot coverage. The standards shall be regulated as identified in Chapter 8 of this Code with the following exceptions:

a. Residential Uses. The maximum lot coverage throughout the Tesuque Community Planning Area is 20%, calculated by the combined roofed area of principal and accessory structures.

b. Non-residential Uses. The maximum lot coverage throughout the Tesuque Community Planning Area is 20%, calculated by the combined roofed area of all structures, parking areas and driveways.

i. In the event that an existing non-conforming use is replaced with a similar use, the same or similar lot coverage of the previous use may be maintained.

c. Density Transfer. Whenever density transfers are used to create open space in perpetuity by easement or other legal means, and new lots are created, maximum lot coverage shall increase up to 50% and shall be calculated based on each individual new development lot.

3. TCD Rural Residential (TCD RUR-R); Purpose. The purpose of this district is to provide for the development of single family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home development in areas near the fringes of urban development while

avoiding unreasonable restrictions on farming or ranching operations. This designation applies to two areas encompassing approximately 420 acres that cover large residential lots located in the foothills which border Santa Fe National Forest. This zoning district is characterized by less level, buildable area and more sloping terrain. Most of the area has good tree cover, with piñon and juniper trees predominant in the landscape. Many of the residential lots that are less than 10 acres are associated with land set aside as conservation easements or permanent open space. Uses limited to single-family residential development, agricultural related uses and home occupations that are residential in scale.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the TCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.5.2:

Table 9.5.2: Dimensional Standards TCD-RUR-R (Rural Residential).

Zoning District	TCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Height (maximum, feet), hay or animal barn, silo	36

4. TCD Residential Fringe (TCD RES-F); Purpose. The purpose of this district is to designate areas associated primarily with contemporary residential subdivisions that were established off the valley floor in the surrounding piñon/juniper covered hills. The East Ridge District encompasses approximately 185 acres in the northeast portion of the plan area and abutting the Santa Fe National Forest. The West Ridge District encompasses approximately 1025 acres along the western boundary of the plan area abutting highway US 285. Uses are limited to single-family residential development, agricultural related uses and home occupations that are residential in scale.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on TCD Use Table.

i. Community Center:

(a) Conditional Use only allowed with access from Bishops Lodge or Tesuque Village Road.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of the Code except as prescribed in Table 9.5.3.

Table 9.5.3: Dimensional Standards TCD RES-F (Residential Fringe).

Zoning District	TCD RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Height (maximum, feet), hay or animal barn, silo	36

5. TCD Residential Estate (TCD RES-E); Purpose. The purpose of this district is to designate properties that are situated on a flat ridge above the valley floor adjacent to Bishop's Lodge Hills Subdivision and accessed by either Mama Kay Way or Eccola Lane or Bauer Road. This area should continue to evolve as a primarily low-density single-family residential district with appropriate infrastructure and options for clustering in conjunction with contiguous common areas or conservation easements.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified below and on TCD Use Table.

i. Stables and other equine-related facilities- All personal and commercial up to 12 horses:

(a) Stables and other equine related facilities limited to 4 horses in this zoning district.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of the Code except as prescribed in Table 9.5.4.

Table 9.5.4: Dimensional Standards TCD RES-E (Residential Estate).

Zoning District	TCD RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Height (maximum, feet), hay or animal barn, silo	36

6. TCD Residential Community (TCD RES-C); Purpose. The purpose of this district is to recognize the area along both the Big and Little Tesuque Rivers as the green heart of the plan area and the feature that differentiates Tesuque from other areas. It encompasses more than 850 acres and represents much of Tesuque's historic and agricultural past, as well as the community's hopes for continued agricultural use in the future. Preservation of this area as rural and open is tied to the need to keep the lands available and suitable for pastures, orchards and other agricultural uses; and for the preservation of the acequias. Uses are limited to single-family residential development, agricultural related uses, home occupations,

and small scale commercial uses centrally located near the intersection of Bishop's Lodge Road and Tesuque Village Road. (See Tesuque Rural Commercial Overlay).

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on TCD Use Table and as prescribed below:

i. Stables and other equine-related facilities- All personal and commercial up to 12 horses:

(a) Stables and other equine related facilities limited to 4 horses in this zoning district.

ii. Community Center:

(a) Conditional Use only allowed with access from Bishops Lodge or Tesuque Village Road.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.5.5.

Table 9.5.5: Dimensional Standards TCD RES-C (Residential Community).

Zoning District	TCD RES-C
Density (# of acres per dwelling unit)	1*
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Height (maximum, feet), hay or animal barn, silo	36

*Subject to Open Space Design Standards below.

i. Density. Density for the TCD RC is one dwelling unit per acre subject to the Open Space Design Standards identified below.

(a) Open Space Design Standards: A minimum of 75% of the gross area of the property must be identified on the plat or through a conservation easement as open space in order to meet planning objectives including preservation of visual open space, grazing, or other agricultural lands; trail easements; or the preservation of historic and cultural sites to meet the base density. Structures on the open space areas are prohibited. The open space conservation area shall include arable, irrigable land including grazing land and land associated with any acequia system if these conditions are present on the property.

(b) Solid walls are prohibited. Any fencing shall allow for unobstructed views of the property.

(c) If the property does not meet the open space design standards above, density shall be a minimum of one dwelling unit per 1.5 acres.

7. TCD Traditional Community (TCD TC); Purpose. The purpose of the TCD TC district is to continue to reflect the unique historic development patterns of the old village with a mixed pattern of lot sizes and shapes and housing types. This district is primarily single-family residential district consistent with historic options for compact residential development including clustered housing, family compounds, and secondary dwelling units. Community facilities, institutional uses, agricultural uses, and home occupations that are residential in scale are appropriate in the district. The TCD Traditional Community district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agricultural found in traditional communities with acequia systems, from encroachment by development.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on TCD Use Table and as prescribed below:

i. Stables and other equine-related facilities- All personal and commercial up to 12 horses:

(a) Stables and other equine related facilities limited to 4 horses in this zoning district.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.5.6.

Table 9.5.6: Dimensional Standards TCD TC (Traditional Community).

Zoning District	TCD TC
Density (# of acres per dwelling unit)	.75*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (commercial)	2,500 sq. ft.

*Base density may not be adjusted through Density Bonus.

i. Density. The minimum lot size for TCD Traditional Community is 1 dwelling unit/.75 acres.

ii. Setbacks. A minimum of 10 feet is required between neighboring dwelling units. Where zero lot lines are existing, new development on neighboring lots requires a 10 foot minimum set back between property line and structure.

8. TCD Public/Institutional (TCD PI); Purpose. The purpose of the TCD PI district is to accommodate governmental, educational, and non-profit or

institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the TCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code except as prescribed in Table 9.5.7.

Table 9.5.7: Dimensional Standards TCD PI (Public/Institutional).

Zoning District	TCD PI
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	20
Lot coverage (maximum, percent)	20

9. Existing Master Plans Identified as PDDs. In order to recognize existing approvals, PDDs identified on the initial zoning map may be built out in accordance with their approved master plans which were approved prior to the effective date of this SLDC.

a. Expansion of existing PDDs. Non-residential structures within an existing PDD may expand up to twenty-five (25%) under a conditional use permit.

9.5.4. TCD Overlay Zones.

9.5.4.1. Tesuque Rural Commercial Overlay (TCD O-RC); Purpose. The Rural Commercial Overlay is intended to support the needs of the community and to retain the predominantly residential character of the Village. Commercial uses that are small in scale are appropriate within this overlay zone in order to support the development of the village as a mix of residential and commercial. Commercial development should support local employment and provide local services which do not disrupt the quiet of the Village and promote self-sufficiency for the community.

1. Location. The Tesuque Rural Commercial Overlay district is identified on the Official Zoning Map. The TCD Rural Commercial Overlay includes two subdistricts: Area A and Area B:

2. TCD O-RC Area A. Area A is centrally located within the village core and covers lots or portions of lots with established historic commercial land uses. Area A Subdistrict has frontage on Bishop's Lodge Road and/or Tesuque Village Road. The area is envisioned to continue as mixed-use village area supporting neighborhood scale retail and commercial uses, community facilities and open space.

a. Uses permitted, conditional, accessory and prohibited as regulated in the base zoning districts, with exceptions identified below:

i. Conditional Uses. The following uses may be allowed in TCD O-RC Area A upon the issuance of a conditional use permit, provided the maximum floor area for each establishment shall not exceed five thousand (5,000) square feet:

(a) Community Services, such as retirement housing, assisted living facilities, life care or continuing care facilities, skilled nursing facilities, library, museum, postal services, bus stop shelters, and community center (only with access from Bishops Lodge Road); and

(b) Small scale lodging, such as bed and breakfast inns (up to 7 units), rooming and boarding housing (up to 7 units), and retreats (up to 6 events per year, no more than 3 days per week, and no more than 10 participants at a time); and

(c) Retail services market shops and open markets, convenience stores, offices/stores with residence on top; and

(d) Entertainment facilities such as fitness, recreational sports, gyms, and athletic clubs (archery is prohibited), exhibitions and art galleries, performing arts and supporting establishments, bars, taverns, and nightclubs.

(i) Bars, taverns and nightclubs may replace existing facilities only.

ii. Dimensional Standards. See Base Zoning Districts: TCD-TC and TCD-RUR.

2. TCD O-RC Area B. Area B is located along Tesuque Village Road just east of the interchange with US 285 on approximately 9 acres of vacant land that abuts public right-of-way on three sides; Tesuque Village Road on the south and east and Highway US 285 on the west. Area B Subdistrict functions as a gateway to Tesuque. The area is envisioned to be appropriate for neighborhood-scaled and neighborhood-oriented mixed uses, including commercial offices, live work units, studios, restaurants, retail of primarily locally produced goods, community services, recreation amenities. Area B Subdistrict is not appropriate for travel services, highway oriented development or retail where the majority of goods are not produced locally.

a. Uses permitted, conditional, accessory and prohibited as regulated in the base zoning districts, with exceptions identified below:

i. Conditional Uses. The following uses may be allowed in TCD O-RC Area B Subdistrict upon the issuance of a conditional use

permit, provided the maximum floor area for each establishment shall not exceed five thousand (5,000) square feet:

(a) Community Services, such as retirement housing, assisted living facilities, life care or continuing care facilities, skilled nursing facilities, medical clinics, social/charitable services, services for the disabled, public safety, police, fire and emergency facilities, library, museum, postal services, bus stop shelters, and community center (only with access from Bishops Lodge Road); and

(b) Small scale lodging, such as bed and breakfast inns (up to 7 units), rooming and boarding housing (up to 7 units), and retreats (up to 6 events per year, no more than 3 days per week, and no more than 10 participants at a time); and

(c) Retail services market shops and open markets, convenience stores, offices/stores with residence on top; and

(d) Entertainment facilities such as fitness, recreational sports, gyms, and athletic clubs (archery is prohibited), exhibitions and art galleries, performing arts and supporting establishments, theater, dance, or music establishments, and permanent outdoor stage/bandstand; and

(e) Research and development services including scientific, medical and technological. Animal testing is prohibited.

ii. Dimension Standards. See Base Zoning Districts: TCD-TC and TCD-RUR.

9.5.5. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.5.5.1. Accessory Dwelling Units.

1. Accessory Dwelling Units are allowed as a conditional use throughout the zoning district.

2. At the time of application, it is required that the primary dwelling unit is owner-occupied.

9.5.5.2. Home Occupations; Purpose. Home Occupations are small-scale uses that are conducted from one's home and are clearly incidental and secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and as regulated in Chapter 10 of this Code with the following exceptions as identified in Table 9.5.8.

1. Medium Impact Home Occupations are prohibited throughout the TCD.

Table 9.5.8: TCD Home Occupations Standards:

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	n/a
Non-resident employees (max)	1	2	n/a
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	n/a
Accessory building storage	100 SF	600 SF	n/a
Appointments/ patron visits (max/day)	0	6	n/a
Business traffic	none	see §10.6.5	n/a
Signage	not permitted	see §7.9.4.3	n/a
Parking and access	Resident and employee only	see §10.6.5	n/a
Heavy Equipment	None	Up to 2	n/a

9.5.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the TCD Use Table 9.5.10. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.5.9. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.5.9: Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.5.10: Tesuque Community District Use Table

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Residential										
Single family		1110		P	P	P	P	P	A	
Accessory dwelling units		1130		C	C	C	C	C	A	Ch.10
Townhouses				X	X	X	X	P	A	
Multifamily dwellings		1202-99		X	X	X	X	P	A	
Retirement Housing	1210			X	X	X	X	X	C	
Assisted living facility	1230			X	X	X	X	X	C	
Life care or continuing care facilities	1240			X	X	X	X	X	C	
Nursing facilities	1250			X	X	X	X	X	C	
Community Home, NAICS 623210				P	P	P	P	P	P	
Barracks		1310		X	X	X	X	X	X	
Dormitories		1320		X	X	X	X	X	X	
Temporary structures, tents etc. for shelter		1350		C	C	C	C	C	C	
Hotels, motels, or other accommodation services										
Bed and Breakfast inn	1310			X	X	X	X	X	X	Ch.10
Rooming and boarding housing	1320			X	X	X	X	X	X	
Resorts				X	X	X	X	X	X	
Retreats				C	X	X	X	X	C	
Hotels, motels, and tourist courts	1330			X	X	X	X	X	X	
Commercial										
Shop or store with drive-through facility		2210		X	X	X	X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	C	X	C	C	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	C	X	C	C	X	
Stand-alone store or shop		2230		X	C	X	C	C	X	
Department store		2240		X	X	X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	
Market shops, including open markets		2260		X	X	X	X	X	X	
Gasoline station		2270		X	X	X	X	X	X	
Automobile repair and service		2280		X	X	X	X	X	X	
Car dealer	2111			X	X	X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	X	X	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	X	X	X	X	
Boat or marine craft dealer	2114			X	X	X	X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	X	X	X	
Gasoline service	2116			X	X	X	X	X	X	
Lumberyard and materials	2126			X	X	X	X	X	X	
Outdoor resale business	2145			X	C	X	C	C	X	
Pawnshops		NAICS 522298		X	X	X	X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	C	X	C	C	X	
Shopping center		2510-2580		X	X	X	X	X	X	
Convenience stores or centers		2591		X	X	X	X	X	X	
Car care center		2593		X	X	X	X	X	X	
Car washes		NAICS 811192		X	X	X	X	X	X	
Office or bank (without drive-through facility)		2100		X	C	X	X	X	X	
Office (with drive-through facility)		2110		X	X	X	X	X	X	
Office or store with residence on top		2300		X	X	X	X	X	X	
Office-over storefront structure		2400		X	X	X	X	X	X	
Research and development services (scientific, medical, and technology)	2416			X	X	X	X	X	X	Ch. 9
Car rental and leasing	2331			X	X	X	X	X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	X	X	X	
Bars, taverns and nightclubs				X	X	X	X	X	X	
Sexually oriented business				X	X	X	X	X	X	Sec. 10.20
Tattoo parlors				X	X	X	X	X	X	
Industrial , manufacturing and wholesale trade										
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	X	X	X	
Loft		2611		X	X	X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	X	X	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Manufacturing plants		2613		X	X	X	X	X	X	
Industrial parks		2614		X	X	X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	X	X	
Construction-related businesses	7000			X	X	X	X	X	X	
Heavy construction	7400			X	X	X	X	X	X	
Machinery related	7200			X	X	X	X	X	X	
Special trade contractor	7300			X	X	X	X	X	X	
Automotive paint and body				X	X	X	X	X	X	Section 10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	X	X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	X	X	
Demolition, building and structure business				X	X	X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	X	X	
High-rise mini-warehouse		2720		X	X	X	X	X	X	
Warehouse structure		2730		X	X	X	X	X	X	
Produce warehouse		2740		X	X	X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	X	X	X	
Food, textiles, and related products				X	X	X	X	X	X	
Wood, paper, and printing products				X	X	X	X	X	X	
Tank farms		2780		X	X	X	X	X	X	
Public assembly structures										
Performance theater			3110	X	X	X	X	X	X	
Movie theater			3120	X	X	X	X	X	X	
Amphitheater			3130	X	X	X	X	X	X	
Drive-in theaters			3140	X	X	X	X	X	X	
Indoor games facility		3200		X	X	X	X	X	X	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	X	X	X	
Amusement or theme park	5310			X	X	X	X	X	X	
Arcade	5320			X	X	X	X	X	X	
Miniature golf establishment	5340			X	X	X	X	X	X	
Fitness, recreational sports, gym, or athletic club	5370			X	X	X	X	X	C	
Bowling, billiards, pool, etc.	5380			X	X	X	X	X	X	
Skating rinks	5390			X	X	X	X	X	X	
Sports stadium or arena		3300		X	X	X	X	X	X	
Racetrack or raceway	5130			X	X	X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	
Covered or partially covered atriums and public enclosure		3700		X	X	X	X	X	C	
Passenger terminal, mixed mode		3810		X	X	X	X	X	X	*
Active open space/ athletic fields/golf courses	6340			C	C	C	C	C	C	*
Passive open space	6340			P	P	P	P	P	P	
Arts, entertainment, and recreation										
Active leisure sports and related activities			7100	C	C	C	C	C	C	Ch. 9
Movie Ranch				X	X	X	X	X	X	
Camps, camping, and related establishments	5400			X	X	X	X	X	X	
Exhibitions and art galleries		4410		X	X	X	X	X	C	
Performing arts or supporting establishment	5100			X	X	X	X	X	C	
Theater, dance, or music establishment	5101			X	X	X	X	X	C	
Institutional or community facilities										
Community center		2200		X	C	X	C	X	P	Ch. 9
Hospitals		4110		X	X	X	X	X	X	
Medical clinics		4120		X	X	X	X	X	C	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			X	C	X	C	X	C	
Child and youth services	6561			X	C	X	C	X	C	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Child care institution (basic)	6562			P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	
Community food services	6563			X	X	X	X	X	C	
Emergency and relief services	6564			X	X	X	X	X	C	
Other family services	6565			X	X	X	X	X	C	
Services for elderly and disabled	6566			X	X	X	X	X	C	
Animal hospitals	6730			X	X	X	X	X	C	
School or university (privately owned)		4200		P	P	P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	P	P	
College or university facility (privately owned)		4220		X	X	X	X	X	X	
Technical, trade, and other specialty schools	6140	4230		X	X	X	X	X	X	
Library		4300		X	X	X	X	X	C	
Museum, exhibition, or similar facility	5200	4400		X	X	X	X	X	C	
Planetarium		4420		X	X	X	X	X	C	
Aquarium		4430		X	X	X	X	X	X	
Zoological parks		4450		X	X	X	X	X	X	
Public safety related facility			4500	X	X	X	X	X	C	
Fire and rescue station			4510	X	X	X	X	X	C	
Police station			4520	X	X	X	X	X	C	
Emergency operation center			4530	X	X	X	X	X	C	
Correctional or rehabilitation facility			4600	X	X	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	X	X	X	X	X	C	
Funeral homes			4800	X	X	X	X	X	X	
Cremation facilities			4800	X	X	X	X	X	X	
Public administration		6200		X	X	X	X	X	C	
Post offices		6310		X	X	X	X	X	P	
Space research and technology		6330		X	X	X	X	X	C	*
Clubs or lodges				X	X	X	X	X	X	
Transportation-related facilities										
Commercial automobile parking lots		5200		X	X	X	X	X	X	
Commercial automobile parking garages				X	X	X	X	X	X	
Surface parking, open		5210		X	X	X	X	X	A	
Surface parking, covered		5220		X	X	X	X	X	A	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Underground parking structure with ramps		5240		X	X	X	X	X	X	
Rooftop parking facility		5250		X	X	X	X	X	X	
Bus terminal		3830		X	X	X	X	X	X	
Bus stop shelter		5300		X	X	X	X	X	P	
Truck storage and maintenance facilities		5400		X	X	X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	X	X	
Light rail transit lines and stops	4151			X	X	X	X	X	C	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	X	X	
Taxi and limousine service maintenance and storage facilities	4155			X	X	X	X	X	X	
Taxi and limousine service dispatch facilities				X	X	X	X	X	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	X	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	X	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	X	X	
Courier and messenger service facilities	4190			X	X	X	X	X	X	
Commercial airports		5600		X	X	X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	X	X	
Heliport facility		5640		X	X	X	X	X	X	
Helistops				X	X	X	X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	X	X	
Railroad passenger station		5701		X	X	X	X	X	X	
Railroad freight facility		5702		X	X	X	X	X	X	
Utility										
Local distribution facilities for water, natural gas, and electric power		6100		P	P	P	P	P	P	
Telecommunications lines				P	p	P	P	P	P	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Electric power substations				X	X	X	X	X	X	
High-voltage electric power transmission lines				X	X	X	X	X	X	
Dam		6220		X	X	X	X	X	X	
Livestock watering tank or impoundment				P	P	P	P	P	P	
Levee		6230		X	X	X	X	X	X	
Water tank (elevated, at grade, or underground)		6250		C	C	C	C	C	C	
Water wells, well fields, and bulk water transmission pipelines		6260		C	C	C	C	C	C	
Water treatment and purification facility		6270		C	C	C	C	C	C	
Water reservoir		6280		C	C	C	C	C	C	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	P	P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	C	C	C	C	C	
Solid waste landfill facility	4345	6320		X	X	X	X	X	X	
Composting facility		6330		C	C	C	C	X	C	
Recycling transfer center		6331		X	X	X	X	X	X	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	X	X	
Household hazardous waste collection facility				X	X	X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	X	X	
Sewage treatment plant and disposal facilities		6350		C	C	C	X	X	C	
Gas or electric power generation facility		6400		X	X	X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	X	X	X	X	C	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	C	C	C	C	P	
Amateur radio antenna		6510		X	X	X	X	X	X	
Weather stations		6520		C	X	X	X	C	C	Ch. 9
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	P	P	P	
Commercial solar energy production facility				X	X	X	X	X	X	
Geothermal production facility		6450		X	X	X	X	X	X	
Large scale wind facility				X	X	X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	X	X	X	X	X	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	X	X	X	
Agriculture, forestry, and conservation/open space										
Grain silos and other storage structure for grains and agricultural products		8100		A	A	A	A	A	A	
Animal production that includes slaughter	9300			X	X	X	X	X	X	
Livestock pens or hog houses		8200		X	X	X	X	X	X	
Commercial greenhouses		8500		C	C	C	C	C	C	Ch. 9
Nurseries and other growing of ornamental plants				P	P	P	P	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	P	P	P	P	P	Ch. 9
Stables and other equine-related facilities - Commercial over 12 horses				X	X	X	X	X	X	
Kennels and commercial dog breeding facilities		8700		X	X	X	X	X	X	
Apiary and other related structures		8700		P	P	P	P	P	P	
Crop production outdoor	9100			P	P	P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	P	P	Ch. 9
Display or sale of agricultural products raised on the same premises				X	X	X	C	C	C	

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Forestry and logging operations	9300			X	X	X	X	X	X	
Game preserves and retreats	9400			X	X	X	X	X	X	
Support business and operations for agriculture and forestry				X	X	X	X	X	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	
Public or community outdoor recreation facilities				C	C	C	C	C	C	
Concentrated animal feeding operation		8310		X	X	X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	P	P	P	
Dairy farms		8210		X	X	X	X	X	X	
Other farm and farming-related structures		8900		A	A	A	A	A	A	Ch. 9
Poultry farms and poultry production facilities		8220		X	X	X	X	X	X	
Sheds, or other agricultural facilities		8000		A	A	A	A	A	A	Ch. 9
Animal waste lagoons		8420		X	X	X	X	X	X	Ch. 11
Mining and extraction establishments										
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.6. MADRID COMMUNITY DISTRICT OVERLAY.

9.6.1. Purpose and Intent. The provisions of the Madrid Community District (MCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Madrid Community Plan and the Sustainable Growth Management Plan (SGMP). The MCD is designed to preserve the rural character, community self-sufficiency, history and culture of Madrid to help manage growth, maintain sustainable water and wastewater, preserve a high quality of life and protect and strengthen relationships between neighbors, accommodate a variety of lifestyles and meet future needs.

9.6.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.6.2.1. Setbacks. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Minimum front setback shall be 8 feet.

2. Minimum side and rear setback shall be 10 feet.

9.6.2.2. Signs. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Backlit, plastic, and neon signs are prohibited.

9.6.2.3. Water Supply, Wastewater and Water Conservation. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Water Conservation; Non-residential. New non-residential establishments shall make connection to a public or publicly-regulated private water system when the utility becomes ready, willing and able to supply the development. New non-residential development will be required to limit water consumption to .25 acre feet per year.

2. Wastewater; Non-residential. New non-residential establishments must provide proof of adequate restroom facilities before business licenses will be granted to ensure that non-residential establishments have adequate restroom facilities to serve demand generated by their business activities. Facilities shall include on-site restroom(s), portable facilities, shared facilities with another establishment or other types of facilities which meet applicable public restroom facility standards.

9.6.2.4. Terrain Management. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Steep Slopes and Ridges. These standards apply to all new structures and additions to existing structures located on development sites where any portion of the land has a natural slope prior to development of 15 % or greater, and on ridgetops.

2. Viewshed Preservation. In order to preserve the unobstructed horizons surrounding Madrid, no portion of a residential, commercial, or any other structure shall be visible above a ridge top when viewed from the centerline of NM 14 at the nearest spot on the highway with a direct view of the proposed structure.

3. Ridgetop Protection. Where a ridgetop measures more than two hundred feet (200') from shoulder to shoulder (a mesa), the ridge top standards and requirements for the architecture and buffers shall apply within two hundred feet (200') of the shoulder of the ridge and setbacks will be directed away from the portion of property most visible from the major roadway as described above.

4. Landscaping and Screening. Evergreen trees at least 5 feet tall shall be used for screening and buffering of structures, cuts and fills in order to maintain year round screening of previously disturbed areas.

a. Cut slopes with a slope or retaining wall closer than 6 feet from the edge of a road or driveway, where the planting area for trees is limited, may be screened with a trellis supporting planted vegetation or other similar means.

9.6.2.5. Special Protection of Riparian Areas. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Native vegetation endemic to riparian areas is exempted from the xeriscape requirements set forth in Chapter 7 of this Code.

9.6.2.6. Greenbelt Traffic Restrictions. All motorized vehicular traffic in the MCD greenbelt area, as identified in Appendix C: SLDC Official Map Series, Map 5 "Open Space and Trails" shall be prohibited with the exception of traffic on existing road easements and uses such as emergency purposes and water cooperative maintenance.

9.6.2.7. Wildlife Corridors. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. In all instances where wildlife corridors are identified, development shall be adjusted to avoid disturbance.

9.6.2.8. Density Transfer. Whenever density transfers are used to create open space in perpetuity by easement or other legal means, and when new lots are created, maximum lot coverage shall increase to 50% and shall be calculated based on each individual new development lot.

9.6.3. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.6.3.1. Generally. The MCD Overlay modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone

regulation conflicts with any standard of this Code, the standard of this overlay zone shall govern.

9.6.3.2. Base Zoning Districts. Base zoning districts approved for use in the MCD are listed in Table 9.6.1:

Table 9.6.1. Madrid Base Zoning Districts.

RUR	Rural
TC	Traditional Community
CN	Commercial Neighborhood
PI	Public/Institutional

1. MCD Rural (MCD RUR); Purpose. The purpose of this district is to designate areas suitable for a combination of agricultural, equestrian, residential and other compatible uses. The intent of the MCD RUR district is to protect agricultural uses from encroachment by development and to support agricultural, ranch, very large lot residential, and ecotourism uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on MCD Use Table.

i. Hotels, motels and tourist courts:

(a) Only tourist courts are permitted.

b. Dimensional Standards. As identified in Chapter 8 of this Code, Rural, except as prescribed in MCD Table 9.6.2.

Table 9.6.2: Dimensional Standards MCD RUR (Rural).

Zoning District	MCD RUR-R
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	25
Height (maximum, feet), hay or animal barn, silo, water tower	36
Lot coverage residential and non-residential structures (maximum, percent)	5

2. MCD Traditional Community (MCD TC); Purpose. The purpose of this district is to continue to reflect the unique historic development patterns of the old village with a mixed pattern of lot sizes and shapes and housing types. It should remain as a place where people work and live consistent with historic options for compact residential development including clustered housing, family compounds, and secondary dwelling units. Community facilities, institutional

uses, agricultural uses, and home occupations that are residential in scale should continue to be allowed anywhere in the district. The MCD TC accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses.

a. Use Regulations. Uses permitted, conditional, accessory and prohibited as identified in Chapter 8 of Appendix B of this Code with exceptions identified on MCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code, Traditional Community, except as prescribed in MCD Table 9.6.3.

Table 9.6.3: Dimensional Standards MCD TC (Traditional Community).

Zoning District	MCD TC
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	25
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (non-residential)	2,500 sq. ft.
Lot coverage residential/non-residential (maximum, percent) for lots equal to or greater than .75 acres	25*

* If the existing lot is less than .75 acres, the lot coverage can be adjusted up to a maximum of 50%.

3. MCD Commercial Neighborhood (MCD CN); Purpose. The purpose of this district is to allow for residential and low-intensity non-residential uses that are intended to serve and are in close proximity to individual residential neighborhoods.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on MCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.6.4.

Table 9.6.4: Dimensional Standards MCD CN (Commercial Neighborhood).

CN Zoning District	**CN**
Density	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	25

4. MCD Public/Institutional (MCD PI); Purpose. The purpose of this district is to continue to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 of this Code with exceptions identified on MCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code except as prescribed in MCD Table 9.6.5.

c. Architectural Design Standards. In order to preserve the historical design character of Madrid, any new development on MCD PI property shall be designed to integrate with the general style of Madrid.

Table 9.6.5: Dimensional Standards MCD PI (Public/Institutional).

Zoning District	LCCD PI
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	25
Lot coverage residential and non-residential (maximum, percent)	25

9.6.4. MCD Overlay Zones.

9.6.4.1. Madrid Rural Commercial Overlay (MCD O-RC); Purpose. The MCD O-RC accommodates the development of small scale business, commercial, service-related, and limited manufacturing activities that have adequate facilities and would not cause a detriment to any abutting residential lands. This zone is appropriate for areas where such development should logically locate because of established, historic land use patterns in Madrid, planned or existing public facilities, and appropriate access.

1. Location. The MCD O-RC is appropriate for use in the MCD RUR and MCD TC districts so long as the property is directly adjacent to NM 14 and within the Planning Area. Commercial and non-residential development shall conform to all requirements of this Code.

2. Uses permitted, conditional, accessory and prohibited as regulated in the MCD TC and MCD RUR Base Zoning Districts, with exceptions identified below:

a. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the MCD O-RC upon the

issuance of a development permit, and shall not exceed two thousand five hundred (2,500) square feet:

i. Commercial and retail shops and stores, exhibition spaces and art galleries, performing arts, bicycle sales, rentals, leasing and repair shops, offices and stores with residence included, bed and breakfast inns, rooming and boarding houses and retreats; and

ii. Public recreation facilities, bus shelters, community food services and social services, fire and rescue, agricultural production and sales, green houses; and

iii. Utility services including, local water storage, distribution, treatment and fire protection; other local utility services including wastewater, natural gas, telecommunications and electricity distribution facilities or similar technical installations essential to the operation of a public utility.

b. Conditional Uses. The following uses may be allowed in the MCD O-RC upon the issuance of a conditional use permit, and shall not exceed two thousand five hundred (2,500) square feet:

i. Community Services such as library, museum, postal services, electric car charging stations, community center, library, planetarium, public safety facilities, surface parking facilities and rail line stops for public transportation and highway rest stops/welcome centers.

ii. Health care services such as medical clinics, child/adult/elder health care services, retirement housing, assisted living facilities, life care or continuing care facilities and skilled nursing facilities.

iii. Agricultural and environmental related uses such as animal hospitals, grain silos, commercial greenhouses, nurseries, game preserves and retreats, ag/forestry support services and composting facilities.

iv. Communication services such as radio, weather and environmental monitoring station and wireless communication transmitters, commercial solar electricity production, and broadcasting station.

v. Entertainment facilities such as, theaters/dance/music establishments, exhibitions and art galleries, performing arts and supporting establishments, permanent outdoor stage and bandstands, public art installations, fitness, recreational sports, gyms, and athletic clubs, mini golf and bowling/billiards/pool hall.

vi. Supplemental Conditional Uses; MCD TC. The following uses area only allowed in the MCD O-RC within the MCD TC Base Zoning District: bars, taverns, nightclubs and tattoo parlors.

vii. Supplemental Conditional Uses; MCD RUR. The following uses are only allowed in the MCD O-RC within the MCD-RUR Base Zoning District: Tourist courts, camps/camping and related establishments, cemeteries, clubs or lodges, commercial parking garages, aircraft facilities, recycling transfer center, geothermal productions facility, large scale wind facility, stables and other equine facilities.

3. Dimensional Standards. See Base Zoning Districts: MCD TC and MCD RUR.

4. Architectural Design Standards. In order to preserve the unique design character of Madrid, any new non-residential development under the MCD O-RC shall be designed to integrate with the general style of the MCD.

9.6.5. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.6.5.1. Accessory Dwelling Units. Accessory Dwelling Units are allowed as a conditional use throughout the zoning district.

1. At the time of application, the primary dwelling unit shall be owner-occupied.

9.6.5.2. Home Occupations. Purpose: Home Occupations are small-scale uses that are conducted from one's home and are clearly incidental and secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and as regulated in Chapter 10 of this Code with the following exceptions as identified in Table 9.6.6.

1. Medium Impact Home Occupations, as identified in Chapter 10 of this Code are prohibited throughout the Madrid Community Planning Area.

2. Home Occupation Parking. Parking for Home Occupations shall be provided on-site, as practicable. If, due to the historic land use or small lot development pattern of Madrid, conditions prohibit parking on-site, then the Home Occupation proprietor shall provide alternative parking sites for customers, staff and home occupation related vehicles.

Table 9.6.6: MCD Home Occupations Standards:

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	n/a
Non-resident employees (max)	1	2	n/a
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	n/a
Accessory building storage	100 SF	600 SF	n/a
Appointments/ patron visits (max/day)	0	6	n/a
Business traffic	none	see §10.6.5	n/a
Signage	not permitted	see §7.9.4.3	n/a
Parking and access	Resident and employee only	see §10.6.5	n/a
Heavy Equipment	None	Up to 2	n/a

9.6.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the MCD Use Table 9.6.8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.6.7. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.6.7: Use Table Labels

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.6.8. MCD Use Table

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Residential								
Single family		1110		P	P	P	X	
Accessory dwelling units		1130		C	C	C	X	Ch. 9 & 10
Townhouses				X	X	X	X	
Multifamily dwellings		1202-99		C	C	C	X	
Retirement Housing	1210			C	C	C	X	
Assisted living facility	1230			C	C	C	X	
Life care or continuing care facilities	1240			C	C	C	X	
Nursing facilities	1250			C	C	C	X	
Community Home, NAICS 623210				P	P	P	X	
Barracks		1310		X	X	X	X	
Dormitories		1320		X	X	X	X	
Temporary structures, tents etc. for shelter		1350		C	C	C	X	
Hotels, motels, or other accommodation services								
Bed and Breakfast inn	1310			X	X	P	X	Ch.10
Rooming and boarding housing	1320			X	X	P	X	
Resorts				X	X	C	X	
Retreats				X	X	P	C	
Hotels, motels, and tourist courts	1330			X	X	X	X	Ch. 9
Commercial								
Shop or store with drive-through facility		2210		X	X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	C	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	C	X	
Stand-alone store or shop		2230		X	X	P	X	
Department store		2240		X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	
Market shops, including open markets		2260		X	X	C	C	
Gasoline station		2270		X	X	X	X	
Automobile repair and service		2280		X	X	C	X	
Car dealer	2111			X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	P	X	
Boat or marine craft dealer	2114			X	X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	X	
Gasoline service	2116			X	X	X	X	
Lumberyard and materials	2126			X	X	C	X	
Outdoor resale business	2145			X	X	C	X	

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Pawnshops	NAICS 522298			X	X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	X	X	
Shopping center		2510-2580		X	X	X	X	
Convenience stores or centers		2591		X	X	X	X	
Car care center		2593		X	X	X	X	
Car washes	NAICS 811192			X	X	X	X	
Office or bank (without drive-through facility)		2100		X	X	C	X	
Office (with drive-through facility)		2110		X	X	X	X	
Office or store with residence on top		2300		X	X	P	X	
Office-over storefront structure		2400		X	X	P	X	
Research and development services (scientific, medical, and technology)	2416			X	X	C	X	
Car rental and leasing	2331			X	X	C	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	X	
Bars, taverns and nightclubs				X	X	C	X	
Sexually oriented business				X	X	X	X	Sec. 10.20
Tattoo parlors				X	X	C	X	
Industrial , manufacturing and wholesale trade								
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	X	
Loft		2611		X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	
Manufacturing plants		2613		X	X	X	X	
Industrial parks		2614		X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	
Construction-related businesses	7000			X	X	X	X	
Heavy construction	7400			X	X	X	X	
Machinery related	7200			X	X	X	X	
Special trade contractor	7300			X	X	X	X	
Automotive paint and body				X	X	X	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	
Demolition, building and structure business				X	X	X	X	

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Warehouse or storage facility Structure		2700		X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	
High-rise mini-warehouse		2720		X	X	X	X	
Warehouse structure		2730		X	X	X	X	
Produce warehouse		2740		X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	X	
Food, textiles, and related products				X	X	X	X	
Wood, paper, and printing products				X	X	X	X	
Tank farms		2780		X	X	X	X	
Public assembly structures								
Performance theater			3110	X	X	C	C	
Movie theater			3120	X	X	C	X	
Amphitheater			3130	X	X	C	C	
Drive-in theaters			3140	X	X	X	X	
Indoor games facility		3200		X	X	X	X	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	X	
Amusement or theme park	5310			X	X	X	X	
Arcade	5320			X	X	X	X	
Miniature golf establishment	5340			X	X	C	X	
Fitness, recreational sports, gym, or athletic club	5370			X	X	C	X	
Bowling, billiards, pool, etc.	5380			X	X	C	X	
Skating rinks	5390			X	X	X	X	
Sports stadium or arena		3300		X	X	X	X	
Racetrack or raceway	5130			X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	
Covered or partially covered atriums and public enclosure		3700		X	X	C	C	
Passenger terminal, mixed mode		3810		X	X	X	X	*
Active open space/ athletic fields/golf courses	6340			X	X	X	P	*
Passive open space	6340			P	P	P	P	
Arts, entertainment, and recreation								
Active leisure sports and related activities			7100	X	X	C	C	
Movie Ranch				X	X	X	X	
Camps, camping, and related establishments	5400			X	X	X	X	
Exhibitions and art galleries		4410		X	X	P	X	

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Performing arts or supporting establishment	5100			X	X	P	X	
Theater, dance, or music establishment	5101			X	X	C	C	
Institutional or community facilities								
Community center		2200		X	X	C	P	
Hospitals		4110		X	X	X	X	
Medical clinics		4120		X	X	C	C	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			X	X	P	P	
Child and youth services	6561			X	X	C	C	
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	
Day care center	6562			P	P	P	P	
Community food services	6563			X	X	P	P	
Emergency and relief services	6564			X	X	C	C	
Other family services	6565			X	X	C	C	
Services for elderly and disabled	6566			X	X	C	C	
Animal hospitals	6730			X	X	C	X	
School or university (privately owned)		4200		P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	
College or university facility (privately owned)		4220		X	X	C	X	
Technical, trade, and other specialty schools	6140	4230		X	X	C	X	
Library		4300		X	X	C	C	
Museum, exhibition, or similar facility	5200	4400		X	X	C	C	
Planetarium		4420		X	X	C	C	
Aquarium		4430		X	X	X	X	
Zoological parks		4450		X	X	X	X	
Public safety related facility			4500	X	X	C	C	
Fire and rescue station			4510	X	X	P	P	
Police station			4520	X	X	X	X	
Emergency operation center			4530	X	X	X	X	*
Correctional or rehabilitation facility			4600	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	X	X	X	X	
Funeral homes			4800	X	X	X	X	
Cremation facilities			4800	X	X	X	X	
Public administration		6200		X	X	X	X	
Post offices		6310		X	X	C	C	
Space research and technology		6330		X	X	C	X	*
Clubs or lodges				X	X	X	X	
Transportation-related facilities								
Commercial automobile parking lots		5200		X	X	C	C	

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Commercial automobile parking garages				X	X	X	X	
Surface parking, open		5210		X	X	C	C	
Surface parking, covered		5220		X	X	C	C	
Underground parking structure with ramps		5240		X	X	X	X	
Rooftop parking facility		5250		X	X	X	X	
Bus terminal		3830		X	X	X	X	
Bus stop shelter		5300		X	X	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	
Light rail transit lines and stops	4151			X	X	C	C	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	X	X	X	
Taxi and limousine service dispatch facilities				X	X	C	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	
Courier and messenger service facilities	4190			X	X	C	X	
Commercial airports		5600		X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	
Heliport facility		5640		X	X	X	X	
Helistops				X	X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	C	C	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	
Railroad passenger station		5701		X	X	C	C	
Railroad freight facility		5702		X	X	X	X	
Utility								
Local distribution facilities for water, natural gas, and electric power		6100		X	X	P	P	
Telecommunications lines				X	X	P	P	
Electric power substations				X	X	X	X	
High-voltage electric power transmission lines				X	X	X	X	
Dam		6220		X	X	C	C	
Livestock watering tank or impoundment				X	X	C	C	
Levee		6230		X	X	C	C	

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Water tank (elevated, at grade, or underground)		6250		X	X	p	P	
Water wells, well fields, and bulk water transmission pipelines		6260		X	X	P	P	
Water treatment and purification facility		6270		X	X	P	P	
Water reservoir		6280		X	X	P	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		X	X	P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		X	X	P	P	
Solid waste landfill facility	4345	6320		X	X	X	X	
Composting facility		6330		X	X	C	C	
Recycling transfer center		6331		X	X	X	C	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	
Household hazardous waste collection facility				X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	C	C	
Gas or electric power generation facility		6400		X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	X	X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	C	P	P	
Amateur radio antenna		6510		X	X	C	C	
Weather stations		6520		X	X	C	C	
Environmental monitoring station (air, soil, etc.)		6600		X	X	C	C	
Commercial solar energy production facility				X	X	C	C	
Geothermal production facility		6450		X	X	X	C	
Large scale wind facility				X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	X	C	C	
Fountain, sculpture, or other similar decorative structures		6950		X	X	C	C	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	C	P	
Agriculture, forestry, and conservation/open space								
Grain silos and other storage structure for grains and agricultural products		8100		X	X	C	C	
Animal production that includes slaughter	9300			X	X	X	X	

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Livestock pens or hog houses		8200		X	X	X	X	
Commercial greenhouses		8500		X	X	C	C	
Nurseries and other growing of ornamental plants				X	X	C	X	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		X	X	X	X	
Stables and other equine-related facilities - Commercial over 12 horses				X	X	X	X	
Kennels and commercial dog breeding faculties		8700		X	X	X	X	
Apiary and other related structures		8700		P	P	P	P	
Crop production outdoor	9100			P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	
Display or sale of agricultural products raised on the same premises				P	P	P	P	
Forestry and logging operations	9300			X	X	X	X	
Game preserves and retreats	9400			X	X	C	X	
Support business and operations for agriculture and forestry				X	X	C	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	
Concentrated animal feeding operation		8310		X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		C	C	C	X	
Dairy farms		8210		X	X	X	X	
Other farm and farming-related structures		8900		C	C	C	X	
Poultry farms and poultry production facilities		8220		X	X	X	X	
Sheds, or other agricultural facilities		8000		A	A	A	A	
Animal waste lagoons		8420		X	X	X	X	Ch. 11
Mining and extraction establishments								
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.7. SAN PEDRO COMMUNITY DISTRICT OVERLAY.

9.7.1. Purpose and Intent. The provisions of the San Pedro Community District, (SPCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the San Pedro Community Plan and the Sustainable Growth Management Plan (SGMP). The SPCD is designed to implement the updated San Pedro Community Plan to ensure compatibility among various land uses in the San Pedro Community. Provisions of the SPCD include standards and dimensions based on development patterns and incentives to facilitate compact development where appropriate.

9.7.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.7.2.1. Lighting. This is a dark sky community. Lighting standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Light Shielding. All outdoor lighting shall be shielded.

2. Light Pole Height. Poles with lights cannot exceed 24 foot in height or one and one-half (1.5) times the height of the tallest structure on the property, whichever is lower.

3. Motion Sensing Devices on Outdoor Lighting.

a. All outdoor lights of 600 lumen or greater must have operable motion-sensing devices and must be properly maintained. Lights that cannot be fitted with motion-sensing devices, such as ornamental lights, must be extinguished when not in use.

4. Signs. All signage shall comply with the requirements of Chapter 7 of this Code with the following exception:

a. Illuminated signs are prohibited.

5. Noise. Impulsive sounds, sounds of short duration that have an abrupt increase and abrupt decay, including gunfire and exploding targets are regulated by the nuisance ordinance.

6. Building Color. All structures including non-residential, residential and accessory structures shall be a neutral or a darker shade of the color that blends into the natural surroundings such as the natural foliage or natural earth tones of the soils.

9.7.3. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.7.3.1. Generally. The SPCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.7.3.2. Base Zoning Districts. Base zoning districts approved for use in the Community District are listed in Table 9.7.1.

Table 9.7.1: San Pedro Community Base Zoning Districts.

RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential

1. SPCD Rural (SPCD RUR); Purpose. This district designates areas suitable for a combination of agricultural, equestrian, residential and other compatible uses. The intent of this district is to maintain the large lot pattern in these areas and allow for continued agricultural, ranch, and very large lot residential development.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of the this Code, with exceptions identified on the SPCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.7.2.

Table 9.7.2: Dimensional Standards SPCD RUR (Rural).

Zoning District	SPCD RUR
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	150
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

2. SPCD Rural Fringe (SPCD RUR-F); Purpose. This district designates areas suitable for a combination of residential development, agricultural uses and other compatible uses, including retreats. This district accommodates primarily large lot residential, ecotourism, equestrian uses, seeking a balance between conservation, environmental protection and reasonable opportunity for development.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of the this Code, with exceptions identified on the SPCD Use Table and below.

i. Indoor games facility:

(a) Indoor gymnasiums are permitted only as part of a retreat facility.

ii. Fitness, recreational sports, gym, or athletic club:

(a) These uses are permitted as part of a retreat facility.

iii. Child and youth services:

(a) These uses are permitted as part of a retreat facility.

iv. Helistops:

(a) Helistops shall be permitted only for an emergency use at a retreat facility.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.7.3.

Table 9.7.3: Dimensional Standards SPCD RUR-F (Rural Fringe).

Zoning District	SPCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

3. SPCD Rural Residential (SPCD RUR-R); Purpose. This district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the San Pedro area; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments. Uses that support rural character of the broader area shall be allowed including agricultural production, and home-based businesses.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of the this Code, with exceptions identified on the SPCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.7.4.

Table 9.7.4: Dimensional Standards SPCD RUR-R (Rural Residential).

Zoning District	SPCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

9.7.4. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.7.4.1. Home Occupations. Purpose. Home Occupations are small-scale uses that are conducted from one's home and are secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay. Home Occupations shall be allowed anywhere within the San Pedro Overlay Community District. As regulated in Chapter 10 of the SLDC with the following exceptions:

1. Hours of Operations.

a. All employee ingress/egress activity and deliveries shall occur between the hours of 8am and 8pm Monday through Sunday.

9.7.4.2. Supplemental Use Regulations; Purpose. This section establishes additional or alternative standards for particular uses in the SPCD. The purpose of this chapter is to establish standards for specific uses which require special design considerations in order to: protect surrounding property values and uses; protect the public health, safety, and general welfare; and implement the SGMP. These standards seek compatibility with the principal uses permitted in a zoning district. It is the intent of the County that supplemental uses comply with the standards that have been created to address the particular impacts and characteristics. Uses shall be as stated on the Use Matrix for SPCD, these are permitted in the Rural, Rural Fringe and Rural Residential Zone in SPCD with the following restrictions:

1. Uses listed below must have the licensee of the business residing in a dwelling on the property, except for community facilities.

2. Retail establishments including bakeries, camera shops, florist shops, gift shops, stationary shops, apparel shops, shoe stores, jewelry stores, toy stores.

3. Bed and Breakfast establishments:

a. This use shall be limited to a maximum of 5,000 square feet.

b. This use shall be limited to a maximum of 5 rooms.

4. Personal Service establishments including barber shops, beauty shops, shoe repair shops, exercise or dance studios.

5. Small offices and studios, medical offices and/or clinics, massage studios:

a. These uses shall be limited to a maximum of 5,000 square feet.

6. Small scale automotive repair garages.

7. Exhibitions, art galleries, performing arts or supporting establishment, theater, dance or music establishment:

a. These uses shall be limited to a maximum of 5,000 square feet.

8. Veterinary establishments:

a. This use shall be limited to a maximum of 1,200 square feet.

b. Outdoor boarding of cats and dogs is prohibited.

9. Small scale equestrian facilities:

a. Other than the residents private horses, this use is limited to 6 horses.

10. Small manufacturing establishments for wood working and carpentry, metal work and welding, jewelry, arts and crafts.

11. Retirement housing, assisted living facility, life care or continuing care facilities, and skilled nursing facilities:

a. These uses shall be limited to a maximum of 5,000 square feet.

12. Research and development services (scientific, medical, and technology):

a. These uses shall be limited to a maximum of 1,200 square feet.

13. Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services:

a. These uses shall be limited to a maximum of 1,200 square feet.

14. Special trade contractor:

a. They shall be limited to a maximum of 1,200 square feet.

15. Community Center:

a. This use shall be limited to a maximum of 5,000 square feet.

16. Nurseries and other growing of ornamental plants.

17. Crop production greenhouse:

a. This use shall be limited to a maximum of 5,000 square feet.

18. Bicycle, motorcycle, all-terrain vehicle dealers:

a. This use shall be limited to bicycle sales only.

19. Active open space/athletic fields/golf courses:

a. These uses are limited to a .25 acre foot of water for the entire project area.

20. Water wells, well fields, bulk water transmission pipelines:

a. This use is permitted only as part of a water distribution system that serves the SPCD.

21. Water treatment and purification facility:

a. This use is permitted only as part of a water distribution system that serves the SPCD.

22. Water reservoir:

a. This use is permitted only as part of a water distribution system that serves the SPCD.

23. Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation:

a. This use is permitted only as part of a water distribution system that serves the SPCD.

24. Wastewater storage or pumping station facility, lift stations, and collection lines:

a. This use is permitted only as part of a water distribution system that serves the SPCD.

25. Library:

a. This use is allowed as an accessory to a community center.

26. Museum, exhibition, or similar facility:

a. This use is allowed as an accessory to a community center.

27. Surface parking, open:

a. This uses is allowed as an accessory to a community facility.

28. Highway rest stops and welcome centers:

a. This use is allowed as an accessory to a community facility.

29. Prohibited Uses. Prohibited uses shall be as stated on the Use Matrix for the Rural Residential Zone in the SPCD with the following additions:

a. Shooting ranges.

Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the SPCD Use Table 9.7.6. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.7.5. Accessory uses may be subject to specific regulations as provided in Chapter 9,10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.7.5: Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.7.6: SPCD Use Table.

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Residential							
Single family		1110		P	P	P	
Accessory dwelling units		1130		A	A	A	Ch.10
Townhouses				X	X	X	
Multifamily dwellings		1202-99		X	P	X	
Retirement Housing	1210			P	P	P	Ch.9
Assisted living facility	1230			P	P	P	Ch.9
Life care or continuing care facilities	1240			P	P	P	Ch.9
Nursing facilities	1250			P	P	P	Ch.9
Community Home, NAICS 623210				P	P	P	Ch.9
Barracks		1310		A	A	X	
Dormitories		1320		A	A	X	
Temporary structures, tents etc. for shelter		1350		P	P	P	
Hotels, motels, or other accommodation services							
Bed and Breakfast inn	1310			P	P	P	Ch.9
Rooming and boarding housing	1320			X	X	X	
Resorts				X	X	X	
Retreats				P	P	C	
Hotels, motels, and tourist courts	1330			X	X	X	
Commercial							
Shop or store with drive-through facility		2210		X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	
Stand-alone store or shop		2230		P	P	P	Ch.9
Department store		2240		X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	
Market shops, including open markets		2260		A	A	A	
Gasoline station		2270		X	X	X	
Automobile repair and service		2280		C	C	C	Ch.9
Car dealer	2111			X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			P	P	P	Ch.9

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Boat or marine craft dealer	2114			X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	
Gasoline service	2116			X	X	X	
Lumberyard and materials	2126			X	X	X	
Outdoor resale business	2145			X	X	X	
Pawnshops	NAICS 522298			X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	X	
Shopping center		2510-2580		X	X	X	
Convenience stores or centers		2591		X	X	X	
Car care center		2593		X	X	X	
Car washes	NAICS 811192			X	X	X	
Office or bank (without drive-through facility)		2100		P	P	P	Ch.9
Office (with drive-through facility)		2110		X	X	X	
Office or store with residence on top		2300		X	X	X	
Office-over storefront structure		2400		X	X	X	
Research and development services (scientific, medical, and technology)	2416			P	P	P	Ch.9
Car rental and leasing	2331			X	X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	
Bars, taverns and nightclubs				X	X	X	
Sexually oriented business				X	X	X	Sec. 10.20
Tattoo parlors				X	X	X	
Industrial, manufacturing and wholesale trade							
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	
Loft		2611		X	X	X	
Mill-type factory structures		2612		X	X	X	
Manufacturing plants		2613		X	X	X	
Industrial parks		2614		X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	
Construction-related businesses	7000			X	X	X	
Heavy construction	7400			X	X	X	
Machinery related	7200			X	X	X	
Special trade contractor	7300			P	P	P	Ch.9
Automotive paint and body				X	X	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	X	X	
Vehicle storage for towing or related business				X	X	X	
Demolition, building and structure business				X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	
High-rise mini-warehouse		2720		X	X	X	
Warehouse structure		2730		X	X	X	
Produce warehouse		2740		X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	
Wholesale trade— durable goods	3510			X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	
Food, textiles, and related products				X	X	X	
Wood, paper, and printing products				X	X	X	
Tank farms		2780		X	X	X	
Public assembly structures							
Performance theater			3110	C	C	X	
Movie theater			3120	X	X	X	
Amphitheater			3130	C	C	X	
Drive-in theaters			3140	X	X	X	
Indoor games facility		3200		X	P	X	Ch.9
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	
Amusement or theme park	5310			X	X	X	
Arcade	5320			X	X	X	
Miniature golf establishment	5340			X	X	X	
Fitness, recreational sports, gym, or athletic club	5370			X	P	X	Ch.9
Bowling, billiards, pool, etc.	5380			X	X	X	

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Skating rinks	5390			X	X	X	
Sports stadium or arena		3300		X	X	X	
Racetrack or raceway	5130			X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	*
Covered or partially covered atriums and public enclosure		3700		A	A	X	
Passenger terminal, mixed mode		3810		X	X	X	*
Active open space/ athletic fields/golf courses	6340			P	P	P	Ch.9
Passive open space	6340			P	P	P	
Arts, entertainment, and recreation							
Active leisure sports and related activities			7100	P	P	C	
Movie Ranch				X	X	X	
Camps, camping, and related establishments	5400			X	P	X	
Exhibitions and art galleries		4410		P	P	P	Ch.9
Performing arts or supporting establishment	5100			X	X	X	
Theater, dance, or music establishment	5110			X	X	X	
Institutional or community facilities							
Community center		2200		P	P	P	Ch.9
Hospitals		4110		X	X	X	
medical clinic		4120		P	P	P	Ch.9
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			X	X	X	
Child and youth services	6561			X	P	X	Ch.9
Child care institution (basic)	6562			P	P	P	
Child care institution (specialized)	6562			P	P	P	
Day care center	6562			P	P	P	
Community food services	6563			C	P	C	
Emergency and relief services	6564			C	P	C	
Other family services	6565			X	X	X	
Services for elderly and disabled	6566			X	P	X	
Animal hospitals	6730			X	X	X	
School or university (privately owned)		4200		X	X	X	
Grade school (privately owned)		4210		X	X	X	
College or university facility (privately owned)		4220		X	X	X	

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Technical, trade, and other specialty schools	6140	4230		X	P	X	
Library		4300		A	A	A	Ch.9
Museum, exhibition, or similar facility	5200	4400		A	A	A	Ch.9
Planetarium		4420		X	X	X	
Aquarium		4430		X	X	X	
Zoological parks		4450		X	X	X	
Public safety related facility			4500	X	X	X	
Fire and rescue station			4510	P	P	P	
Police station			4520	C	C	C	
Emergency operation center			4530	X	X	X	*
Correctional or rehabilitation facility			4600	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	P	P	C	
Funeral homes			4800	X	X	X	
Cremation facilities			4800	X	X	X	
Public administration		6200		X	X	X	
Post offices		6310		P	P	P	
Space research and technology		6330		X	X	X	*
Clubs or lodges				C	C	X	
Transportation-related facilities							
Commercial automobile parking lots		5200		X	X	X	
Commercial automobile parking garages				X	X	X	
Surface parking, open		5210		A	A	A	Ch.9
Surface parking, covered		5220		X	X	X	
Underground parking structure with ramps		5240		X	X	X	
Rooftop parking facility		5250		X	X	X	
Bus terminal		3830		X	X	X	
Bus stop shelter		5300		P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	
Truck freight transportation facilities	4140			X	X	X	
Light rail transit lines and stops	4151			X	X	X	
Local rail transit storage and maintenance facilities	4153			X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	X	X	
Taxi and limousine service dispatch facilities				X	X	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	
Courier and messenger service facilities	4190			X	X	X	
Commercial airports		5600		X	X	X	
Private airplane runways and landing strips		5610		X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	
Heliport facility		5640		X	X	X	
Helistops				X	P	X	Ch.9
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	
Railroad passenger station		5701		X	X	X	
Railroad freight facility		5702		X	X	X	
Utility							
Local distribution facilities for water, natural gas, and electric power		6100		P	P	P	
Telecommunications lines				P	P	P	
Electric power substations				X	X	X	
High-voltage electric power transmission lines				X	X	X	
Dam		6220		X	X	X	
Livestock watering tank or impoundment				P	P	P	
Levee		6230		X	X	X	
Water tank (elevated, at grade, or underground)		6250		P	P	P	
Water wells, well fields, and bulk water transmission pipelines		6260		P	P	P	Ch.9
Water treatment and purification facility		6270		P	P	P	Ch.9
Water reservoir		6280		C	C	C	Ch.9
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	p	Ch.9
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		P	P	P	Ch.9
Solid waste landfill facility	4345	6320		X	X	X	
Composting facility		6330		X	X	X	

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Recycling transfer center		6331		X	X	X	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	
Household hazardous waste collection facility				X	X	X	
Hazardous waste storage facility		6340		X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	X	
Gas or electric power generation facility		6400		X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	C	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	P	P	
Amateur radio antenna		6510		P	P	P	
Weather stations		6520		P	P	C	
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	
Commercial solar energy production facility				X	X	X	
Geothermal production facility		6450		X	X	X	
Large scale wind facility				X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		A	A	A	Ch.9
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	
Agriculture, forestry, and conservation/open space							
Grain silos and other storage structure for grains and agricultural products		8100		P	P	A	
Animal production that includes slaughter	9300			X	X	X	
Livestock pens or hog houses		8200		X	X	X	
Commercial greenhouses		8500		X	X	X	
Nurseries and other growing of ornamental plants				P	P	P	Ch.9
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	P	P	Ch.9

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Stables and other equine-related facilities - Commercial over 12 horses				P	P	X	
Kennels and commercial dog breeding faculties		8700		X	X	X	
Apiary and other related structures		8700		P	P	P	
Crop production outdoor	9100			P	P	P	
Crop production greenhouse		8500		P	P	P	Ch.9
Display or sale of agricultural products raised on the same premises				P	P	P	
Forestry and logging operations	9300			X	X	X	
Game preserves and retreats	9400			X	X	X	
Support business and operations for agriculture and forestry				X	X	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	
Public or community outdoor recreation facilities				P	P	P	
Concentrated animal feeding operation		8310		X	X	X	Ch.11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	
Dairy farms		8210		X	X	X	
Other farm and farming-related structures		8900		P	P	A	
Poultry farms and poultry production facilities		8220		X	X	X	
Sheds, or other agricultural facilities		8000		P	P	P	
Animal waste lagoons		8420		X	X	X	Ch.11
Mining and extraction establishments							
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	Ch.11
Hard rock mining	8200			DCI	DCI	DCI	Ch.11
Sand and gravel Mining				X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	Ch.11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.8. LA CIENEGA AND LA CIENEGUILLA COMMUNITY DISTRICT OVERLAY.

9.8.1. Purpose and Intent. The provisions of the La Cienega and La Cieneguilla Community District Overlay (LCLCCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the La Cienega and La Cieneguilla Community Plan and the Sustainable Growth Management Plan (SGMP). The LCLCCD is designed to ensure compatibility among various land uses, encourage compact development, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the community. The LCLCCD includes standards and dimensions based on historic development patterns and incentives to facilitate compact development where appropriate in conjunction with conservation easements that preserve agricultural land and open space.

9.8.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.8.2.1. Water Supply, Wastewater and Water Conservation. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Residential Connection to County Utility Water System.

a. All new lots created as part of residential land divisions and subdivisions shall be required to connect to the Santa Fe County Water System when said system is extended to within 200 feet of the property line of a lot, unless that lot has previously connected to a community water system, provided that adequate capacity exists in the system and that water taps are available. This requirement will be applied with the following conditions**:**

i. If the water system is already in place and capable of providing service or if the County can provide an estimated time of completion of six (6) months or less, connection to the system will be required immediately upon the time of service capability within the system. The requirement for connection shall be duly noted on the survey plat, and the property owner shall agree to bonding or financial guarantee to ensure connection within six (6) months, prior to final approval.

ii. If the County cannot provide an estimated time for waterline completion and capacity for service of six (6) months or less, the new land division will be granted a 2 year grace period from the time the water line is actually installed and taps are available before the agreement to connect to the system will be effective. The requirement for connection shall be duly noted on the survey plat prior to final approval.

iii. If connection to a county or community water system is not possible at the time of land division for new residential development of two or more lots of 2.5 acres or less, all lots will

be required to use shared wells where new lots are adjoining, providing adequate water is available for both lots. The requirement to connect to the County or community water system will still be in effect and the property owners will be granted a 2 year grace period from the time the water line is actually installed and has adequate capacity, before the connection to the system will be required. The requirement for connection shall be duly noted on the survey plat prior to final approval.

2. Non-residential Connection to County Utility Water System.

a. All new non-residential development shall be required to connect to the Santa Fe County Water System when said system is extended to within 200 feet of the property line, unless the development has previously connected to a community water system, provided that adequate capacity exists in the system and that water taps are available.

i. If connection to the County water system is not possible, the development must limit water consumption to .35 acre feet per year.

(a) If the water system is already in place and capable of providing service or if the County can provide an estimated time of completion of six (6) months or less, connection to the system will be required immediately upon the time of service capability within the system. The requirement for connection shall be duly noted on the survey plat and the property owner shall agree to bonding or financial guarantee to ensure connection within six (6) months prior to final approval.

(b) If the County cannot provide an estimated time for waterline completion and capacity for service of six (6) months or less, the new land division will be granted a 2 year grace period from the time the water line is actually installed and taps are available before connection to the system will be required. The requirement for connection shall be duly noted on the survey plat prior to final approval.

9.8.2.2. Terrain Management. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Special Protection of Riparian Areas. Development Standards in Riparian Buffers. The standards and criteria of Chapter 7 of this Code shall apply to any portion of a development or, as appropriate, to any land disturbance within a riparian buffer with the following exceptions:

2. Intent. The restoration and enhancement of riparian areas and wetlands in the Planning Area is recognized as a potentially valuable resource management

practice, so long as such projects are designed and implemented to maximize benefits to the ecosystem and water resources while avoiding harm to the health, safety and welfare of residents, including but not limited to loss of private property and public infrastructure. Therefore, all projects which propose restoration, enhancement and/or new construction of riparian areas or wetlands must demonstrate that the project will have a beneficial or neutral impact on existing water resources. No project shall be permitted that impacts existing water rights.

3. Agriculture as defined in this Code is permitted within Riparian Corridors.

Figure 9.8.1 Riparian Corridors.

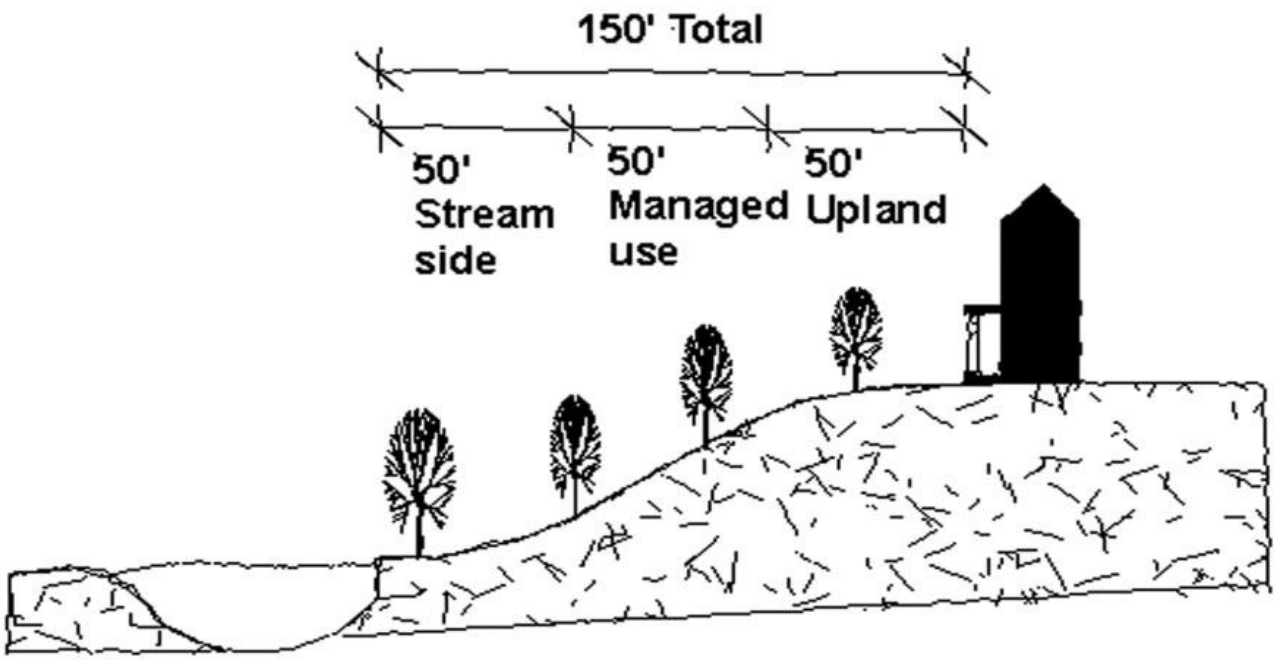


Table: 9.8.1 Riparian Buffer Corridors.

(A) Use	(B) Stream Side Zone	(C) Managed Use Zone	(D) Upland Zone
Trails, greenways, open space, parks or other similar public recreational uses and private recreational uses that do not require the use of fertilizers, pesticides, or extensive use of fences or walls.	**P**	**P**	**P**
Outdoor horticulture, forestry, wildlife sanctuary, and other similar agricultural and related uses not enumerated elsewhere in this table that do not require land-disturbing activities, or use of pesticides or extensive use of fences or walls.	**C**	**C**	**C**
Pastures or plant nurseries that do not require land-disturbing activities or use of pesticides, or extensive use of fences or walls.	**C**	**C**	**C**
Gardens, play areas, and other similar uses that do not require the use of pesticides for routine maintenance	**N**	**P**	**P**
Lawns, golf course fairways, play fields, and other areas that may require the use of fertilizers or pesticides.	**N**	**N**	**N**
Archery ranges, picnic structures, playground equipment, and other similar public and private recreational uses that do not require the use of fertilizers, pesticides, or extensive use of fences or walls.	**N**	**P**	**P**
Public utility and storm drainage facilities where there is a practical necessity to their location within the resource conservation district (RCD).	**P**	**P**	**P**
Streets, bridges, and other similar transportation facilities where there is a practical necessity to their location within the RCD.	**C**	**C**	**C**
Sidewalks.	**P**	**P**	**P**
Accessory land-disturbing activities ordinarily associated with a single- or two-family dwelling, such as utility service lines, gardens, and similar uses.	**N**	**P**	**P**
Public maintenance of streets, bridges, other similar transportation facilities and/or public utility and storm drainage facilities	**P**	**P**	**P**
Detention/retention basin and associated infrastructure.	**N**	**C**	**C**
Lakes, ponds, and associated infrastructure, such as dams, spillways, riser pipes, and stilling basins, which are located outside of the regulatory floodplain.	**C**	**C**	**C**
Stream and riparian area restoration and maintenance.	**P**	**P**	**P**
New construction or enhancement of riparian area.	**C**	**C**	**C**

P = the activity is permitted as of right; N = the activity is prohibited; and C = the activity is permitted only upon approval of a conditional use permit or a subdivision application.

9.8.3. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.8.3.1. Generally. The LCLCCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the base zoning districts of this Code. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.8.3.2. Density Requirements on Lots with Multiple Zoning Designations. If a single land parcel and/or subdivision lies within two separate zoning districts, the density of dwelling units per acre shall be calculated based upon the exact proportion of each district in which the parcel lies.

9.8.3.3. Density Bonus. Density Bonuses are not allowed in the LCLCCD boundary until further review is available.

9.8.3.4. Lot Coverage. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Residential Uses. The maximum lot coverage for residential uses is 20%.

2. Non-Residential Uses.

a. The maximum lot coverage for non-residential uses is 60%.

b. The maximum aggregate building size is 50,000 square feet.

c. The maximum individual establishment size is 15,000 square feet.

9.8.3.5. Shooting ranges are prohibited throughout the LCLCCD planning area.

9.8.3.6. Base Zoning Districts. Base zoning districts approved for use in the La Cienega and La Cieneguilla Community District are listed in Table 9.8.2.

Table 9.8.2: LCLCCD Community District Base Zoning.

A/R	Agriculture/Ranching
RUR-F	Rural Fringe
RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
RES-C	Residential Community
TC	Traditional Community
CN	Commercial Neighborhood
PI	Public/Institutional
PDD	Planned Development

1. LCLCCD Agriculture/Ranching (LCLCCD A/R); Purpose. The purpose of this district is to designate areas suitable for agricultural, ranching and residential uses, and to prevent encroachment of incompatible uses and the premature conversion of agricultural and ranch lands to nonagricultural uses. Uses in the

A/R district are limited to agricultural, ranch, residential and other compatible uses. This designation reflects areas whose present use is agricultural, such as grazing or dry land farming. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.3.

Table 9.8.3: Dimensional Standards LCLCCD A/R (Agriculture/Ranching).

Zoning District	LCLCCD A/R
Density (# of acres per dwelling unit)	160
Lot width (minimum, feet)	400
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback a minimum of 25 feet from the property line.

ii. The rear and sides of the buildings shall be setback a minimum of 50 feet from the property line.

2. LCLCCD Rural Fringe (LCLCCD RUR-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. The RUR-F designation provides an intermediate step in development density between typical open space and agricultural/ranching lands and primarily residential (low density) parcels. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.4.

Table 9.8.4: Dimensional Standards LCLCCD RUR-F (Rural Fringe).

Zoning District	LCLCCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

3. LCLCCD Rural Residential (LCLCCD RUR-R); Purpose. The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, farmers markets and produce stands. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.5.

Table 9.8.5: Dimensional Standards LCLCCD RUR-R (Rural Residential).

Zoning District	LCLCCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback a minimum of 25 feet from the property line.

ii. The rear and sides of the buildings shall be setback a minimum of 50 feet from the property line.

4. LCLCCD Residential Fringe (LCLCCD RES-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The RES-F district provides an intermediate step in single family residential development between open space and/or agricultural/ranching lands, and typically suburban residential densities. The RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.6.

Table 9.8.6: Dimensional Standards LCLCCD RES-F (Residential Fringe).

Zoning District	LCLCCD RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

5. LCLCCD Residential Estate (LCLCCD RES-E); Purpose. The purpose of the Residential Estate (RES-E) district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The RES-E district supports single-family homes on

medium sized lots consistent with contemporary community development. Generally this district applies to low to medium density residential development in established neighborhoods (lands that are already committed to residential uses and have been subdivided for a specific development) and undeveloped or underdeveloped areas with a moderate to high development suitability. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.7.

Table 9.8.7: Dimensional Standards LCLCCD RES-E (Residential Estate).

Zoning District	LCLCCD RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

6. LCLCCD Residential Community (LCLCCD RES-C); Purpose. Generally this district applies to existing medium to higher density residential development in established neighborhoods (lands that are already committed to residential uses and have been subdivided for a specific development). The Residential Community designation applies to only a contiguous residential area in La Cieneguilla that is almost completely built out on existing 1 acre lots created in the late 70's. No additional areas are proposed to have this zoning designation within the La Cienega and La Cieneguilla Planning Boundary.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.8.

Table 9.8.8: Dimensional Standards LCLCCD RES-C (Residential Community).

Zoning District	LCLCCD RES-C
Density (# of acres per dwelling unit)	1
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

7. LCLCCD Traditional Community (LCLCCD TC); Purpose. The purpose of this district is to designate areas suitable for residential, small-scale commercial and agricultural uses consistent with the existing development patterns of traditional communities. The TC district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agriculture found in traditional communities with acequia systems, from encroachment by development. Density bonuses and transfers of development rights may be utilized to achieve the purposes of the district. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.9.

Table 9.8.9: Dimensional Standards LCLCCD TC (Traditional Community).

Zoning District	LCLCCD TC
Density (# of acres per dwelling unit)	0.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (commercial)	2,500 sq. ft.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front, sides and rear of the building shall be setback a minimum of 25 feet from the property line.

8. LCLCCD Commercial Neighborhood (LCLCCD CN); Purpose. The purpose of this district is to allow for low-intensity convenience retail and

personal services, as well as office uses that are intended to serve and are in close proximity to individual residential neighborhoods.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.10.

Table 9.8.10: Dimensional Standards LCLCCD CN (Commercial Neighborhood).

CN Zoning District	LCLCCD CN
Density	2.5
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	28
Lot coverage (maximum, percent)	60
Maximum building size (aggregate)	50,000
Maximum size of individual establishments (sq.ft.)	15,000*

*Establishment size may be increased up to 30,000 square feet with the issuance of a conditional use permit.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

9. LCLCCD Public Institutional (LCLCCD PI); Purpose. The purpose of this district is to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, market shops, offices, animal production, livestock, poultry, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on LCLCCD Use Table.

i. Where the purpose of the use is primarily that of a museum, temporary accessory uses shall be permitted, which shall include the erection of temporary structures and tents for shelter, the holding or retreats, the offering of restaurants with or without incidental consumption of alcoholic beverages, the offering of a stand-alone store or shop.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.8.11.

Table 9.8.11: Dimensional Standards LCLCCD PI (Public/Institutional).

PI Zoning District	LCLCCD PI
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	60

i. Density. The density for the PI zoning district is dependent on the surrounding zoning districts. For the Las Golondrinas property the section of the property that was surveyed as part of the Traditional Community will have one dwelling unit per 0.75 acre density and the remaining portion of the parcel and southern parcel will have a one dwelling unit per 2.5 acre density.

10. LCLCCD PDD (Planned Development District); Purpose. PDDs identified on the initial zoning map may be built out in accordance with their approved master plans including density and uses.

9.8.3.7. Density Transfers.

1. Density transfers should be used to protect community assets including but not limited to wetlands, open spaces, springs, water courses, riparian areas, agricultural land, acequias, traditional community centers, archaeological sites, historical and cultural sites, and multigenerational family compounds. When density transfers result in higher site densities, such development shall be clustered and sited in a manner to fit the topography, and existing rural character of La Cienega and La Cieneguilla, instead of in an urban grid pattern. A land density transfer program allows the transfer of all or part of the permitted density on a parcel to another parcel or other locations on the same parcel. This may include concepts such as family compounds or density transfers to protect agricultural, open space or other land protection or preferred development patterns.

a. Open Space Land Protection through Density Transfers or other types of Easements. Open spaces set aside for density transfer or other easements for the protection of community assets, as described above, should interconnect to similar sites or potential sites on adjacent properties whenever possible. Easements shall clearly delineate the open space areas and no build areas as well as document any permitted uses in such areas.

b. Lot Coverage Calculations on Density Transfers or other types of Perpetual Easements. Whenever density transfer is used to create open space which is protected in perpetuity by easement or other legal means, and new lots are created, lot coverage shall be calculated based on the total acreage of the project rather than for each individual development

lot and shall be apportioned to the density transfer lots by means of building envelopes on the approved final plat.

9.8.4. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.8.4.1. Home Occupations. The purpose of the Home Occupations in the LCLCCD is to support economic development opportunities that are not disruptive to the residential character of the area or significantly interfere with the use of adjacent residential properties. Home Occupations shall be as regulated in Chapter 10 of this Code except as prescribed in Table 9.8.12.

Table 9.8.12 Home Occupations.

	No Impact	**Low Impact**	**Medium Impact**
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	4
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12*
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	Up to 2	3-6

*Small-scale retail establishments, such as arts and crafts stores, restaurants or galleries may be permitted to have 30 vehicle visits per day and no more than 10 vehicle visits per hour.

9.8.4.2. Accessory Structures. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

1. Accessory Structures over 2000 square feet are required to obtain a Conditional Use permit.

9.8.5. LCLCCD TRANSFER OF DEVELOPMENT RIGHTS OVERLAY DICTRICT (LCLCCD-TDROD).

9.8.5.1. Purpose. The purpose of the LCLCCD-TDROD is for the conservation of natural, scenic, and/or agricultural qualities of open land, areas of special character or specific historic, cultural or aesthetic interest or value, or environmental protection such as watershed, steep slopes, floodplains, etc. TDRs as described in Chapter 12 of this Code are voluntary. Below is a list of the initial sending and receiving areas as identified in the La Cienega and La Cieneguilla 2015 Plan Update, this list is not exhaustive and other

properties are eligible to become sending or receiving areas if the requirements listed in Chapter 12 are met.

9.8.5.2. Transfer of Development Rights Standards. The Transfer of Development Rights standards of Chapter 12 of this Code shall be applicable to all development, except as otherwise specified herein.

1. Applicability. An individual parcel and parcels zoned as a PDD cannot be both a sending and receiving area. An area can be identified as either a sending or receiving area, but can only choose one TDR designation.

2. Increased Units Allowed per TDR in LCLCCD. In LCLCCD there is an added incentive in buying and using TDRs in the Planning Boundary. Table 9.8.13 outlines the increased units allowed by using a TDR throughout the County and in LCLCCD.

a. In the LCLCCD TDRs can have additional units if the TDR is purchased and used within the LCLCCD Planning Boundary.

b. TDRs purchased outside of the LCLCCD and used within the LCLCCD will have the general County additional unit increase.

c. TDRs purchased within the LCLCCD and used outside of the LCLCCD will have the general County additional unit increase.

Table 9.8.13 Increased Units Allowed per TDR in the County and LCLCCD.

Use	Additional Unit per TDR in the County	Additional Unit per TDR in LCLCCD
Residential	3	4
Nonresidential	5,000 sf	6,000 sf

9.8.6. LCLCCD-TDROD AREAS.

9.8.6.1. Sending Areas. Sending areas may consist of areas including agricultural land, wetlands, wildlife preservation areas, conservation areas, areas of cultural significance, and open space.

1. LCLCCD-TDROD Sending Area 1.

a. Location. LCLCCD-TDROD Sending Area 1 is identified on Map 9.5.1 and is located at the southern terminus of Capilla Vieja Road and includes approximately 117 acres of the property commonly known as the Tres Rios Ranch.

2. LCLCCD-TDROD Sending Area 2.

a. Location. LCLCCD-TDROD Sending Area 2 is identified on Map 9.5.1 and is located south of County Road 54 (Camino La Entrada) and includes approximately 483 acres of the property commonly known as the La Bajada Ranch.

3. LCLCCD-TDROD Sending Area 3.

a. Location. LCLCCD-TDROD Sending Area 3 is identified on Map 9.5.1 and is located at the east of the intersection of County Road 54 and County Road 56 and includes approximately 102 acres of the property commonly known as the Las Golondrinas Living History Museum.

9.8.6.2. Receiving Areas. Receiving areas shall be MU (Mixed Use districts), PD (Planned Development Districts), I (Industrial), CG (Commercial General) or a district rezoned to a higher density.

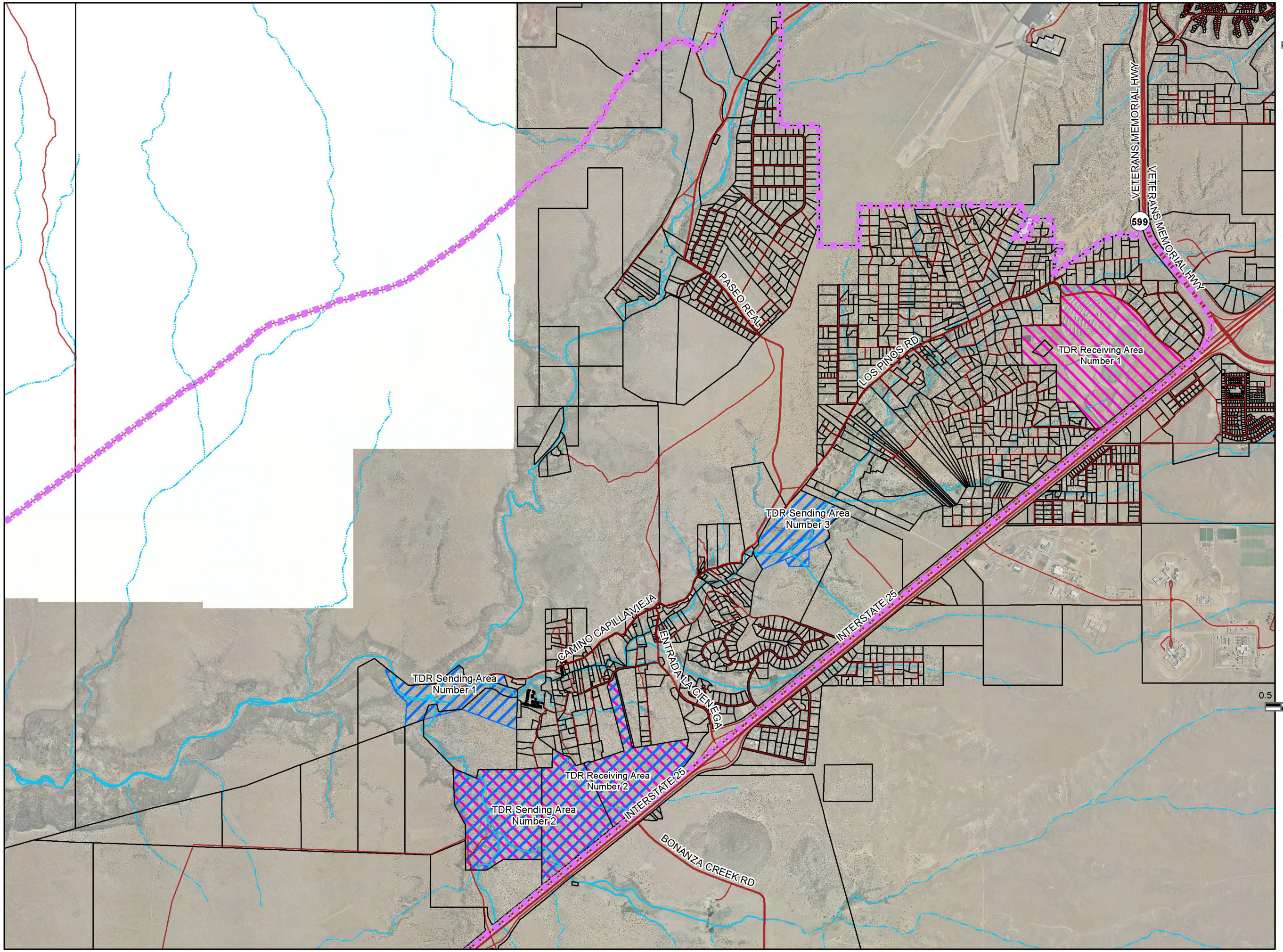
1. LCLCCD-TDROD Receiving Area 1.

a. Location. LCLCCD-TDROD Receiving Area 1 is identified on Map 9.5.1 and is located south of the intersection of County Road 54 and Interstate 25 West Frontage Road and includes approximately 431 acres of the property commonly known as the Downs at Santa Fe**.**

2. LCLCCD-TDROD Receiving Area 2.

a. Location. LCLCCD-TDROD Receiving Area 2 is identified on Map 9.5.1 and is located south of County Road 54 (Camino La Entrada) and includes approximately 483 acres of the property commonly known as the La Bajada Ranch.

Map 9.8.1 La Cienega & La Cieneguilla Proposed Transfer of Development Rights Sending and Receiving Areas.



Santa Fe County
La Cienega/La Cieneguilla Community
Proposed Transfer of Development Rights
Sending and Receiving Areas

Legend

La Cienega Community Overlay Zoning District

Parcels

Major Roads

Minor Roads

Streams and Arroyos
- Intermittent
- Perennial

Proposed La Cienega Transfer of Development Rights Sending Areas

Proposed La Cienega Transfer of Development Rights Receiving Areas

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for for confirming data accuracy when necessary.

Santa Fe County
Growth Management
Department
Planning Division

August 26, 2015
la_cienega_community_
tdr_areas_8_26_15_tabloid.mxd

Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the LCLCCD Use Table 9.8.15. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.8.14. Accessory uses may be subject to specific regulations as provided in Chapter 9, 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.8.14: Use Table Labels

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.8.15: LCLCCD Use Table.

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Residential													
Single family		1110		P	P	P	P	P	P	P	P	A	
Accessory dwelling units		1130		A	A	A	A	A	A	A	A	A	Ch. 10
Townhouses				P	P	P	P	P	P	P	P	A	
Multifamily dwellings		1202-99		C	C	C	C	C	C	C	P	A	
Retirement Housing	1210			P	P	P	P	P	P	P	P	P	
Assisted living facility	1230			P	P	C	C	C	C	C	P	P	
Life care or continuing care facilities	1240			P	P	C	C	C	C	C	P	P	
Nursing facilities	1250			P	P	C	C	C	C	C	P	P	
Community Home, NAICS 623210				P	P	P	P	P	P	P	P	P	
Barracks		1310		A	A	X	X	X	X	X	X	P	
Dormitories		1320		A	A	X	X	X	X	X	C	P	
Temporary structures, tents etc. for shelter		1350		P	P	A	A	A	A	A	C	A	Ch. 9
Hotels, motels, or other accommodation services													
Bed and Breakfast inn	1310			P	P	P	C	C	C	P	P	X	Ch. 10
Rooming and boarding housing	1320			C	C	C	C	C	C	C	P	C	
Resorts				C	C	X	X	X	X	C	C	X	
Retreats				P	P	C	C	C	C	C	P	A	Ch. 9
Hotels, motels, and tourist courts	1330			C	C	X	X	X	X	X	X	X	
Commercial													
Shop or store with drive-through facility		2210		X	X	X	X	X	X	X	C	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	X	X	C	P	A	Ch. 9
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	X	X	C	P	A	Ch. 9
Stand-alone store or shop		2230		X	X	X	X	X	X	C	P	A	Ch. 9
Department store		2240		X	X	X	X	X	X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	X	X	X	
Market shops, including open markets		2260		A	A	X	X	X	X	C	P	A	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Gasoline station		2270		C	C	X	X	X	X	C	X	X	
Automobile repair and service		2280		C	C	X	X	X	X	C	X	X	
Car dealer	2111			C	C	X	X	X	X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			C	C	X	X	X	X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			C	C	X	X	X	X	X	X	X	
Boat or marine craft dealer	2114			C	C	X	X	X	X	X	X	X	
Automotive Parts, accessories, or tires	2115			C	C	X	X	X	X	C	P	X	
Gasoline service	2116			C	C	X	X	X	X	C	X	X	
Lumberyard and materials	2126			C	C	X	X	X	X	C	X	X	
Outdoor resale business	2145			C	X	X	X	X	X	X	X	X	
Pawnshops	NAICS 522298			X	X	X	X	X	X	C	P	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			C	C	X	X	X	X	C	P	X	
Shopping center		2510-2580		X	X	X	X	X	X	X	P	X	
Convenience stores or centers		2591		X	X	X	X	X	X	P	P	X	
Car care center		2593		X	X	X	X	X	X	C	P	X	
Car washes	NAICS 811192			X	X	X	X	X	X	X	X	X	
Office or bank (without drive-through facility)		2100		A	A	X	X	X	X	C	P	A	
Office (with drive-through facility)		2110		X	X	X	X	X	X	X	C	A	
Office or store with residence on top		2300		X	X	X	X	X	X	C	P	A	
Office-over storefront structure		2400		X	X	X	X	X	X	C	P	A	
Research and development services (scientific, medical, and technology)	2416			C	C	X	X	X	X	C	P	X	
Car rental and leasing	2331			C	C	X	X	X	X	C	P	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			C	C	X	X	X	X	X	C	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			C	C	X	X	X	X	C	P	X	
Bars, taverns and nightclubs				X	X	X	X	X	X	C	C	X	
Sexually oriented business				X	X	X	X	X	X	X	X	X	Sec. 10.20

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Tattoo parlors				X	X	X	X	X	X	C	P	X	
Industrial , manufacturing and wholesale trade													
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		C	C	X	X	X	X	X	X	X	
Loft		2611		C	X	X	X	X	X	X	X	X	
Mill-type factory structures		2612		C	X	X	X	X	X	X	X	X	
Manufacturing plants		2613		X	X	X	X	X	X	X	X	X	
Industrial parks		2614		X	X	X	X	X	X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	X	X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	X	X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	X	X	X	X	X	
Construction-related businesses	7000			C	C	X	X	X	X	C	X	X	
Heavy construction	7400			X	X	X	X	X	X	X	X	X	
Machinery related	7200			X	X	X	X	X	X	X	X	X	
Special trade contractor	7300			C	C	X	X	X	X	X	X	X	
Automotive paint and body				X	X	X	X	X	X	X	C	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Vehicle storage for towing or related business				X	X	X	X	X	X	X	X	C	
Demolition, building and structure business				C	X	X	X	X	X	X	X	X	
Warehouse or storage facility Structure		2700		C	C	X	X	X	X	X	X	X	
Mini-warehouse, mini-storage units		2710		C	C	X	X	X	X	X	C	X	
High-rise mini-warehouse		2720		X	X	X	X	X	X	X	X	X	
Warehouse structure		2730		C	C	X	X	X	X	X	X	X	
Produce warehouse		2740		P	P	X	X	X	X	X	X	X	
Refrigerated warehouse or cold storage		2750		P	P	X	X	X	X	X	X	X	
Large area distribution or transit warehouse		2760		C	X	X	X	X	X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	X	X	X	C	X	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Wholesale trade nondurable goods	3520			X	X	X	X	X	X	X	C	X	
Food, textiles, and related products				C	C	X	X	X	X	X	C	X	
Wood, paper, and printing products				C	C	X	X	X	X	X	C	X	
Tank farms		2780		C	C	X	X	X	X	X	X	X	
Public assembly structures													
Performance theater			3110	C	X	X	X	C	C	C	P	P	
Movie theater			3120	X	X	X	X	X	X	X	P	P	
Amphitheater			3130	C	C	X	X	X	X	X	X	P	
Drive-in theaters			3140	C	X	X	X	X	X	X	X	X	
Indoor games facility		3200		X	X	X	X	X	X	X	C	P	
Amusement, sports, or recreation establishment not specifically enumerated	5300			C	X	X	X	X	X	X	X	C	
Amusement or theme park	5310			C	X	X	X	X	X	X	X	X	
Arcade	5320			X	X	X	X	X	X	X	X	X	
Miniature golf establishment	5340			C	C	X	X	X	X	C	X	X	
Fitness, recreational sports, gym, or athletic club	5370			P	P	C	C	C	C	C	P	P	
Bowling, billiards, pool, etc.	5380			X	X	X	X	X	X	C	P	C	
Skating rinks	5390			P	P	X	X	X	X	C	X	P	
Sports stadium or arena		3300		C	X	X	X	X	X	X	X	C	
Racetrack or raceway	5130			C	X	X	X	X	X	X	X	X	
Exhibition, convention or conference structure		3400		A	A	X	X	X	X	X	X	P	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		A	A	X	X	X	X	X	C	P	
Passenger terminal, mixed mode		3810		P	P	P	P	P	P	P	X	P	*
Active open space/ athletic fields/golf courses	6340			P	P	C	C	C	C	C	X	P	*
Passive open space	6340			P	P	P	P	P	P	P	P	P	
Arts, entertainment, and recreation													
Active leisure sports and related activities			7100	P	P	C	C	C	C	C	C	P	
Movie Ranch				P	P	P	P	C	C	C	P	P	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Camps, camping, and related establishments	5400			P	P	C	C	C	C	C	P	P	
Exhibitions and art galleries		4410		X	X	X	X	X	X	P	P	P	
Performing arts or supporting establishment	5100			C	C	X	X	X	X	P	P	P	
Theater, dance, or music establishment	5101			C	C	X	X	X	X	P	P	P	
Institutional or community facilities													
Community center		2200		P	P	C	C	C	C	C	P	P	
Hospitals		4110		X	X	X	X	X	X	X	X	P	
Medical clinics		4120		P	P	P	P	P	P	P	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			P	P	P	P	P	P	P	P	P	
Child and youth services	6561			P	P	P	P	P	P	P	P	P	
Child care institution (basic)	6562			P	P	P	P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	P	P	P	
Community food services	6563			P	P	P	P	P	P	P	P	P	
Emergency and relief services	6564			P	P	P	P	P	P	P	P	P	
Other family services	6565			P	P	P	P	P	P	P	P	P	
Services for elderly and disabled	6566			P	P	P	P	P	P	P	P	P	
Animal hospitals	6730			P	P	P	C	C	C	P	C	P	
School or university (privately owned)		4200		P	P	C	C	C	C	P	C	P	
Grade school (privately owned)		4210		P	P	P	P	P	P	P	P	P	
College or university facility (privately owned)		4220		P	P	C	C	C	C	C	C	P	
Technical, trade, and other specialty schools	6140	4230		P	P	C	C	C	C	C	C	P	
Library		4300		P	P	P	P	P	P	P	P	P	
Museum, exhibition, or similar facility	5200	4400		P	P	C	C	C	C	P	P	P	
Planetarium		4420		P	C	X	X	X	X	P	C	P	
Aquarium		4430		P	C	X	X	X	X	C	C	P	
Zoological parks		4450		P	P	X	X	X	X	X	X	P	
Public safety related facility			4500	P	P	P	P	P	P	P	P	P	
Fire and rescue station			4510	P	P	P	P	P	P	P	P	P	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Police station			4520	P	P	P	P	P	P	P	P	P	
Emergency operation center			4530	P	P	P	P	P	P	P	P	P	*
Correctional or rehabilitation facility			4600	C	C	X	X	X	X	X	X	P	*
Cemetery, monument, tombstone, or mausoleum			4700	P	P	C	C	C	C	C	X	A	
Funeral homes			4800	P	P	X	X	X	X	C	C	C	
Cremation facilities			4800	P	P	X	X	X	X	X	X	P	
Public administration		6200		P	P	X	X	X	X	P	P	P	
Post offices		6310		P	P	P	P	P	P	P	P	P	
Space research and technology		6330		P	P	X	X	X	X	C	P	P	*
Clubs or lodges				C	C	C	C	C	C	C	C	C	
Transportation-related facilities													
Commercial automobile parking lots		5200		X	X	X	X	X	X	C	X	X	
Commercial automobile parking garages				X	X	X	X	X	X	C	X	X	
Surface parking, open		5210		A	A	A	A	A	A	A	A	A	
Surface parking, covered		5220		A	A	A	A	A	A	A	A	A	
Underground parking structure with ramps		5240		X	X	X	X	X	X	P	X	A	
Rooftop parking facility		5250		X	X	X	X	X	X	C	X	A	
Bus terminal		3830		X	X	X	X	X	X	C	X	P	
Bus stop shelter		5300		P	P	P	P	P	P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	X	X	C	X	X	
Truck freight transportation facilities	4140			X	X	X	X	X	X	X	X	X	
Light rail transit lines and stops	4151			P	P	P	P	P	P	P	X	P	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	X	X	X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	X	X	X	X	X	C	X	X	
Taxi and limousine service dispatch facilities				X	X	X	X	X	X	C	C	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	X	X	C	X	C	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	X	X	X	C	C	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			C	C	C	C	C	C	C	X	X	
Courier and messenger service facilities	4190			X	X	X	X	X	X	C	X	X	
Commercial airports		5600		C	C	X	X	X	X	X	X	C	
Private airplane runways and landing strips		5610		C	C	C	C	C	X	C	X	X	
Airport maintenance and hangar facilities		5620		C	C	X	X	X	X	X	X	C	
Heliport facility		5640		C	C	X	X	X	X	X	X	C	
Helistops				C	C	X	X	X	X	C	X	C	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		C	C	X	X	X	X	X	X	C	
Railroad tracks, spurs, and sidings				P	P	P	P	P	P	P	X	P	
Railroad switching, maintenance, and storage facility		5700		C	X	X	X	X	X	X	X	C	
Railroad passenger station		5701		P	P	P	P	P	P	P	X	P	
Railroad freight facility		5702		C	X	X	X	X	X	X	X	X	
Utility													
Local distribution facilities for water, natural gas, and electric power		6100		P	P	P	P	P	P	P	A	P	
Telecommunications lines				P	P	P	P	P	P	P	P	P	
Electric power substations				C	C	C	C	C	C	C	C	C	
High-voltage electric power transmission lines				C	C	C	C	C	C	C	C	C	
Dam		6220		C	C	C	C	C	C	C	X	C	
Livestock watering tank or impoundment				P	P	P	P	P	P	P	A	P	
Levee		6230		C	C	C	C	C	C	C	A	C	
Water tank (elevated, at grade, or underground)		6250		P	P	P	P	P	P	P	P	P	
Water wells, well fields, and bulk water transmission pipelines		6260		P	P	P	P	P	P	P	A	P	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Water treatment and purification facility		6270		P	P	P	P	P	P	P	X	P	
Water reservoir		6280		C	C	C	C	C	C	C	X	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	P	P	P	P	A	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		P	P	P	P	P	P	P	A	P	
Solid waste landfill facility	4345	6320		C	C	X	X	X	X	X	X	C	
Composting facility		6330		P	P	C	C	C	C	C	P	X	
Recycling transfer center		6331		P	P	C	C	C	C	C	X	P	
Solid waste collection transfer station (Governmental)	4343		3210	P	P	C	C	C	C	P	X	P	
Solid waste collection transfer station (Private)	4343		3210	C	C	C	C	C	C	C	X	C	
Solid waste combustor or incinerator	4344			C	C	X	X	X	X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	X	X	C	X	X	
Household hazardous waste collection facility				C	C	X	X	X	X	C	X	X	
Hazardous waste storage facility		6340		C	X	X	X	X	X	X	X	X	
Hazardous waste treatment and disposal facility				C	X	X	X	X	X	X	X	X	
Sewage treatment plant and disposal facilities		6350		C	C	C	C	C	C	C	X	C	
Gas or electric power generation facility		6400		C	X	X	X	X	X	X	X	DCI	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	C	C	X	X	X	X	X	C	-
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	P	P	P	P	P	-
Roof Mounted/Surface Mounted/Stealth		6500		P	P	P	C	C	C	C	P	P	-

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Amateur radio antenna		6510		P	C	X	X	X	X	C	A	P	
Weather stations		6520		P	P	C	X	X	X	C	A	P	
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	P	P	P	P	A	P	
Commercial solar energy production facility				C	C	C	X	X	X	C	C	C	
Geothermal production facility		6450		C	C	X	X	X	X	X	X	C	
Large scale wind facility				C	C	C	X	X	X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		P	P	P	P	P	P	P	X	P	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	P	P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	X	X	X	C	P	P	
Agriculture, forestry, and conservation/open space													
Grain silos and other storage structure for grains and agricultural products		8100		P	P	A	A	A	A	P	X	C	
Animal production that includes slaughter	9300			C	C	X	X	X	X	X	X	A	
Livestock pens or hog houses		8200		P	C	X	X	X	X	C	X	A	
Commercial greenhouses		8500		P	P	C	C	C	C	C	P	C	
Nurseries and other growing of ornamental plants				P	P	P	P	P	P	P	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	P	P	P	P	P	P	P	P	
Stables and other equine-related facilities - Commercial over 12 horses				P	P	P	C	C	C	C	C	C	
Kennels and commercial dog breeding facilities		8700		C	C	C	C	X	X	C	C	P	
Apiary and other related structures		8700		P	P	P	P	P	P	P	P	P	
Crop production outdoor	9100			P	P	P	P	P	P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	P	P	P	P	P	
Display or sale of agricultural products raised on the same premises				P	P	P	P	P	P	P	P	P	

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Forestry and logging operations	9300			P	P	P	P	P	P	P	X	P	
Game preserves and retreats	9400			P	P	C	C	C	C	C	X	P	
Support business and operations for agriculture and forestry				P	P	A	A	A	A	C	P	P	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	P	P	P	P	P	
Concentrated animal feeding operation		8310		DCI	DCI	X	X	X	X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	P	P	P	P	P	P	
Dairy farms		8210		P	C	X	X	X	X	X	X	X	
Other farm and farming-related structures		8900		P	P	P	P	P	P	P	P	P	
Poultry farms and poultry production facilities		8220		P	C	X	X	X	X	X	X	A	
Sheds, or other agricultural facilities		8000		P	P	P	P	P	P	P	P	P	
Animal waste lagoons		8420		DCI	DCI	X	X	X	X	X	X	X	Ch. 11
Mining and extraction establishments													
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				C	C	C	C	X	X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.9. EL VALLE DE ARROYO SECO HIGHWAY CORRIDOR DISTRICT OVERLAY.

9.9.1. Purpose and Intent. The provisions of the El Valle de Arroyo Seco Highway Corridor Community District Overlay (ASHCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the El Valle de Arroyo Seco Highway Corridor Plan and the Sustainable Growth Management Plan (SGMP). The ASHCD is designed to ensure compatibility among various land uses, encourage compact development, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the corridor. The ASHCD includes standards and dimensions based on historic development patterns and incentives to facilitate compact development where appropriate.

9.9.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.9.2.1. Water Supply, Wastewater and Water Conservation.

1. Intent/Purpose. The intent of the water supply, conservation and waste water provisions is to ensure a sustainable water supply and to ensure new development will not impair senior water rights, existing domestic wells, stream and spring flows and water quality.

a. Required Connection to Public or Publicly-Regulated Private Water Utility. Connection to Public or Publicly-Regulated Private Water Utility is required for all subdivisions, residential and non-residential development applications permitted after the date of this ordinance as specified below:

i. Non-residential Water Use. All new non-residential development shall connect to a community water system when the utility becomes ready, willing and able to supply the development.

(a) If connection to a water system is not possible, the new non-residential development shall limit water consumption to .35 acre feet water per year. This water consumption requirement applies only to use of water for non-residential purposes from domestic wells as defined by the state and does not apply to any other water-rights (irrigation or private).

(b) If the community water system is already in place and capable of providing service or if a water system is expected to become operational within six (6) months or less, connection to the system will be required

immediately upon the time of service capability within the system. The requirement for connection shall be duly noted on the survey plat and the property owner shall agree to submit a financial guarantee to ensure connection within six (6) months prior to final approval.

9.9.2.2. Signs. The standards for signs shall be regulated as identified in Chapter 7 of the Code with the following exceptions:

1. Billboards and signs on mobile objects are prohibited. Mobile objects include truck trailers, shipping containers and mobile homes.

2. Maximum square footage of all signs shall be no more than 70 square feet.

3. One freestanding sign and one building mounted sign shall be permitted per non-residential lot.

4. Building mounted signs must fit architectural style and design of the building and shall not protrude over 5 feet above highest point of the structure.

5. Advertising is permitted on two sides of the sign. Square footage for free standing signs shall be measured only on one face of the sign**.**

6. Maximum Sign Height and Setbacks.

a. All signs shall be set back a minimum of 7 feet from the property line or any existing road Right-of-Way.

b. Signs shall be set back a minimum of 25 feet from contiguous property lines.

c. Free-standing signs shall have setbacks corresponding to their height corresponding to Table 9.9.1.

Table 9.9.1: Sign Height and Setback Requirements.

Sign Height	Set Back
≤ 7 feet	7 feet
7.1-10 feet	23 feet
10.1-15 feet	50 feet
15.1-20 feet	78 feet
20.1-24 feet	100 feet

d. The height of the sign shall be measured from the top of the sign to the pre-disturbed ground level. Maximum sign height shall be based on set back from the Right-of-Way in accordance with Table 9.9.1.

7. Internally and Externally Lit Signs. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Externally lit signs shall use shielding that only illuminates the advertising surface of the sign.

b. Lighting of all externally lit signs shall be directed downward.

c. Illumination of signs shall be prohibited after 9pm.

d. Internally illuminated signs shall be designed so that only the lettering of the sign shall emit light after dark. One illuminated sign is permitted per business.

9.9.2.3. Non-residential Landscaping and Buffering. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Screening. All screening must be fully installed and maintained to meet the standards of this code to including the following:

a. New non-residential development must provide screening of the development, including parking areas and accessory structures from adjoining properties.

b. Minimum height of non-residential screening will be six (6) feet.

c. Screening may be constructed using stucco walls, brick, masonry or coyote fences or wooden fences and placed on the property of the commercial establishment.

i. Non-residential developers shall attempt to make agreements for the type of fencing (i.e. brick, stucco or other) with adjoining landowner. If no agreement is reached, the default screening material will be masonry.

9.9.2.4. Noise Buffering. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. New non-residential development that will create noise above ambient levels shall use sound walls or berms for minimizing traffic and business related noises.

2. Non-residential development that generates noise levels above the ambient levels for morning and evening must limit operations to between 8:00 a.m. and 6:00 p.m.

9.9.2.5. Landscaping. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. When appropriate for safety and clear sightlines, revegetation shall use low, round cover shrubs in order not to block views of roadways and driveways for traffic safety.

2. Plant Size. All trees and shrubs used for required landscaping buffers must be maintained and screening must meet the following standards: trees shall have a caliper of one and one-half inch (1.5") or greater and shall be six feet (6') in height or taller at the time of planting. Shrubs shall be five (5) gallon size or greater at time of planting.

3. Landscaping Water Supply Conservation and Reuse. Landscape irrigation shall be primarily sourced from required water collection cisterns. Any additional irrigation may be provided through passive water harvesting, gray water or other rainwater storage systems. Landscaping shall be designed to incorporate erosion control and, to the extent possible, use natural runoff water for landscaping irrigation. The provisions of this subsection shall not apply to agricultural uses of water.

9.9.2.6. Residential Development. Residential uses shall be permitted within the ASHCD boundary.

9.9.2.7. Non-residential Development. Non-residential uses shall have a maximum of 25,000 square feet of building area.

1. Buildings larger than 10,000 square feet shall include architectural offsets for every 100 feet in length.

2. Only 3 businesses may occupy a single lot.

3. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Buildings with side or rear parking must be set back 50 feet from Highway Right-of-Way boundary.

b. Buildings with front parking must be set back 75 feet from Highway Right-of-Way boundary. Parking is permitted within 25 feet of the building.

c. Non-residential buildings must be set back at least 100 feet from existing residential structures on adjoining property**.**

d. Non-residential buildings must be set back at least 100 feet from existing residential structures on adjoining property.

9.9.3. Non-residential buildings must be set back at least 100 feet from existing residential structures on adjoining property.

9.9.4. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.9.4.1. Generally. The ASHCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the base zoning districts of this Code. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.9.4.2. Base Zoning Districts. Base zoning districts approved for use in the El Valle de Arroyo Seco Corridor District are listed in Table 9.9.2.

Table 9.9.2: El Valle de Arroyo Seco Corridor District Base Zoning.

TC	Traditional Community
CN	Commercial Neighborhood
PI	Public/Institutional

1. ASHCD Traditional Community (ASHCD TC); Purpose. The purpose of this district is to designate areas suitable for residential, small-scale commercial and traditional agricultural uses consistent with the existing development patterns of traditional communities. The TC district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses from encroachment by development. Density bonuses and transfers of development rights may be utilized to achieve the purposes of the district. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited shall be as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ASHCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.9.3:

Table 9.9.3: Dimensional Standards ASHCD TC (Traditional Community).

Zoning District	ASHCD TC
Density (# of acres per dwelling unit)	0.75/0.33*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (commercial)	2,500 sq. ft.
Lot Coverage for non-residential development (maximum percent)	20

* The standard density of one dwelling unit/0.75 acres may be increased to one dwelling unit/0.33 acres if the lot is served by public water and sewer.

2. ASHCD Commercial Neighborhood (ASHCD CN); Purpose. The purpose of this district is to allow for low-rise low-intensity convenience retail and personal services, as well as office uses, that are intended to serve and are in close proximity to individual residential neighborhoods. Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood.

a. Use Regulations. Uses permitted, conditional and prohibited shall be as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ASHCD Use Table.

i. Restaurant, with incidental consumption of alcoholic beverages:

(a) This use is limited to a maximum of 35 seats.

ii. Restaurant, with no consumption of alcoholic beverages permitted:

(a) This use is limited to a maximum of 35 seats.

iii. Automobile repair and service:

(a) This use is limited to a maximum of 4 bays.

iv. Bicycle, motorcycle, all terrain vehicle dealers:

(a) This use is limited to bicycles and electric vehicles.

v. Beer, wine and liquor store (off-premises consumption of alcohol):

(a) This use is limited to beer, wine or spirits manufactured on site.

vi. Manufacturing plants:

(a) This use is limited to small scale manufacturing.

vii. Active open space/athletic fields/golf courses:

(a) Golf courses are prohibited.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of the Code except as prescribed in Table 9.9.4.

Table 9.9.4: Dimensional Standards ASHCD CN (Commercial Neighborhood).

CN Zoning District	ASHCD CN
Density	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	20
Maximum building size (aggregate)	25,000

3. ASHCD Public/Institutional (ASHCD PI); Purpose. The purpose of the Public/Institutional (PI) district is to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited shall be as identified in Chapter 8 and Appendix B of this Code with exceptions identified below and on ASHCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of the Code except as prescribed in Table 9.9.5.

Table 9.9.5: Dimensional Standards ASHCD PI (Public Institutional).

PI Zoning District	ASHCD PI
Density	.75
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	20

9.9.5. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.9.5.1. Home Occupations. Purpose: Home Occupations are small-scale uses that are conducted from one's home and are secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and as regulated in Chapter 10 of the SLDC with the following exceptions as identified on Table 9.9.6 ASHCD Home Occupations.

Table 9.9.6 ASHCD Home Occupations Standards:

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	3
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	Signs have a maximum of 9 square feet. Illuminated signs are prohibited.	Signs have a maximum of 9 square feet. Illuminated signs are prohibited.
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	Up to 2	3-6

1. All parking for the residence and home occupation, including all parking for the resident(s), employees and patrons, must be located off of the Right-of-Way, roadway and shoulders of the road and shall meet all code requirements.

a. There shall be one (1) parking space per employee and one per every 400 square feet of structure used for business.

9.9.5.2. Supplemental Use Regulations; Purpose. This section establishes additional or alternative standards for particular uses in the ASHCD. The purpose of this chapter is to establish standards for specific uses which require special design considerations in order to: protect surrounding property values and uses; protect the public health, safety, and general welfare; and implement the SGMP. These standards seek compatibility with the principal uses permitted in a zoning district. It is the intent of the County that supplemental uses comply with the standards that have been created to address the particular impacts and characteristics. Uses shall be as stated on the Use Table for ASHCD, these are permitted in the Traditional Community and Commercial Neighborhood Zones in ASHCD with the following restrictions:

1. Uses listed below must have the licensee of the business residing in a dwelling on the property and the home must be the licensee's primary residence.

a. Maximum density for a home business shall be one dwelling unit per 1.5 acres.

b. The total area used for a home business and related activities shall not exceed 2,000 square feet of the residence and/or accessory structure.

c. The space used for business may be part of the house or accessory structure.

d. Outdoor storage areas shall not exceed 1,000 square feet or one half of total home business square footage, whichever is less.

e. A maximum of one sign shall be permitted per business.

f. Signs may be either building mounted or pedestal mounted.

g. Maximum square footage of any sign shall not exceed 35 square feet.

h. Illuminated signs are prohibited.

i. Reflective signs are permitted.

j. Sign height and setbacks shall follow the standards outlined above in this section.

k. Home Businesses must provide detailed trash management plans to demonstrate that all solid waste generated from the operation will be properly managed and disposed of as follows:

> **i.** Trash receptacles must be screened on all sides by a solid wall or fence and gate.
>
> **ii.** Trash must be removed on a bi-weekly basis.

l. Retail establishments including arts and craft, galleries, electronic sales and service, bookstores, grocery stores, greenhouses and nurseries:

> **i.** These uses shall be limited to a maximum of 2,000 square feet.

m. Bed and Breakfast establishments:

> **i.** These uses shall be limited to a maximum of 4 guest bedrooms.

n. Professional service establishments including attorney offices, medical and dental offices, veterinary establishments, realtors, accountants, barber and beauty shops, shoe repair shops:

> **i.** These uses shall be limited to a maximum of 2,000 square feet.

o. Automotive repair:

> **i.** These uses shall be limited to a maximum of 2 bays.

p. Restaurants, diners and coffee shops:

> **i.** They shall be limited to a maximum of 2,000 square feet.

q. Breeding and boarding facilities:

i. These shall have a maximum of 6 animals under care at the business site overnight.

r. Manufacturing establishments for metal and woodwork, furniture making, and artisan material production:

i. These uses shall have a maximum of 2,000 square feet.

9.9.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the ASHCD Use Table 9.9.8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.9.7. Accessory uses may be subject to specific regulations as provided in Chapter 9,10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.9.7: Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.9.8: ASHCD Use Table.

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Residential							
Single family		1110		P	P	A	
Accessory dwelling units		1130		A	A	A	Ch.10
Townhouses				P	P	A	
Multifamily dwellings		1202-99		C	P	A	
Retirement Housing	1210			P	P	P	
Assisted living facility	1230			C	P	P	
Life care or continuing care facilities	1240			C	P	P	
Nursing facilities	1250			C	P	P	
Community Home, NAICS 623210				C	P	P	
Barracks		1310		X	X	P	
Dormitories		1320		X	C	P	
Temporary structures, tents etc. for shelter		1350		A	C	P	
Hotels, motels, or other accommodation services							
Bed and Breakfast inn	1310			P	P	X	Ch.10
Rooming and boarding housing	1320			C	P	C	
Resorts				X	X	X	
Retreats				X	C	X	
Hotels, motels, and tourist courts	1330			X	X	X	
Commercial							
Shop or store with drive-through facility		2210		X	C	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	P	X	Ch.9
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	P	X	Ch.9
Stand-alone store or shop		2230		C	P	X	
Department store		2240		X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	
Market shops, including open markets		2260		C	P	X	
Gasoline station		2270		X	C	X	
Automobile repair and service		2280		C	P	X	Ch.9
Car dealer	2111			X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	P	X	Ch.9
Boat or marine craft dealer	2114			X	X	X	
Automotive Parts, accessories, or tires	2115			C	P	X	
Gasoline service	2116			X	C	X	
Lumberyard and materials	2126			X	C	X	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Outdoor resale business	2145			X	X	X	
Pawnshops	NAICS 522298			C	P	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	P	X	Ch.9
Shopping center		2510-2580		X	P	X	
Convenience stores or centers		2591		P	P	X	
Car care center		2593		C	P	X	
Car washes	NAICS 811192			X	X	X	
Office or bank (without drive-through facility)		2100		X	P	X	
Office (with drive-through facility)		2110		X	C	X	
Office or store with residence on top		2300		X	P	X	
Office-over storefront structure		2400		X	P	X	
Research and development services (scientific, medical, and technology)	2416			C	P	X	
Car rental and leasing	2331			C	P	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	C	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			C	P	X	
Bars, taverns and nightclubs				X	X	X	
Camps, camping, and related establishments	5400			C	X	C	
Sexually oriented business				X	X	X	Sec. 10.20
Tattoo parlors				C	P	X	
Industrial, manufacturing and wholesale trade							
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	C	X	
Loft		2611		X	X	X	
Mill-type factory structures		2612		X	X	X	
Manufacturing plants		2613		X	C	X	Ch.9
Industrial parks		2614		X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	
Construction-related businesses	7000			X	P	X	
Heavy construction	7400			X	X	X	
Machinery related	7200			X	X	X	
Special trade contractor	7300			X	P	X	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Automotive paint and body				X	C	X	Sec.10
Automotive wrecking and graveyards, salvage yards, and junkyards				DCI	DCI	DCI	
Vehicle storage for towing or related business				X	C	C	
Demolition, building and structure business				X	X	X	
Warehouse or storage facility Structure		2700		X	C	X	
Mini-warehouse, mini-storage units		2710		X	C	X	
High-rise mini-warehouse		2720		X	X	X	
Warehouse structure		2730		X	C	X	
Produce warehouse		2740		X	C	X	
Refrigerated warehouse or cold storage		2750		X	C	X	
Large area distribution or transit warehouse		2760		X	C	X	
Wholesale trade— durable goods	3510			X	C	X	
Wholesale trade nondurable goods	3520			X	C	X	
Food, textiles, and related products				X	C	X	
Wood, paper, and printing products				X	C	X	
Tank farms		2780		X	X	X	
Public assembly structures							
Performance theater			3110	C	P	P	
Movie theater			3120	X	P	P	
Amphitheater			3130	X	X	P	
Drive-in theaters			3140	X	X	X	
Indoor games facility		3200		X	C	P	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	C	
Amusement or theme park	5310			X	X	X	
Arcade	5320			X	X	X	
Miniature golf establishment	5340			X	C	X	
Fitness, recreational sports, gym, or athletic club	5370			X	C	P	
Bowling, billiards, pool, etc.	5380			X	C	C	
Skating rinks	5390			X	P	P	
Sports stadium or arena		3300		X	X	X	
Racetrack or raceway	5130			X	X	X	
Exhibition, convention or conference structure		3400		X	X	P	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	C	P	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Passenger terminal, mixed mode		3810		X	C	C	*
Active open space/ athletic fields/golf courses	6340			X	C	C	* Ch.9
Passive open space	6340			C	P	P	
Arts, entertainment, and recreation							
Active leisure sports and related activities			7100	C	C	P	
Movie Ranch				X	P	P	
Camps, camping, and related establishments	5400			X	X	P	
Exhibitions and art galleries		4410		P	P	P	
Performing arts or supporting establishment	5100			P	P	P	
Theater, dance, or music establishment	5101			P	P	P	
Institutional or community facilities							
Community center		2200		C	P	P	
Hospitals		4110		X	X	P	
Medical clinics		4120		P	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			P	P	P	
Child and youth services	6561			P	P	P	
Child care institution (basic)	6562			P	P	P	
Child care institution (specialized)	6562			P	P	P	
Day care center	6562			P	P	P	
Community food services	6563			P	P	P	
Emergency and relief services	6564			P	P	P	
Other family services	6565			P	P	P	
Services for elderly and disabled	6566			P	P	P	
Animal hospitals	6730			C	P	P	
School or university (privately owned)		4200		P	C	P	
Grade school (privately owned)		4210		P	P	P	
College or university facility (privately owned)		4220		C	C	P	
Technical, trade, and other specialty schools	6140	4230		C	C	P	
Library		4300		P	P	P	
Museum, exhibition, or similar facility	5200	4400		P	P	P	
Planetarium		4420		C	P	P	
Aquarium		4430		C	C	P	
Zoological parks		4450		X	X	P	
Public safety related facility			4500	P	P	P	
Fire and rescue station			4510	P	P	P	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Police station			4520	P	P	P	
Emergency operation center			4530	P	P	P	*
Correctional or rehabilitation facility			4600	X	X	P	*
Cemetery, monument, tombstone, or mausoleum			4700	C	C	P	
Funeral homes			4800	X	C	X	
Cremation facilities			4800	X	X	X	
Public administration		6200		X	C	P	
Post offices		6310		X	P	P	
Space research and technology		6330		X	C	P	*
Clubs or lodges				X	C	C	
Transportation-related facilities							
Commercial automobile parking lots		5200		X	C	C	
Commercial automobile parking garages				X	C	C	
Surface parking, open		5210		X	A	A	
Surface parking, covered		5220		X	A	A	
Underground parking structure with ramps		5240		X	P	P	
Rooftop parking facility		5250		X	X	X	
Bus terminal		3830		X	X	P	
Bus stop shelter		5300		P	P	P	
Truck storage and maintenance facilities		5400		X	C	X	
Truck freight transportation facilities	4140			X	X	X	
Light rail transit lines and stops	4151			X	C	P	
Local rail transit storage and maintenance facilities	4153			X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	C	X	
Taxi and limousine service dispatch facilities				X	C	X	
Bus transportation storage and maintenance facilities	4156			X	C	C	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	C	C	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	
Courier and messenger service facilities	4190			X	C	X	
Commercial airports		5600		X	X	X	
Private airplane runways and landing strips		5610		X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	
Heliport facility		5640		X	X	X	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Helistops				X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	C	
Railroad tracks, spurs, and sidings				X	C	P	
Railroad switching, maintenance, and storage facility		5700		X	X	C	
Railroad passenger station		5701		X	C	P	
Railroad freight facility		5702		X	X	X	
Utility							
Local distribution facilities for water, natural gas, and electric power		6100		X	A	P	
Telecommunications lines				P	P	P	
Electric power substations				X	C	C	
High-voltage electric power transmission lines				X	C	C	
Dam		6220		X	X	C	
Livestock watering tank or impoundment				P	P	P	
Levee		6230		C	A	C	
Water tank (elevated, at grade, or underground)		6250		P	P	P	
Water wells, well fields, and bulk water transmission pipelines		6260		P	A	P	
Water treatment and purification facility		6270		P	P	P	
Water reservoir		6280		C	C	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	C	P	
Solid waste landfill facility	4345	6320		X	X	C	
Composting facility		6330		C	P	X	
Recycling transfer center		6331		X	C	P	
Solid waste collection transfer station (Governmental)	4343		3210	X	C	C	
Solid waste collection transfer station (Private)	4343		3210	X	X	C	
Solid waste combustor or incinerator	4344			X	X	X	
Septic tank service, repair, and installation business	4346			X	C	X	
Household hazardous waste collection facility				X	X	X	
Hazardous waste storage facility		6340		X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	C	
Gas or electric power generation facility		6400		X	X	DCI	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		X	X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		C	P	P	
Amateur radio antenna		6510		P	P	P	
Weather stations		6520		X	C	P	
Environmental monitoring station (air, soil, etc.)		6600		A	P	P	
Commercial solar energy production facility				X	C	C	
Geothermal production facility		6450		X	X	C	
Large scale wind facility				X	X	X	Sec. 10.16
Broadcasting station	4230			X	C	C	
Highway rest stops and welcome centers		6930		X	C	X	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		C	P	P	
Agriculture, forestry, and conservation/open space							
Grain silos and other storage structure for grains and agricultural products		8100		P	P	C	
Animal production that includes slaughter	9300			X	X	X	
Livestock pens or hog houses		8200		X	X	X	
Commercial greenhouses		8500		C	P	C	
Nurseries and other growing of ornamental plants				P	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	P	P	
Stables and other equine-related facilities - Commercial over 12 horses				C	C	C	
Kennels and commercial dog breeding faculties		8700		C	C	P	
Apiary and other related structures		8700		P	P	P	
Crop production outdoor	9100			P	P	P	
Crop production greenhouse		8500		C	P	C	
Display or sale of agricultural products raised on the same premises				A	P	P	
Forestry and logging operations	9300			X	C	P	
Game preserves and retreats	9400			X	C	P	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Support business and operations for agriculture and forestry				X	C	P	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	
Public or community outdoor recreation facilities				P	P	P	
Concentrated animal feeding operation		8310		X	X	X	Ch.11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	
Dairy farms		8210		A	C	X	
Other farm and farming-related structures		8900		A	A	A	
Poultry farms and poultry production facilities		8220		A	C	X	
Sheds, or other agricultural facilities		8000		A	A	A	
Animal waste lagoons		8420		X	X	X	Ch.11
Mining and extraction establishments							
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	Ch.11
Hard rock mining	8200			DCI	DCI	DCI	Ch.11
Sand and gravel Mining				X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	Ch.11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.10. US 285 SOUTH HIGHWAY CORRIDOR DISTRICT OVERLAY.

9.10.1. Purpose and Intent. The provisions of the US 285 South Highway Corridor District (285 SHCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the US 285 South Highway Corridor Plan and the Sustainable Growth Management Plan (SGMP). The 285 SHCD is designed to ensure compatibility among various land uses, encourage compact development, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the community. Provisions include standards and dimensions based on historic development patterns and incentives to facilitate compact development where appropriate in conjunction with conservation easements that preserve agricultural land and open space.

9.10.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.10.2.1. Setbacks. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. The required setbacks for any building or accessory structure that contains a non-residential use may be reduced to 25 feet from the edge of the right-of-way of U.S. Highway 285 or the Old Las Vegas Highway if access and parking are located other than between the building and the highway.

2. The required setbacks from highways shall be landscaped and shall not contain parking or structures, but may contain pedestrian paths and trails.

9.10.2.2. Landscaping and Buffering. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Disturbed areas. All disturbed areas shall be landscaped with native grass seed or with plants on the list of suitable native species on file with the Administrator.

2. Public. Public areas such as plazas, parking lots and streets shall be landscaped with xeriscape trees and shrubs.

9.10.2.3. Fences and Walls. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Noise screening. Noise walls facing U.S. Highway 285 of the Old Las Vegas Highway are prohibited. Additional setbacks or landscaped berms may be used to reduce noise impacts.

2. Perimeter Fencing. Perimeter fencing around lots or projects may be no more than 50% opaque.

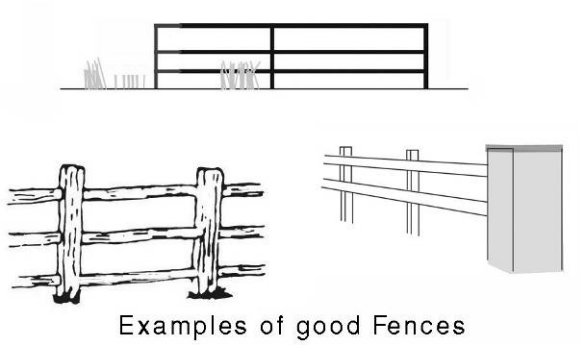


Figure 9.10.1

3. Prohibited Fencing. Chain link and wire mesh fencing are prohibited.

4. Non-residential screening of parking. Parking areas for non-residential development shall be screened from adjacent residences by walls, berms, or a combination thereof that are a minimum of 3 feet in height and a maximum of 11 feet in height.

9.10.2.4. Lighting. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Outdoor Lighting Height. Street lights shall not exceed 24 feet in height. Other outdoor lights shall not exceed 18 feet in height or the height of the lowest adjacent building, whichever is less.

2. Prohibited Lighting. Neon, flashing, traveling, intermittent, spot, and architectural lights are prohibited.

3. Lighting for Outdoor Art. All lighting which illuminates outdoor art shall be low intensity.

4. Spillover of Lighting. Exterior lighting from one lot shall not spillover to another lot or adjoining property with the exception of shared parking for non-residential uses.

9.10.2.5. Signs. The standards for signs shall be as regulated by Chapter 7 of the Code with the following exceptions:

1. Residential and Non-Residential Identification Signs.

a. Signs identifying a residential subdivision shall be located within the subdivision at each external street entrance to the subdivision, not to exceed 2 such signs. If the subdivision is adjacent to U.S. Highway 285 or the Old Las Vegas Highway, the sign(s) shall be located at the side road that provides access from the highway to the subdivision.

b. Signs identifying non-residential development, such as a business or civic use, shall be located on the same lot as that development. The

development shall be allowed one identification sign at each external street entrance to the development, not to exceed 2 such signs.

c. All signs(s) shall be monument signs. The monument supporting the sign shall not exceed 45 square feet and 5 feet in height.

d. All sign lettering shall not exceed 30 square feet.

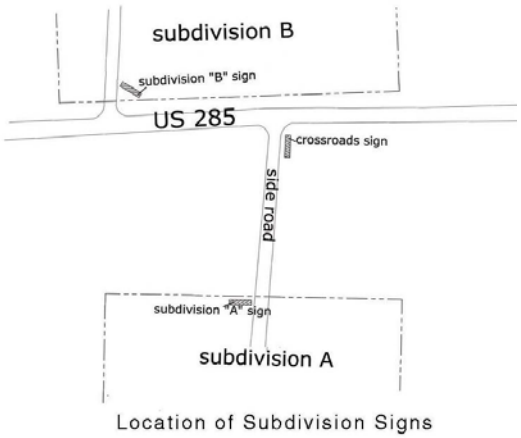


Figure 9.10.2

e. Signs shall be constructed of stucco, stone, wood, or a combination of these materials.

f. Signs shall incorporate step-downs or pilasters.

g. Signs primarily constructed of stucco shall have an earthtone color and have soft edges.

h. Signs primarily constructed of stone shall have a natural stone color and have rough or natural edges.

i. Signs primarily constructed of wood shall have a natural wood color.

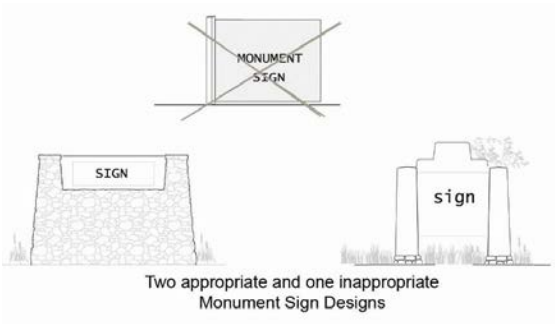


Figure 9.10.3

9.10.2.6. Terrain Management. The standards shall be as regulated by Chapter 7 of the Code with the following exceptions:

1. Intent. All development shall take advantage of the most appropriate naturally occurring buildable area and shall avoid the natural and cultural features identified for protection in the US 285 South Highway Corridor Plan.

2. All development shall be set back a minimum of 50 feet from the top of natural arroyo banks.

9.10.2.7. Water Supply and Conservation.

1. Water Supply Conservation and Reuse. Landscape irrigation shall be primarily sourced from required water collection cisterns. Any additional irrigation may be provided through passive water harvesting, gray water or other rainwater storage systems. The provisions of this subsection shall not apply to agricultural uses of water.

9.10.3. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.10.3.1. Generally. The 285 SHCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the base zoning districts of this Code. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.10.3.2. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the 285 SHCD Use Table and below:

9.10.3.3. Base Zoning Districts. Base zoning districts approved for use in the 285 SHCD are listed in Table 9.10.1.

Table 9.10.1: US 285 South Highway Corridor Base Zoning Districts.

A/R	Agriculture/Ranching
RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
RES F	Residential Fringe
RES-E	Residential Estate
CN	Commercial Neighborhood
PI	Public/Institutional

1. 285 SHCD Agriculture/Ranching (285 SHCD A/R); Purpose. The purpose of this district is to designate areas suitable for agricultural, ranching and residential uses, and to prevent encroachment of incompatible uses and the premature conversion of agricultural and ranch lands to nonagricultural uses. Uses in the A/R district are limited to agricultural, ranch, residential and other compatible uses. Density transfers, where applicable, and clustered development

shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the 285 SHCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.10.2:

Table 9.10.2: Dimensional Standards 285 SHCD A/R (Agriculture/Ranching).

Zoning District	285 SHCD A/R
Density (# of acres per dwelling unit)	160
Lot width (minimum, feet)	400
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

2. 285 SHCD Rural (285 SHCD RUR); Purpose. The purpose of this district is to designate areas suitable for a combination of agricultural, equestrian, residential, and other compatible uses and to protect agricultural uses from encroachment by development. This district also supports agricultural, ranch, very large lot residential, ecotourism, and equestrian uses. Density transfers, where applicable, and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space, or protect scenic features, and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on 285 SHCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of the Code except as prescribed in Table 9.10.3.

Table 9.10.3: Dimensional Standards 285 SHCD RUR (Rural).

Zoning District	285 SHCD RUR
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	150
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

3. 285 SHCD Rural Fringe (285 SHCD RUR-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential

development, agricultural uses and other compatible uses. The 285 SHCD RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers, where applicable, and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified below and on the 285 SHCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of the Code except as prescribed in Table 9.10.4.

Table 9.10.4: Dimensional Standards 285 SHCD RUR-F (Rural Fringe).

Zoning District	285 SHCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

4. 285 SHCD Rural Residential (285 SHCD RUR-R); Purpose. The purpose of this district is to designate areas for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, and farmers markets.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the 285 SHCD Use Table and as prescribed below:

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.10.5.

Table 9.10.5: Dimensional Standards 285 SHCD RUR-R (Rural Residential).

Zoning District	285 SHCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

5. 285 SHCD Residential Fringe (285 SHCD RES-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The 285 SHCD RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers, where applicable, and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on 285 SHCD Use Table and as prescribed below:

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.10.6.

Table 9.10.6: Dimensional Standards 285 SHCD RES-F (Residential Fringe).

Zoning District	285 SHCD RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

6. 285 SHCD Residential Estate (285 SHCD RES-E); Purpose. The purpose of this district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The 285 SHCD RES-E district supports single-family homes on medium sized lots consistent with contemporary community development. This category may include limited agricultural use accessory to residential uses. Density transfers, where applicable, and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the 285 SHCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code except as prescribed in Table 9.10.7.

Table 9.10.7: Dimensional Standards 285 SHCD RES-E (Residential Estate).

Zoning District	285 SHCD RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

7. 285 SHCD Commercial Neighborhood (285 SHCD CN); Purpose. The purpose of this district is to allow for low-rise low-intensity convenience retail and personal services, as well as office uses, that are intended to serve and are in close proximity to individual residential neighborhoods. Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the 285 SHCD Use Table.

i. Mini-Storage Units. Mini-storage units are allowed in conjunction with other uses on a common parcel within the 285 SHCD CN. Mini-storage units shall occupy no more than 50% of the total floor area of the principal use or uses. Mini-storage units and other similar self-storage facilities shall comply with these standards:

(a) All structures, including the accessory manager's office/apartment, must be set back a minimum of 25 feet from the right-of-way or the district minimum setback, whichever is greater.

(b) The units shall be separated from U.S. Highway 285 by buildings or trees.

(c) Where a mini-storage unit or similar self-storage facility abuts non-residential development, no side and rear setbacks are required.

(d) Where a mini-storage unit or similar self-storage facility abuts residential property, buildings adjacent to the perimeter must face inward with doors away from the residentially zoned property.

(e) One management office and/or accessory residence shall be permitted.

(f) The mini-storage unit or similar self-storage facility shall be limited to use for storage purposes only.

(g) If the storage facility is gated, a minimum of 4 off-street vehicle-stacking spaces shall be provided between the public right-of-way and the front gate of the self-storage facility.

ii. Leasing trucks, trailers, and recreational vehicles:

(a) Vehicle sales, leasing and rental shall be limited to vehicles which can be operated with a Class D License.

(b) Vehicle sales and leasing requiring a CDL shall be prohibited.

(c) Motorized recreational vehicles such as ATVs, RVs, quads, jet skis shall be prohibited.

(d) E-bike leasing shall be allowed.

(e) No more than 20 such vehicles shall be parked at the business at any one time.

(f) All rental vehicles shall be parked in specially marked spaces.

iii. Bicycle, motorcycle, all-terrain vehicle dealers.

(a) Only bicycle and e-bike dealers shall be allowed. Motorcycle and all-terrain vehicle dealers shall be prohibited.

b. Dimensional Standards. As identified in Chapter 8 of this Code except as prescribed in Table 9.10.8.

Table 9.10.8. Dimensional Standards US 285 SHCD CN (Commercial Neighborhood).

Zoning District	285 SHCD CN
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24*
Lot coverage (maximum, percent)	20

*****Maximum height may vary in specific Crossroads.

c. Architectural Design Standards (285 SHCD CN); Purpose. Architectural styles shall be related or derived from the existing development.

i. Building Surfaces. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

(a) All building surfaces shall be adobe, stucco or stone. Metal or vinyl surfaces are prohibited. Wood or brick is permitted as a trim not to exceed 10 percent of the exterior surface.

(b) All building surfaces shall be a minimum of 70 percent earthtones and shall blend with the natural vegetation and soil on site.

(c) Accent colors shall not occupy more than 30 percent of the exterior surface.

ii. Roofs. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

(a) The light reflective value of roof materials visible from any public right-of-way shall not exceed 30 percent.

(b) Tile may be used only as an accent on portals and tops of parapets.

(c) Gray, dark blue, dark green, dark brown or earthtone roofs are allowed. Black, white, bright red, bright blue, bright green and goldenrod are prohibited.

iii. Facades. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

(a) The first 10 vertical feet of walls that are visible from any public right-of-way and that enclose a non-residential use shall have a minimum of 25 percent openings, such as windows, doors, passageways, and portals.

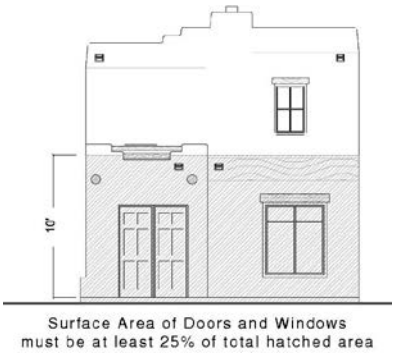


Figure 9.10.4

d. Sustainable Design Standards (285 SHCD CN). As identified in Chapter 7 of this Code, except as prescribed below:

i. Landscaping. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

(a) Walkways and Internal Streets. Walkways and internal streets shall contain shade trees on at least one side, spaced a minimum of 40 feet apart.

(b) Parking areas. Parking lots shall contain a minimum of 1 shade tree for each 10 parking spaces.

ii. Lighting. As identified in Chapter 7 of this Code, except as prescribed below:

(a) Exterior lights are not allowed after business hours except for motion-sensor, interior, and automatic teller machine lights.

iii. Signs. As identified in Chapter 7 of this Code, except as prescribed below:

(a) Each business shall be allowed signs equal to 1 square foot per each linear foot of storefront, not to exceed a total of 30 square feet.

(b) Signs may be a wall, canopy or monument sign(s).

(c) Prohibited signs include:

(i) Off-site business or civic advertising signs.

(ii) Pole mounted signs.

(iii) Roof signs.

(iv) Internally lit signs.

(v) Neon signs.

(vi) Signs higher than 80% of the height of the highest building on the lot or project.

Figure 9.10.5

(d) Multi-use projects consisting of 4 or more businesses shall be allowed 1 business directory monument or development identification sign at each external street entrance to the project, not to exceed 2 such signs.

iv. Parking and Loading. As identified in Chapter 7 of this Code, except as prescribed below:

(a) Alternative Parking Budgets. In order to reduce the amount of land dedicated to parking lots, an applicant may propose a parking budget using shared parking, differential time use, one-stop multiple use, and on-street parking within 400 feet of the use. Diagonal on-street parking may also be approved consistent with pedestrian safety. The County may approve such a parking budget with different parking requirements than are otherwise required after determining that adequate parking is provided for the proposed uses.

(b) Location. Off-street parking lots or structures around a plaza or along a pedestrian oriented street shall be located behind the building(s) facing the plaza or street, except for limited parking to the side of a building as provided in the specific standards for pedestrian oriented streets.

(c) Size. Parking lots located behind or to the side of buildings shall contain a maximum of 60 vehicle spaces. Where more parking spaces are required, multiple lots may be separated by streets and/or landscaping. Parking lots in front of buildings shall contain no more than 20 vehicle spaces.

(d) Parking Structures. Parking structures shall be screened from view at street level and shall include architectural detailing, facade treatment, artwork, landscaping, or similar visual features to enhance the

street facade. Screening of floors above street is encouraged through the use of vines or architectural screening detail compatible with the project.

(e) Bicycle Parking. Bicycle parking racks shall be provided for all non-residential development.

v. Road Design Standards for Public and Pedestrian Oriented Space.

(a) Plazas. Plazas are intended to function as public gathering places for daily interaction and seasonal celebrations. Plazas, if proposed, shall have the following design standards:

(i) The maximum length of side of a plaza shall be 250 feet.

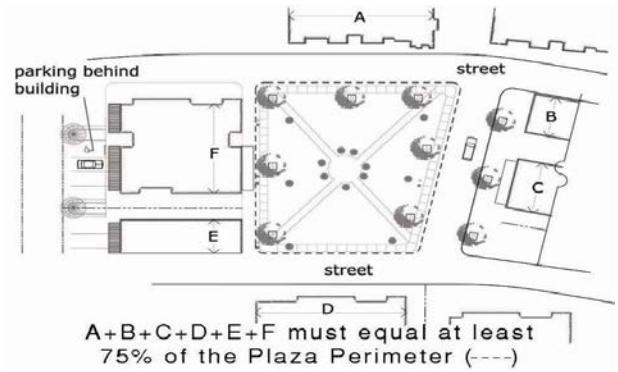


Figure 9.10.6

(ii) The plaza shall be fronted a minimum 75 percent around its perimeter by buildings or by streets that are fronted by buildings with a maximum setback of 10 feet from the street. The maximum distance between building entries facing the plaza shall be 75 feet.

(iii) The first 10 vertical feet of a building facade facing the plaza shall have a minimum of 25 percent openings (windows, doors, passageways, portals).

(iv) Shaded and protected seating shall be provided.

(b) Pedestrian Oriented Streets. Pedestrian oriented streets are intended to function as public gathering spaces and pedestrian friendly pathways, while allowing

the passage of a limited number of vehicles. Pedestrian oriented streets, where required, shall have the following design standards:

(i) The minimum width of the sidewalk or walkway shall be 6 feet.

(ii) Buildings shall have entries facing the street.

(iii) The buildings along the street shall be set back from the edge of the sidewalk a maximum of 20 feet.

(iv) The maximum space between buildings on pedestrian-oriented streets shall allow access to rear parking lots and one double loaded parking aisle between buildings. Such side yard parking shall be screened from the street by landscaping or fences, walls or berms a maximum of 4 feet in height.

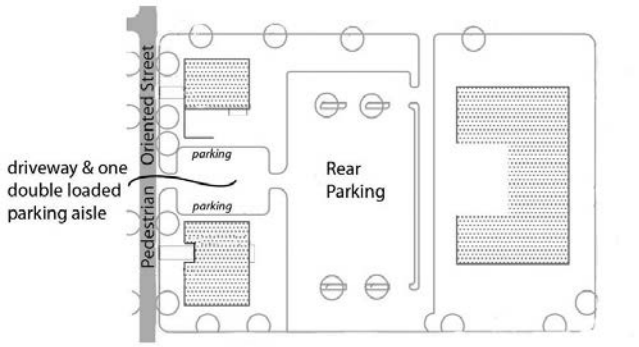


Figure 9.10.7

(c) Courtyards. Courtyards are intended to function as gathering spaces for daily interaction and provide entryways into buildings facing the courtyard. Courtyards, if proposed, shall have the following design characteristics:

(i) The courtyard shall have a direct connection to a public street.

(ii) The maximum length of a side of the courtyard shall be 120 feet.

(iii) The courtyard shall be fronted by buildings for a minimum of 50 percent of its perimeter.

(iv) The maximum distance between building entries facing the courtyard shall be 50 feet.

(d) Public Space Orientation. Outdoor public spaces shall be oriented to provide protection from the prevailing winds and to take advantage of seasonal variations in sunlight.

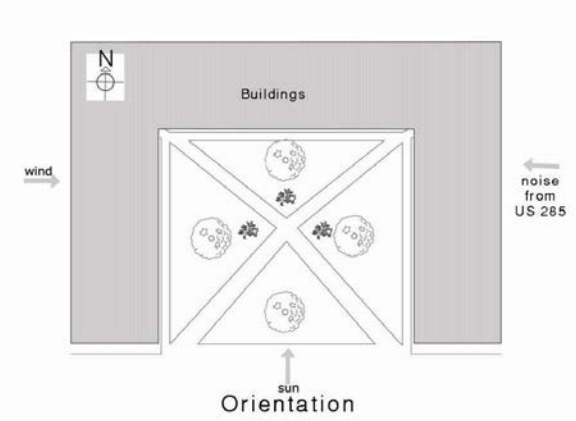


Figure 9.10.8

(e) Pedestrian Circulation. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

(i) Pedestrian connections shall be provided between mixed-use areas and to adjacent residential areas, but are not required across US Highway 285.

(ii) The surface of pedestrian walkways within non-residential areas shall be paved or shall be provided with a hard surface. A connecting trail between non-residential areas may be constructed of base course.

(iii) Crosswalks shall be provided at all intersections unless it is determined that any such crosswalk would be a safety hazard to pedestrians.

e. 285 SHCD CN (Village Crossroads).

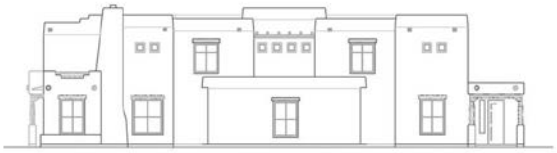
i. Location. The following provisions apply to the Village Crossroads area, which is located at the intersection of U.S. Highway South 285 and Avenida Vista Grande/Colina Drive.

ii. Purpose. The purpose of the Village Crossroads is to guide development of the area as a central community place with usable public spaces available to all age and physical groups, where festivities and public gatherings can occur; appropriate architecture and landscaping that is an expression of community character and that supports comfortable interaction and friendly gathering spots; clear, comfortable pedestrian access between developments and linkages to surrounding neighborhoods and community facilities; developments that relate to each other and provide diverse uses that respond to local needs and are available to all age and physical groups.

iii. Dimensional standards. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

(a) No building shall exceed 35,000 square feet.

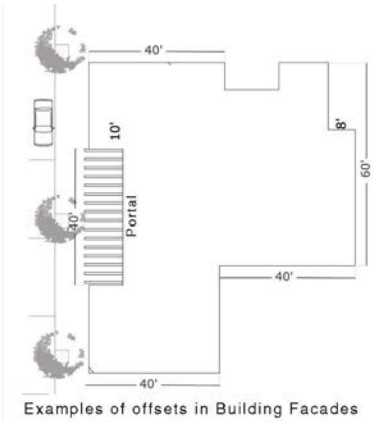
(b) Any building that exceeds 10,000 square feet shall be broken into smaller design elements in order to reduce the bulk of the building.



Smaller Design Elements for Buildings over 10.000 sf

Figure 9.10.9

(c) Building walls shall be broken up every 40 feet with horizontal offsets or portals with a minimum depth of 3 feet and a minimum width of 6 feet.



Examples of offsets in Building Facades

Figure 9.10.10

iv. Location, Orientation and Access. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

(a) Setbacks from roads other than U.S. Highway 285 and the Old Las Vegas Highway shall be no more than of 30 feet from the edge of the right-of-way.

(b) Development west of U.S. Highway 285 shall be oriented along an internal pedestrian-oriented street(s) or around a public plaza(s). The primary entrance to the buildings shall be from these internal streets or plazas. However, the side of any building facing Avenida Vista Grande shall include windows and architectural features.

(c) Development for a distance of 1,000 feet northeast from the intersection of U.S. Highway 285 and Colina Drive shall be oriented along Colina Drive. Colina Drive shall be considered a pedestrian-oriented street and development shall comply with other provisions of this Overlay applicable to pedestrian-oriented streets.

(d) A transfer of development rights, if applicable, may be used to concentrate development closer to the intersection of U.S. Highway 285 and Colina Drive, as allowed by this Code.

(e) Direct vehicular access to non-residential development from U.S. Highway 285 is prohibited. Secondary access (right-turn in only) to the Village Crossroads may be approved if it meets NMDOT access management regulations.

f. 285 SHCD CN (San Sebastian/Old Las Vegas Highway Crossroads).

i. Location. The San Sebastian/Old Las Vegas Highway Crossroads area is located at the intersection of U.S. Highway 285 and Old Las Vegas Highway.

ii. Purpose. The purpose of the San Sebastian/Old Las Vegas Highway Crossroads is to establish small scale non-residential development to serve primarily local needs.

iii. Dimensional standards. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

(a) The maximum size of any building shall not exceed 15,000 square feet.

(b) Any building that exceeds 5,000 square feet shall be broken into smaller design elements in order to reduce the bulk of the building. **(See Figure 9.10.9)**

(c) Building walls shall be broken up every 40 feet with horizontal offsets or portals with a minimum depth of 3 feet and a minimum width of 6 feet. **(See Figure 9.10.10)**

(d) The setbacks from roads other than U.S. Highway 285 and the Old Las Vegas Highway shall be no more than 50 feet.

iv. Design Standards. As identified in Chapter 7 of this Code, except as prescribed below:

(a) Buildings, commercial lighting, and signage shall be oriented to Old Las Vegas Highway.

(b) Parking for non-residential development shall be located at the rear of the building(s) it serves.

(c) Primary vehicular access to parking areas for non-residential development shall be restricted to the Old Las Vegas Highway.

(d) Non-residential development along Old Las Vegas Highway shall provide clear separation between pedestrian and vehicular traffic to enhance pedestrian safety.

(e) Roadside vending is prohibited.

(f) Fencing in arroyos shall not restrict the natural passageway for wildlife and shall not affect the natural drainage.

g. 285 SHCD CN (Entryway Crossroads).

i. Location. The location of the Entryway Crossroads area is at the intersection of U.S. Highway 285 and Avenida Amistad.

ii. Purpose. The purpose of Entryway Crossroads area is to provide a gateway to the historic Simpson Ranch, preserve the predominant natural features, maintain neighborhood privacy, and provide for neighborhood scale non-residential development that conveys the community character and history.

iii. Dimensional Standards. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

(a) The maximum size of any building shall not exceed 15,000 square feet.

(b) Any building that exceeds 5,000 square feet shall be broken into smaller design elements in order to reduce the bulk of the building. **(See Figure 9.10.9)**

(c) Building walls shall be broken up every 40 feet with horizontal offsets or portals with a minimum depth of 3 feet and a minimum width of 6 feet. **(See Figure 9.10.10)**

iv. Design Standards. As identified in Chapter 7 and 8 of this Code, except as prescribed below:

(a) Non-residential development west of U.S. Highway 285 shall be oriented along an internal pedestrian-oriented street or around a public plaza.

(b) Non-residential development east of U.S. Highway 285 shall be oriented on a north south axis on an internal pedestrian-oriented street parallel to U.S. Highway 285.

(c) Direct vehicular access to non-residential development from U.S. Highway 285 is prohibited.

(d) Buildings are limited to 18 feet in height. However, buildings on the perimeter of the Entryway Crossroads that face residential areas shall be limited to 12 feet in height.

h. 285 SHCD CN (Alma Crossroads).

i. Location. The following provisions apply to the Alma Drive Crossroads area, which is at the intersection of U.S. Highway 285 and Alma Drive.

ii. Purpose. The purpose U.S. Highway 285 and Alma Drive crossroads is to retain the semi-rural residential character of the immediate area by limiting non-residential development to a very small area that has historically contained commercial uses.

iii. Dimensional Standards. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

(a) The maximum size of any building shall not exceed 15,000 square feet.

(b) Any building that exceeds 5,000 square feet shall be broken into smaller design elements in order to reduce the bulk of the building. **(See Figure 9.10.9)**

(c) Building walls shall be broken up every 40 feet with horizontal offsets or portals with a minimum depth of 3 feet and a minimum width of 6 feet. **(See Figure 9.10.10)**

iv. Design Standards. As identified in Chapter 7 and 8 of this Code, except as prescribed below:

(a) Direct access to any new development from U.S. Highway 285 is prohibited.

i. 285 SHCD CN (Community Facility Crossroads).

i. Location. The following provisions apply to the Community Facilities Crossroads area, which is adjacent to the access road leading from U.S. Highway 285 to the County Facility identified in the Public Institutional Zoning District.

ii. Purpose. The purpose of these provisions is to ensure that the area continues to function and expand as an important community facilities node, with an emphasis on buffering activities from surrounding residential areas.

iii. Dimensional standards. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

(a) The maximum size of any building shall not exceed 5,000 square feet. **(See Figure 9.10.9)**

(b) Building walls shall be broken up every 40 feet with horizontal offsets or portals with a minimum depth of 3 feet and a minimum width of 6 feet. **(See Figure 9.10.10)**

(c) The total size of the area shall not exceed 3 acres, bounded on the north by the service road, on the east by the transfer station, on the south by the ridge, and on the west by the U.S. Highway 285 South right-of-way.

(d) Uses and buildings shall be oriented to the existing service road serving the existing County Facilities.

(e) Access to new development shall be from the existing service road serving the County Facilities.

(f) The knoll south of the existing service road serving the County Facilities shall be preserved in its natural state.

(g) The arroyo north of the existing service road serving the County Facilities shall be preserved in its natural state.

8. 285 SHCD Public/Institutional (285 SHCD PI); Purpose. The purpose of this district is to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the 285 SHCD Use Table and as prescribed below:

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.10.9.

Table 9.10.9: Dimensional Standards 285 SHCD PI (Public/Institutional).

Zoning District	US 285 SHCD PI
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	80

9.10.4. 285 SHCD Overlay Zones.

9.10.4.1. 285 SHCD Rural Commercial Overlay (285 SHCD O-RC); Purpose. The 285 SHCD O-RC allows for non-residential development which shall be compatible with existing land use patterns, existing residential areas, land ownership characteristics, and geographic features near the property. The 285 SHCD O-RC is intended to support the needs of the community and to retain the predominantly rural and residential character of the corridor. Commercial uses that are small in scale are appropriate within this overlay zone in order to support the development of the corridor as a mix of residential and commercial.

1. Location. The following provisions apply to the Spur Ranch Crossroads area, which is located at the intersection of U.S. Highway 285 and Spur Ranch Road. Boundaries of the O-RC are shown on the Official Zoning Map.

a. Dimensional standards. The standards shall be as regulated by Chapter 8 of the Code with the following exceptions:

i. Direct access to any new development from U.S. Highway South 285 is prohibited.

ii. Single non-residential structures or buildings shall not exceed five thousand (5,000) square feet.

iii. No building shall exceed 18 feet in height.

b. Permitted Uses. In addition to those uses allowed by the underlying zoning, upon the issuance of a development permit, the following uses are allowed:

i. Retail services, such as small-scale retail shops and stores, small offices, restaurants, and live-work units.

c. Conditional Uses. The following uses may be allowed in the 285 SHCD O-RC upon the issuance of a conditional use permit:

i. Services such as greenhouses and nurseries, agriculturally related supplies and equipment, farmers or other outdoor markets, and exercise, fitness, and/or dance studios

9.10.5. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.10.5.1. Home Occupations. Purpose: Home Occupations are small-scale uses that are conducted from one's home and are clearly incidental and secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and as regulated in Chapter 10 of this Code with the following exceptions as identified in Table 9.10.10.

Table 9.10.10: 285 SHCD Home Occupations Standards:

	No Impact	**Low Impact**	**Medium Impact**
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	6
Area used for business (maximum)	25% of heated square footage*	35% of heated square footage*	50% of heated square footage*
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/ patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	Up to 2	3-6

*No more than 2,500 square feet shall be dedicated to the home occupation.

9.10.6. 285 SHCD Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the SHCD Use Table 9.10.12. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.10.11. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.10.11 Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.10.12: 285 SHCD Use Table.

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Residential												
Single family		1110		P	P	P	P	P	P	P	X	
Accessory dwelling units		1130		A	A	A	A	A	A	A	X	Ch. 10
Townhouses				X	X	X	X	X	X	X	X	
Multifamily dwellings		1202-99		X	P	X	X	X	X	X	X	
Retirement Housing	1210			C	C	C	C	C	C	C	X	
Assisted living facility	1230			C	C	C	C	C	C	C	X	
Life care or continuing care facilities	1240			C	C	C	C	C	C	C	X	
Nursing facilities	1250			C	C	C	C	C	C	C	X	
Community Home, NAICS 623210				P	P	P	P	P	P	P	P	
Barracks		1310		X	X	X	X	X	X	X	X	
Dormitories		1320		X	X	X	X	X	X	X	X	
Temporary structures, tents etc. for shelter		1350		X	X	X	X	X	X	X	X	
Hotels, motels, or other accommodation services												
Bed and Breakfast inn	1310			C	C	C	C	C	C	P	X	Ch. 10
Rooming and boarding housing	1320			X	X	X	X	X	X	X	X	
Resorts				X	X	X	X	X	X	X	X	
Retreats				C	C	C	C	C	C	C	X	
Hotels, motels, and tourist courts	1330			X	X	X	X	X	X	C	X	
Commercial												
Shop or store with drive-through facility		2210		X	X	X	X	X	X	C	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	X	X	P	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	X	X	P	X	
Stand-alone store or shop		2230		X	X	X	X	X	X	P	X	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Department store		2240		X	X	X	X	X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	X	X	
Market shops, including open markets		2260		X	X	X	X	X	X	C	X	
Gasoline station		2270		X	X	X	X	X	X	C	X	
Automobile repair and service		2280		X	X	X	X	X	X	C	X	
Car dealer	2111			X	X	X	X	X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	X	X	X	X	C	X	Ch. 9
Boat or marine craft dealer	2114			X	X	X	X	X	X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	X	X	X	C	X	
Gasoline service	2116			X	X	X	X	X	X	C	X	
Lumberyard and materials	2126			X	X	X	X	X	X	C	X	
Outdoor resale business	2145			X	X	X	X	X	X	C	X	
Pawnshops	NAICS 522298			X	X	X	X	X	X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	X	X	X	X	C	X	
Shopping center		2510-2580		X	X	X	X	X	X	C	X	
Convenience stores or centers		2591		X	X	X	X	X	X	C	X	
Car care center		2593		X	X	X	X	X	X	C	X	
Car washes	NAICS 811192			X	X	X	X	X	X	C	X	
Office or bank (without drive-through facility)		2100		X	X	X	X	X	X	P	X	
Office (with drive-through facility)		2110		X	X	X	X	X	X	P	X	
Office or store with residence on top		2300		X	X	X	X	X	X	P	X	
Office-over storefront structure		2400		X	X	X	X	X	X	P	X	
Research and development services (scientific, medical, and technology)	2416			X	X	X	X	X	X	C	X	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Car rental and leasing	2331			X	X	X	X	X	X	C	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	X	X	C	X	Ch. 9
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	X	X	X	P	X	
Bars, taverns and nightclubs				X	X	X	X	X	X	C	X	
Sexually oriented business				X	X	X	X	X	X	X	X	Sec. 10.20
Tattoo parlors				X	X	X	X	X	X	C	X	
Industrial , manufacturing and wholesale trade												
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	X	X	X	C	X	
Loft		2611		X	X	X	X	X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	X	X	C	X	
Manufacturing plants		2613		X	X	X	X	X	X	C	X	
Industrial parks		2614		X	X	X	X	X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	X	X	X	X	
Construction-related businesses	7000			X	X	X	X	X	X	C	X	
Heavy construction	7400			X	X	X	X	X	X	X	X	
Machinery related	7200			X	X	X	X	X	X	X	X	
Special trade contractor	7300			X	X	X	X	X	X	C	X	
Automotive paint and body				X	X	X	X	X	X	C	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				~~X~~	X	X	X	X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	X	X	X	X	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Demolition, building and structure business				X	X	X	X	X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	X	X	C	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	X	X	C	X	Ch. 9
High-rise mini-warehouse		2720		X	X	X	X	X	X	X	X	
Warehouse structure		2730		X	X	X	X	X	X	X	X	
Produce warehouse		2740		X	X	X	X	X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	X	X	C	X	
Wholesale trade nondurable goods	3520			X	X	X	X	X	X	C	X	
Food, textiles, and related products				X	X	X	X	X	X	X	X	
Wood, paper, and printing products				X	X	X	X	X	X	X	X	
Tank farms		2780		X	X	X	X	X	X	X	X	
Public assembly structures												
Performance theater			3110	X	X	X	X	X	X	C	C	
Movie theater			3120	X	X	X	X	X	X	C	X	
Amphitheater			3130	X	X	X	X	X	X	X	X	
Drive-in theaters			3140	X	X	X	X	X	X	X	X	
Indoor games facility		3200		X	X	X	X	X	X	C	X	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	X	X	X	X	X	
Amusement or theme park	5310			X	X	X	X	X	X	X	X	
Arcade	5320			X	X	X	X	X	X	C	X	
Miniature golf establishment	5340			X	X	X	X	X	X	C	X	
Fitness, recreational sports, gym, or athletic club	5370			X	X	X	X	X	X	C	X	
Bowling, billiards, pool, etc.	5380			X	X	X	X	X	X	C	X	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Skating rinks	5390			X	X	X	X	X	X	X	X	
Sports stadium or arena		3300		X	X	X	X	X	X	X	X	
Racetrack or raceway	5130			X	X	X	X	X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	X	X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	X	X	X	X	X	C	C	
Passenger terminal, mixed mode		3810		X	X	X	X	X	X	C	C	*
Active open space/ athletic fields/golf courses	6340			C	C	C	C	C	C	C	C	
Passive open space	6340			P	P	P	P	P	P	P	P	
Arts, entertainment, and recreation												
Active leisure sports and related activities			7100	X	X	X	X	X	X	C	C	
Movie Ranch				X	X	X	X	X	X	X	X	
Camps, camping, and related establishments	5400			X	X	X	X	X	X	X	X	
Exhibitions and art galleries		4410		X	X	X	X	X	X	P	C	
Performing arts or supporting establishment	5100			X	X	X	X	X	X	C	C	
Theater, dance, or music establishment	5101			X	X	X	X	X	X	C	C	
Institutional or community facilities												
Community center		2200		X	X	X	X	X	X	C	P	
Hospitals		4110		X	X	X	X	X	X	X	X	
Medical clinics		4120		X	X	X	X	X	X	C	C	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			X	X	X	X	X	X	P	C	
Child and youth services	6561			X	X	X	X	X	X	P	C	
Child care institution (basic)	6562			P	P	P	P	P	P	P	P	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Child care institution (specialized)	6562			P	P	P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	P	P	
Community food services	6563			X	X	X	X	X	X	C	C	
Emergency and relief services	6564			X	X	X	X	X	X	P	C	
Other family services	6565			X	X	X	X	X	X	C	C	
Services for elderly and disabled	6566			X	X	X	X	X	X	P	C	
Animal hospitals	6730			X	X	X	X	X	X	C	C	
School or university (privately owned)		4200		P	P	P	P	P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	P	P	P	P	
College or university facility (privately owned)		4220		P	P	P	P	P	P	P	P	
Technical, trade, and other specialty schools	6140	4230		P	P	P	P	P	P	P	P	
Library		4300		X	X	X	X	X	X	C	C	
Museum, exhibition, or similar facility	5200	4400		X	C	X	X	X	X	C	C	
Planetarium		4420		X	X	X	X	X	X	C	C	
Aquarium		4430		X	X	X	X	X	X	C	C	
Zoological parks		4450		X	X	X	X	X	X	X	C	
Public safety related facility			4500	C	C	C	C	C	C	C	C	
Fire and rescue station			4510	C	C	C	C	C	C	C	C	
Police station			4520	C	C	C	C	C	C	C	C	
Emergency operation center			4530	X	X	X	X	X	X	C	C	*
Correctional or rehabilitation facility			4600	X	X	X	X	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	C	C	C	C	C	C	X	X	
Funeral homes			4800	X	X	X	X	X	X	X	X	
Cremation facilities			4800	X	X	X	X	X	X	X	X	
Public administration		6200		C	C	C	C	X	C	C	C	
Post offices		6310		C	C	C	C	C	C	C	C	
Space research and technology		6330		X	X	X	X	X	X	C	C	*
Clubs or lodges				X	X	X	X	X	X	C	C	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Transportation-related facilities												
Commercial automobile parking lots		5200		X	X	X	X	X	X	C	C	
Commercial automobile parking garages				X	X	X	X	X	X	X	X	
Surface parking, open		5210		X	X	X	X	X	X	C	C	
Surface parking, covered		5220		X	X	X	X	X	X	C	C	
Underground parking structure with ramps		5240		X	X	X	X	X	X	X	C	
Rooftop parking facility		5250		X	X	X	X	X	X	X	C	
Bus terminal		3830		X	X	X	X	X	X	X	C	
Bus stop shelter		5300		P	P	P	P	P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	X	X	X	X	
Light rail transit lines and stops	4151			X	X	X	X	X	X	X	C	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	X	X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	X	X	X	X	X	X	X	
Taxi and limousine service dispatch facilities				X	X	X	X	X	X	C	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	X	X	X	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	X	X	C	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	X	X	X	X	
Courier and messenger service facilities	4190			X	X	X	X	X	X	C	X	
Commercial airports		5600		X	X	X	X	X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	X	X	X	X	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Airport maintenance and hangar facilities		5620		X	X	X	X	X	X	X	X	
Heliport facility		5640		X	X	X	X	X	X	X	X	
Helistops				X	X	X	X	X	X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	X	X	X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	X	X	X	X	
Railroad passenger station		5701		X	X	X	X	X	X	X	X	
Railroad freight facility		5702		X	X	X	X	X	X	X	X	
Utility												
Local distribution facilities for water, natural gas, and electric power		6100		C	C	C	C	C	C	C	C	
Telecommunications lines				C	C	C	C	C	C	C	C	
Electric power substations				C	C	C	C	C	C	C	C	
High-voltage electric power transmission lines				C	C	C	C	C	C	C	C	
Dam		6220		C	C	C	C	C	C	X	C	
Livestock watering tank or impoundment				P	P	P	P	P	P	A	P	
Levee		6230		C	C	C	C	C	C	A	C	
Water tank (elevated, at grade, or underground)		6250		C	C	C	C	C	C	P	C	
Water wells, well fields, and bulk water transmission pipelines		6260		C	C	C	C	C	C	A	C	
Water treatment and purification facility		6270		P	P	P	P	P	P	P	P	
Water reservoir		6280		C	C	C	C	C	C	C	C	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	P	P	P	P	P	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	C	C	C	C	C	C	C	
Solid waste landfill facility	4345	6320		X	X	X	X	X	X	X	X	
Composting facility		6330		X	X	X	X	X	X	X	C	
Recycling transfer center		6331		X	X	X	X	X	X	X	C	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	X	X	X	C	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	X	X	C	X	
Household hazardous waste collection facility				X	X	X	X	X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	X	X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	X	X	X	X	C	X	
Gas or electric power generation facility		6400		X	X	X	X	X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	C	C	C	X	X	X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	P	P	P	C	C	P	P	
Amatuer radio antenna		6510		P	P	P	P	P	P	P	P	
Weather stations		6520		P	P	P	C	X	X	A	P	
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	P	P	P	A	P	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Commercial solar energy production facility				X	X	X	X	X	X	C	X	
Geothermal production facility		6450		X	X	X	X	X	X	X	C	
Large scale wind facility				X	X	X	X	X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	X	X	X	X	X	X	C	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	X	X	X	C	C	
Agriculture, forestry, and conservation/open space												
Grain silos and other storage structure for grains and agricultural products		8100		P	P	P	A	A	A	X	C	
Animal production that includes slaughter	9300			X	X	X	X	X	X	X	X	
Livestock pens or hog houses		8200		P	P	C	C	C	C	C	X	
Commercial greenhouses		8500		P	C	C	C	C	C	P	C	
Nurseries and other growing of ornamental plants				C	C	C	C	C	C	P	C	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	P	C	C	C	C	C	X	
Stables and other equine-related facilities - Commercial over 12 horses				C	C	X	X	X	X	X	X	
Kennels and commercial dog breeding faculties		8700		X	X	X	X	X	X	C	C	
Apiary and other related structures		8700		P	P	P	P	P	P	P	P	
Crop production outdoor	9100			P	P	P	P	P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	P	P	P	P	
Display or sale of agricultural products raised on the same premises				P	P	P	A	A	A	P	P	
Forestry and logging operations	9300			X	X	X	X	X	X	X	X	

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Game preserves and retreats	9400			X	X	X	X	X	X	X	X	
Support business and operations for agriculture and forestry				X	X	X	X	X	X	C	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	P	P	P	P	
Concentrated animal feeding operation		8310		X	X	X	X	X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	P	P	P	P	P	
Dairy farms		8210		X	X	X	X	X	X	X	X	
Other farm and farming-related structures		8900		A	A	A	A	A	A	A	A	
Poultry farms and poultry production facilities		8220		C	C	C	C	C	C	C	C	
Sheds, or other agricultural facilities		8000		A	A	A	A	A	A	A	A	
Animal waste lagoons		8420		X	X	X	X	X	X	X	X	Ch. 11
Mining and extraction establishments												
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	X	X	X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.11. TRES ARROYOS DEL PONIENTE COMMUNITY DISTRICT OVERLAY.

9.11.1. Purpose and Intent. The provisions of the Tres Arroyos del Poniente Community District (TAPCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Tres Arroyos del Poniente (TAP) Community Plan and the Sustainable Growth Management Plan (SGMP). The TAPCD is designed to implement the TAP Community Plan to ensure compatibility among various land uses, of the TAP community.

9.11.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.11.2.1. Setback from NM 599. There shall be a 250 foot setback from the NM 599 Highway right of way. If an existing legal parcel is unable to meet the setback requirements, the third of the parcel furthest away from NM 599 can be built upon.

9.11.2.2. Open Space Standards. Open Space standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Any proposed subdivision or land division shall preserve no less than thirty percent (30%) of the entire tract as permanent open space.

2. The following property types along with those listed in Chapter 7 of the of this Code may be considered open space for the purpose of meeting the thirty percent 30% open space requirement:

a. Major arroyos or other open space mapped on the TAP Plan map;

b. Common or Public Parks and Plazas;

c. Trails allowing public access and connecting to the TAP Trail system;

d. Public trailheads;

e. Archeological easements;

f. Setbacks required for NM 599; and

g. Private open space may be counted if it is physically contiguous or separated only by road or trail features from adjacent open space and meets the open space standards.

3. Perimeter setbacks on properties may not be used as open space unless the area meets a standard above, or a buffer is needed for adjacent properties.

4. The permanent open space may be dedicated to the public or to an open space land trust or other non-profit management entity or for common use to a homeowners' association as an open space easement.

5. The permanent open space shall restricted from further development, except where due to terrain or soil constraints, easements to accommodate liquid waste disposal or drainage may be created in the open space.

6. Open space shall be designed in a manner that creates contiguous or continuous natural areas rather than scattered small locations within a development.

7. Where applicable, open space must be integrated into the trail system within the TAP and shall be identified on the Official Map.

8. Open spaces set aside as a result of density clustering or easements for protection of arroyos or trail corridors shall interconnect to open space sites or potential sites on adjacent properties, as practicable.

9. Open space dedications shall be used to preserve distinctive natural features such as vistas, arroyos, significant rock outcroppings, large trees, and identified wildlife corridors wherever possible.

10. Native vegetation shall be preserved within open space areas unless the County approves a developed park or playfield. Invasive species and noxious weeds may be removed to preserve native species.

11. To minimize motorized access public and private dedicated open space lands shall not be enclosed by fences, walls or other structures except for wire or other open fencing to contain livestock and delineate trail easements.

12. Trails. Trails shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. New developments must provide trails and trail connections as shown on the Roads and Trails Map and shall be included on the Official Map Series – Map 5. A major objective of trail placement shall be to foster interconnections and a network that allows both east-west and north-south passage through and within the TAP.

b. Applicants are encouraged, which shall be considered a best practice, to contact the County Open Space staff early in the project planning stage to discuss trail location, system connectivity and other requirements**.**

c. The non-motorized trail system will provide pedestrians, bicyclists and equestrians alternative transportation choices and expanded recreation opportunities to connect the dispersed neighborhoods within the TAP. The trail system will be on the SLDC Official Map Series – Map 5.

d. Trail access for pedestrians, bicyclists and equestrians may be separated or provided by parallel trails as long as there is equivalent connectivity in the network for all users. Trails should generally be spaced one half mile apart or less.

e. County policies support the implementation of a County-wide trails program. In certain instances segments of these trails are located in or along roadway corridors and fulfill the multi-modal needs along the

roadway network. Most trails will be off road facilities for user safety and aesthetics.

f. New developments must provide trails and trail connections as shown on the Roads and Trails Map and shall be included on the Official Map Series – Map 5. A major objective of trail placement shall be to foster interconnections and a network that allows both east-west and north-south passage through and within the TAP.

g. Trails or sidewalks shall accompany all arterial, minor arterial, collector, and sub- collector roads. Where road design speeds exceed 25 mph, trails shall be off- road. An internal trail system within subdivisions for pedestrians, bicyclists and equestrians that provides equivalent connectivity and user safety may be used to meet this requirement.

h. Off-road trails and paths within the road right-of-way or a trail easement that parallels the road right-of-way shall be separated a minimum of four feet from the edge of the roadway. This separation shall be created with natural material and shall not be a solid barrier.

i. New development shall not block access to the trail system shown on the Official Map Series – Map 5. Wherever possible, access to the trail system shall be accomplished by providing off-road facilities.

j. Equestrian trails are an integral part of the trail system. They shall be identified on the Site Development Plan submittal or plat and added to the Official Map Series – Map 5. Equestrian trails should be separate from bicycle trails. Pedestrian and equestrian trails may be combined within a single easement if sufficient tread width and user separation is provided.

k. Trail Location Standards. Trail location standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. Arroyos, Floodplains and Natural Areas.

(a) Special conditions may be placed on trails within floodplains to ensure the public safety, including, but not necessarily limited to, conditions on location, design, construction, use, and signage.

(b) Trails may be located in preserved natural areas based on a case-by-case review with appropriate trail guidelines.

(c) Trail corridors are encouraged to be located on, or along, existing traditionally used trails within the TAPCD and have been identified on the Official Map Series – Map 5.

ii. Easements and Rights-of-Way.

(a) Trails shall be located on public lands, in public rights-of-way, or within dedicated easements.

(b) Trails located on private land shall be built by the developer. Routine cleaning and maintenance of private trails is the responsibility of the developer, land owner or homeowners' association.

(c) If possible, off-road trails and paths shall be located in utility corridors or other existing, publicly dedicated routes.

(d) Equestrian trails may be built within public rights of way on local roads currently developed to rural standards. These trails shall be realigned if urban street improvements are required by future development.

9.11.2.3. Roads Design Standards. Shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Roads in new developments shall be designed to minimize runoff.

2. Roads shall be two lanes for access and internal circulation except where additional lanes, turning lanes, acceleration and deceleration lanes are required by a traffic impact analysis.

3. Trails or sidewalks shall accompany all arterial, minor arterial, collector, and sub- collector roads as set forth in, the Trails section above.

4. Safe road crossings for new roads shall be spaced approximately every ½ mile for pedestrians and every mile for equestrians, consistent with the trails identified in Official Map Series – Map 5.

9.11.2.4. Water and Wastewater. Water and wastewater shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Applicants shall design, engineer and construct any water system within subdivisions so that it may interconnect to a county water system, even if one is not available, and the development shall connect to county water as soon as it is available.

2. Applicants shall design, engineer and construct any sewer systems within subdivisions to allow common collection of wastewater for a county sewer system, even if not currently available, and the development shall connect to county sewer as soon as it is available.

3. New buildings are encouraged to be plumbed to enable grey water reuse unless the project is served by a sewer system where the County and State have approved centralized effluent reuse or preservation of return flow credits. All appropriate permits are required when a grey water system is installed.

9.11.2.5. Landscaping. Landscaping shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Preserve native species and topography in setback areas and other undeveloped areas on lots.

2. Refer to the TAP Plan Appendix C Native flora and fauna for plant list.

9.11.2.6. Outdoor Lighting. Outdoor lighting shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Light design and installation shall emphasize low-level uniform lighting to avoid the nuisance and hazardous conditions caused by abrupt changes from bright lights to darkness.

2. Lighting is allowed for illuminating outdoor landscaping or art shall be ground mounted illumination and shall not exceed residential standards.

3. Prohibited Lighting. Neon, flashing, moving, intermittent, spot, and architectural lights are prohibited.

9.11.2.7. Signs. Signs shall comply with the requirements in Chapter 7 of this Code, except as otherwise provided in this section.

1. Residential Uses. Residential uses shall be allowed one identification sign of a maximum size of two (2) square foot. This shall include any identification of a home occupation.

2. Prohibited Signs. The following signs are prohibited:

a. Off-site business or civic advertising signs.

b. Pole mounted signs.

c. Internally lit signs.

d. Neon signs.

e. Signs higher than 80% of the height of the highest building on the lot or project.

9.11.2.8. Off-street Parking and Loading. Non-residential and multi-family residential uses shall comply with the requirements of Chapter 7 of this Code except as otherwise provided in this section.

1. Parking. Parking shall comply with the requirements in Chapter 7 of this Code, except as otherwise provided in this section.

a. Parking shall be located to the sides and rear of buildings to minimize the visual impact from public roadways.

b. Parking shall be screened from the public right of way by a landscape berm or wall with landscaping. Walls shall be a minimum 3 feet and a maximum of 4 feet in height. Buildings, existing terrain and trees can be used to provide screening. Berms may be combined with walls to provide screening.

c. Parking lots shall be screened from residential properties through a landscape berm or stucco wall so that views of commercial lots are effectively shielded from residential neighboring lands. Berms shall be a minimum 3 feet tall with a maximum 3:1 side slope. Stucco walls shall be a minimum of 4 feet and a maximum of 6 feet in height.

d. Parking lot surfaces may be gravel or other approved permeable surfacing, as long as accessibility standards can be met.

9.11.3. Establishment of Base Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.11.3.1. Generally. The TAPCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.11.3.2. Base Zoning Districts. Base zoning districts approved for use in the Community District are listed in Table 9.11.1 Tres Arroyos del Poniente Community Base Zoning Districts.

Table 9.11.1 Tres Arroyos del Poniente Community Base Zoning Districts.

RES-E	Residential Estate
PDD	Planned Development District

1. TAP Residential Estate (TAP RES-E); Purpose. The purpose of this district is to preserve the rural character of the community and is appropriate for single-family development with options for clustering, agricultural related uses and low to medium impact home occupations and businesses. Dark night skies, quiet open space and trails for walking biking and horse-back riding are important in this area. Clustering shall be encouraged to limit long term maintenance costs of water and sewer systems.

a. Residential Uses.

i. Dimensional Standards. As regulated in Chapter 8 of this Code except as prescribed below:

(a) Accessory Structures. Shall be regulated by chapter 10 in this Code, except any accessory structure over 2000 square feet needs a Conditional Use Permit. Accessory structures shall have an 18 foot maximum.

ii. Architectural Design Standards. As regulated in Chapter 8 of this Code except as prescribed below:

(a) Peaked or angled roofs shall have a maximum Light Reflective Value of thirty percent 30%.

(b) Building exteriors shall have a maximum Light Reflective Value of 40%.

b. Commercial Uses. Commercial uses are regulated in Chapter 8 of this Code except as prescribed in Table 9.11.2.

i. Dimensional Standards. As regulated in Chapter 8 of this Code except as prescribed below:

Table 9.11.2: Dimensional Standards TAP RES-E (Residential Estate).

Zoning District	TAP RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	18

ii. Architectural Design Standards. As regulated in Chapters 7 and 8 of this Code except as prescribed below:

(a) Building exteriors shall be finished with neutral brown or beige earth tones with stucco or adobe as the predominant material.

(b) Brighter highlight and trim colors are permitted on 5% of a building exterior surface.

(c) Building exteriors shall have a maximum Light Reflective Value of 40%.

(d) Peaked or angled roofs shall be constructed with non-reflective surfaces with a maximum Light Reflective Value of 30%.

(e) Buildings with flat roofs must include parapets to screen rooftop structures. Skylights and other rooftop structures and mechanical equipment shall be set back a minimum of 2 feet from the edge of the building face and screened as part of the building design.

iii. Agricultural Uses.

(a) The special needs of some agricultural businesses, such as greenhouses, may not be compatible with the architectural standards for offices and commercial buildings. Agricultural business uses shall use wall and roof materials that are compatible with other non-residential uses in the TAP and do not create glare or other nuisance or unsightly conditions.

(b) The specific building treatments shall be reviewed as part of the site development plan approval.

c. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions on the TAPCD Use Table.

i. Active Leisure sports and related activities:

(a) Motorized vehicles or activities are prohibited with these uses.

ii. Stables and other equine-related facilities:

(a) Commercial stables are prohibited with these uses.

(b) These uses can have a maximum of 6 personal horses.

2. Planned Development District (PDD). Generally. PDDs identified on the initial zoning map may be built out in accordance with their approved master plans including density and uses. In the TAP area this applies to the Aldea and Tessera Master Plans.

a. In the Aldea PD the masterplan allowed retirement homes which were permitted up to 10 dwelling units per acre provided that the development is served by a community water system and community sewer system.

9.11.4. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.11.4.1. Home Occupations. The purpose of the Home Occupations in the TAPCD is to support economic development opportunities that are not disruptive to the residential character of the area or significantly interfere with the use of adjacent residential properties. Home Occupations shall be as regulated in Chapter 10 of this Code except as prescribed in Table 9.11.3.

1. There shall be no Medium Impact category of Home Occupations in the TAPCD District.

Table 9.11.3 TAPCD Home Occupations Requirements.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	n/a
Non-resident employees (max)	1	6	n/a
Area used for business (maximum)	25% of heated square footage	50% of heated square footage not to exceed 2,500 square feet.	n/a
Accessory building storage	100 SF	600 SF	n/a
Appointments/patron visits (max/day)	0	4	n/a
Business traffic	none	see §10.6.5	n/a
Signage	not permitted	see §7.9.4.3	n/a
Parking and access	Resident and employee only	see §10.6.5	n/a
Heavy Equipment	None	Up to 2	n/a

9.11.4.2. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the TAPCD Use Table 9.11.5. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.11.4. Accessory uses may be subject to specific regulations as provided in Chapter 9,10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.11.4: Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.11.5: TAPCD Use Table.

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Residential					
Single family		1110		P	
Accessory dwelling units		1130		A	
Townhouses				C	
Multifamily dwellings		1202-99		X	
Retirement Housing	1210			X	
Assisted living facility	1230			X	
Life care or continuing care facilities	1240			X	
Nursing facilities	1250			X	
Community Home, NAICS 623210				P	
Barracks		1310		X	
Dormitories		1320		X	
Temporary structures, tents etc. for shelter		1350		C	
Hotels, motels, or other accommodation services					
Bed and Breakfast inn	1310			X	Ch.10
Rooming and boarding housing	1320			X	
Resorts				X	
Retreats				C	
Hotels, motels, and tourist courts	1330			X	
Commercial					
Shop or store with drive-through facility		2210		X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	
Stand-alone store or shop		2230		X	
Department store		2240		X	
Warehouse discount store/superstore	2124	2250		X	
Market shops, including open markets		2260		X	
Gasoline station		2270		X	
Automobile repair and service		2280		X	
Car dealer	2111			X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	
Boat or marine craft dealer	2114			X	
Automotive Parts, accessories, or tires	2115			X	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Gasoline service	2116			X	
Lumberyard and materials	2126			X	
Outdoor resale business	2145			X	
Pawnshops	NAICS 522298			X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	
Shopping center		2510-2580		X	
Convenience stores or centers		2591		X	
Car care center		2593		X	
Car washes	NAICS 811192			X	
Office or bank (without drive-through facility)		2100		X	
Office (with drive-through facility)		2110		X	
Office or store with residence on top		2300		X	
Office-over storefront structure		2400		X	
Research and development services (scientific, medical, and technology)	2416			X	
Car rental and leasing	2331			X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	
Bars, taverns and nightclubs				X	
Sexually oriented business				X	Sec. 10.20
Tattoo parlors				X	
Industrial, manufacturing and wholesale trade					
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	
Loft		2611		X	
Mill-type factory structures		2612		X	
Manufacturing plants		2613		X	
Industrial parks		2614		X	
Laboratory or specialized industrial facility		2615		X	
Assembly and construction-type plants	3000	2621		X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	
Construction-related businesses	7000			X	
Heavy construction	7400			X	
Machinery related	7200			X	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Special trade contractor	7300			X	
Automotive paint and body				X	Sec.10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	
Vehicle storage for towing or related business				X	
Demolition, building and structure business				X	
Warehouse or storage facility Structure		2700		X	
Mini-warehouse, mini-storage units		2710		X	
High-rise mini-warehouse		2720		X	
Warehouse structure		2730		X	
Produce warehouse		2740		X	
Refrigerated warehouse or cold storage		2750		X	
Large area distribution or transit warehouse		2760		X	
Wholesale trade— durable goods	3510			X	
Wholesale trade nondurable goods	3520			X	
Food, textiles, and related products				X	
Wood, paper, and printing products				X	
Tank farms		2780		X	
Public assembly structures					
Performance theater			3110	X	
Movie theater			3120	X	
Amphitheater			3130	X	
Drive-in theaters			3140	X	
Indoor games facility		3200		X	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	
Amusement or theme park	5310			X	
Arcade	5320			X	
Miniature golf establishment	5340			X	
Fitness, recreational sports, gym, or athletic club	5370			X	
Bowling, billiards, pool, etc.	5380			X	
Skating rinks	5390			X	
Sports stadium or arena		3300		X	
Racetrack or raceway	5130			X	
Exhibition, convention or conference structure		3400		X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	*
Covered or partially covered atriums and public enclosure		3700		X	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Passenger terminal, mixed mode		3810		X	*
Active open space/ athletic fields/golf courses	6340			C	*
Passive open space	6340			P	
Arts, entertainment, and recreation					
Active leisure sports and related activities			7100	P	
Movie Ranch				X	
Camps, camping, and related establishments	5400			X	
Exhibitions and art galleries		4410		X	
Performing arts or supporting establishment	5100			X	
Theater, dance, or music establishment	5101			X	
Institutional or community facilities					
Community center		2200		X	
Hospitals		4110		X	
Medical clinics		4120		X	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			X	
Child and youth services	6561			X	
Child care institution (basic)	6562			P	
Child care institution (specialized)	6562			P	
Day care center	6562			P	
Community food services	6563			X	
Emergency and relief services	6564			X	
Other family services	6565			X	
Services for elderly and disabled	6566			X	
Animal hospitals	6730			X	
School or university (privately owned)		4200		P	
Grade school (privately owned)		4210		P	
College or university facility (privately owned)		4220		X	
Technical, trade, and other specialty schools	6140	4230		X	
Library		4300		X	
Museum, exhibition, or similar facility	5200	4400		X	
Planetarium		4420		X	
Aquarium		4430		X	
Zoological parks		4450		X	
Public safety related facility			4500	X	
Fire and rescue station			4510	C	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Police station			4520	C	
Emergency operation center			4530	X	*
Correctional or rehabilitation facility			4600	X	*
Cemetery, monument, tombstone, or mausoleum			4700	X	
Funeral homes			4800	X	
Cremation facilities			4800	X	
Public administration		6200		X	
Post offices		6310		X	
Space research and technology		6330		X	*
Clubs or lodges				X	
Transportation-related facilities					
Commercial automobile parking lots		5200		X	
Commercial automobile parking garages				X	
Surface parking, open		5210		X	
Surface parking, covered		5220		X	
Underground parking structure with ramps		5240		X	
Rooftop parking facility		5250		X	
Bus terminal		3830		X	
Bus stop shelter		5300		P	
Truck storage and maintenance facilities		5400		X	
Truck freight transportation facilities	4140			X	
Light rail transit lines and stops	4151			X	
Local rail transit storage and maintenance facilities	4153			X	
Taxi and limousine service maintenance and storage facilities	4155			X	
Taxi and limousine service dispatch facilities				X	
Bus transportation storage and maintenance facilities	4156			X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	
Courier and messenger service facilities	4190			X	
Commercial airports		5600		X	
Private airplane runways and landing strips		5610		X	
Airport maintenance and hangar facilities		5620		X	
Heliport facility		5640		X	
Helistops				X	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	
Railroad tracks, spurs, and sidings				X	
Railroad switching, maintenance, and storage facility		5700		X	
Railroad passenger station		5701		X	
Railroad freight facility		5702		X	
Utility					
Local distribution facilities for water, natural gas, and electric power		6100		C	
Telecommunications lines				C	
Electric power substations				C	
High-voltage electric power transmission lines				C	
Dam		6220		C	
Livestock watering tank or impoundment				P	
Levee		6230		C	
Water tank (elevated, at grade, or underground)		6250		C	
Water wells, well fields, and bulk water transmission pipelines		6260		C	
Water treatment and purification facility		6270		C	
Water reservoir		6280		C	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		C	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	
Solid waste landfill facility	4345	6320		X	
Composting facility		6330		X	
Recycling transfer center		6331		X	
Solid waste collection transfer station (Governmental)	4343		3210	X	
Solid waste collection transfer station (Private)	4343		3210	X	
Solid waste combustor or incinerator	4344			X	
Septic tank service, repair, and installation business	4346			X	
Household hazardous waste collection facility				X	
Hazardous waste storage facility		6340		X	
Hazardous waste treatment and disposal facility				X	
Sewage treatment plant and disposal facilities		6350		X	
Gas or electric power generation facility		6400		X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		X	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	
Roof Mounted/Surface Mounted/Stealth		6500		C	
Amateur radio antenna		6510		X	
Weather stations		6520		X	
Environmental monitoring station (air, soil, etc.)		6600		C	
Commercial solar energy production facility				X	
Geothermal production facility		6450		X	
Large scale wind facility				X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	
Fountain, sculpture, or other similar decorative structures		6950		C	
Permanent outdoor stage, bandstand, or similar structure		6960		X	
Agriculture, forestry, and conservation/open space					
Grain silos and other storage structure for grains and agricultural products		8100		X	
Animal production that includes slaughter	9300			X	
Livestock pens or hog houses		8200		X	
Commercial greenhouses		8500		X	
Nurseries and other growing of ornamental plants				X	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	
Stables and other equine-related facilities - Commercial over 12 horses				X	
Kennels and commercial dog breeding faculties		8700		X	
Apiary and other related structures		8700		P	
Crop production outdoor	9100			C	
Crop production greenhouse		8500		C	
Display or sale of agricultural products raised on the same premises				A	
Forestry and logging operations	9300			X	
Game preserves and retreats	9400			X	
Support business and operations for agriculture and forestry				X	
Parks, open space areas, conservation areas, and preservation areas				P	
Public or community outdoor recreation facilities				C	
Concentrated animal feeding operation		8310		X	Ch.11
Cattle ranching, and the grazing or cattle or other livestock		8230		C	
Dairy farms		8210		X	

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Other farm and farming-related structures		8900		C	
Poultry farms and poultry production facilities		8220		X	
Sheds, or other agricultural facilities		8000		C	
Animal waste lagoons		8420		X	Ch.11
Mining and extraction establishments					
Oil and natural gas exploration or extraction	8100			DCI	Ch.11
Hard rock mining	8200			DCI	Ch.11
Sand and gravel Mining				X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	Ch.11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use District and Planned Development District.**

9.12. VILLAGE OF AGUA FRIA COMMUNITY DISTRICT OVERLAY.

9.12.1. Purpose and Intent. The provisions of the Village of Agua Fria Community District (VAFCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Village of Agua Fria Community Plan and the Sustainable Growth Management Plan (SGMP). The VAFCD is designed to implement the Village of Agua Fria's Community Plan to ensure compatibility among various land uses of the Agua Fria community. Clustering of structures is encouraged to preserve natural open areas.

9.12.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.12.2.1. Dimensional Requirements. Dimensional requirements including standards for setbacks are provided in Dimensional Standards Table under each Zoning District in this chapter.

9.12.2.2. Development. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.

9.12.2.3. Non-residential Development. Non-residential development shall be a maximum of 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.

9.12.2.4. Parking. No parking may be provided within 10 feet of property lines.

9.12.2.5. Home Restaurants. The standards for restaurants shall be as identified in Chapter 7 of this Code with the following exceptions:

1. Drive up or drive through is prohibited.

2. Liquor sales are prohibited.

3. Beer and wine are allowed provided that all applicable State requirements are met.

9.12.2.6. Water. All new residential land divisions and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre-feet of water per year per dwelling unit and appropriate restrictions to this effect shall be imposed during the approval process.

9.12.2.7. Wastewater. The standards for wastewater shall be as identified in Chapter 7 of this Code with the following exceptions:

1. Any new development whose parcel boundary is within 200 feet of a public sanitary sewer line that can be accessed by gravity flow shall connect to that line.

2. When a new development application is turned in, the applicant shall furnish complete and accurate documentation to the County that demonstrates that existing wastewater facilities are in compliance with all New Mexico

Environment Department regulations and that all necessary permits have been obtained.

9.12.3. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.12.3.1. Generally. The VAFCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.12.3.2. Base Zoning Districts. Base zoning districts approved for use in the Community District are listed in Table: 9.12.1.

Table 9.12.1: Village of Agua Fria Base Zoning Districts.

RES-E	Residential Estate
TC	Traditional Community
CN	Commercial Neighborhood
PI	Public/Institutional
PDD	Planned Development District

1. VAFCD Residential Estate (VAFCD RES-E); Purpose. The purpose of this district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The VAFCD RES-E district supports single-family homes on medium sized lots consistent with the Village of Agua Fria's development north of the river. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the VAFCD Use Table.

b. Dimensional Standards. As regulated in Chapter 8 of this Code except as prescribed below in Table 9.12.2.

Table 9.12.2: Dimensional Standards VAFCD RES-E (Residential Estate).

Zoning District	RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

i. Non-residential uses. As regulated in Chapter 8 of this Code and Appendix B of this Code with the following exceptions:

(a) Setbacks. New development shall be set back no less than 25 feet from the front property line.

(b) If a parcel does not have 100 feet on one or more sides the setback may be 0 feet from that property line.

ii. Residential uses. As regulated in Chapter 8 of this Code and Appendix B of this Code with the following exceptions:

(a) Setbacks. New development shall be set back no less than 5 feet from the front, rear and side property lines.

(b) If a property does not have 100 feet on one or more sides the setback may be 0 feet from that property line.

iii. Density bonus. Density may be increased to one dwelling unit per acre with a shared well.

2. VAFCD Traditional Community (VAFCD TC); Purpose. The purpose of this district is to designate areas suitable for residential, small-scale commercial and traditional agricultural uses consistent with the existing development patterns of traditional communities. The VAFCD-TC accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agriculture with acequia systems, from encroachment by development. Potential for increased density within the district is available with community water and sewer connections. Clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the VAFCD Use Table.

b. Dimensional Standards. As regulated in Chapter 7 and 8 of this Code except as prescribed in Table 9.12.3.

Table 9.12.3: Dimensional Standards VAFCD TC (Traditional Community).

Zoning District	TC
Density (# of acres per dwelling unit)	0.75/0.33*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (commercial)	2,500 sq. ft.

* The standard density of one dwelling unit/0.75 acres may be increased to one dwelling unit/0.33 acres if the lot is served by public water and sewer.

i. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

(a) New residential development shall be set back no less than 5 feet from the front, rear and side of property lines.

(b) New commercial development shall be set back no less than 10 feet from the front property line, 5 feet from rear and side property lines.

(c) If a property does not have 100 feet on one or more sides the setback may be 0 feet from that property line.

3. VAFCD Commercial Neighborhood (VAFCD CN); Purpose. The purpose of this district is to allow for low-rise low-intensity convenience retail and personal services, as well as office uses, which are intended to serve and are in close proximity to individual residential neighborhoods. In the Village of Agua Fria parcels designated Commercial Neighborhood have previously received masterplan approval for a commercial use on the property. The size of neighborhood commercial districts will typically be between one and twenty contiguous acres.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the VAFCD Use Table.

i. Bicycle, motorcycle, all-terrain vehicle dealers:

(a) This use shall be permitted for bicycle dealers only.

b. Dimensional Standards. As regulated in Chapter 7 and 8 of this Code except as prescribed in Table 9.12.4.

Table 9.12.4: Dimensional Standards VAFCD CN (Commercial Neighborhood).

CN Zoning District	CN
Density	2.5*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	80
Maximum size of individual establishments (sq. ft.)	5,000

*Density shall be reduced to 0.75 acres if the surrounding zoning district is TC.

c. Setbacks. Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.

4. VAFCD Public/Institutional (VAFCD PI); Purpose. The purpose of this district is to allow governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the VAFCD Use Table.

b. Dimensional Standards. As regulated in Chapter 7 and 8 of this Code except as prescribed in Table 9.12.5.

Table 9.12.5: Dimensional Standards VAFCD PI (Public/Institutional).

PI Zoning District	PI
Density	2.5*
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80

* Density shall be 1 acre if the surrounding zoning district is RC, reduced to 0.75 acres if the surrounding zoning district is TC.

5. VAFCD Planned Development District (VAFCD PDD); Generally. In order to recognize existing approvals, PDDs identified on the initial zoning map may be built out in accordance with their approved master plans.

a. Expansion of existing PDDs. Non-residential structures within an existing PDD may expand up to twenty-five (25%) under a conditional use permit.

9.12.4. Supplemental Zoning Standards. The standards of Chapter 10 of this Code shall be applicable to all development, except as otherwise specified herein.

9.12.4.1. Home Occupations. The standards for Home Occupations shall be as identified in Chapter 10 of this Code with the following exceptions:

1. There shall be no Medium Impact Home Occupations in the VAFCD.

Table 9.12.6: Village of Agua Fria Home Occupations.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	n/a
Non-resident employees (max)	1	6	n/a
Area used for business (maximum)	25% of heated square footage	A Maximum of 2,500 square shall be dedicated to home business use	n/a
Accessory building storage	100 SF	1,000 SF	n/a
Appointments/patron visits (max/day)	0	10	n/a
Business traffic	none	see §10.6.5	n/a
Signage	not permitted	see §7.9.4.3	n/a
Parking and access	Resident and employee only	see §10.6.5	n/a
Heavy Equipment	None	Up to 2	n/a

9.12.5. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the VAFCD Use Table 9.12.8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.12.7. Accessory uses may be subject to specific regulations as provided in Chapter 9,10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.12.7 Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the district.

Table 9.12.8: VAFCD Use Table.

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Residential								
Single family		1110		P	P	P	C	
Accessory dwelling units		1130		A	A	A	A	Ch. 10
Townhouses				C	P	P	C	
Multifamily dwellings		1202-99		C	C	C	C	
Retirement Housing	1210			C	C	C	C	
Assisted living facility	1230			C	C	C	C	
Life care or continuing care facilities	1240			C	C	C	C	
Nursing facilities	1250			C	C	C	C	
Community Home, NAICS 623210				P	P	P	P	
Barracks		1310		X	X	X	X	
Dormitories		1320		X	X	X	X	
Temporary structures, tents etc. for shelter		1350		A	A	C	P	
Hotels, motels, or other accommodation services								
Bed and Breakfast inn	1310			C	C	C	X	Ch. 10
Rooming and boarding housing	1320			C	C	C	C	
Resorts				X	X	X	X	
Retreats				C	C	P	P	
Hotels, motels, and tourist courts	1330			X	X	X	X	
Commercial								
Shop or store with drive-through facility		2210		X	X	C	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	C	P	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	C	P	C	
Stand-alone store or shop		2230		X	C	P	C	
Department store		2240		X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	
Market shops, including open markets		2260		X	C	P	X	
Gasoline station		2270		X	X	C	X	
Automobile repair and service		2280		X	C	C	X	
Car dealer	2111			X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	P	X	Ch. 9
Boat or marine craft dealer	2114			X	X	X	X	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Automotive Parts, accessories, or tires	2115			X	C	C	X	
Gasoline service	2116			X	X	C	X	
Lumberyard and materials	2126			X	X	C	X	
Outdoor resale business	2145			X	X	C	X	
Pawnshops	NAICS 522298			X	X	C	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	C	X	
Shopping center		2510-2580		X	X	C	X	
Convenience stores or centers		2591		X	X	C	X	
Car care center		2593		X	X	C	X	
Car washes	NAICS 811192			X	X	X	X	
Office or bank (without drive-through facility)		2100		X	X	C	X	
Office (with drive-through facility)		2110		X	X	C	X	
Office or store with residence on top		2300		X	C	P	X	
Office-over storefront structure		2400		X	C	P	X	
Research and development services (scientific, medical, and technology)	2416			X	X	C	X	
Car rental and leasing	2331			X	X	X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	C	C	X	
Bars, taverns and nightclubs				X	X	C	X	
Sexually oriented business				X	X	X	X	Sec. 10.20
Tattoo parlors				X	C	P	X	
Industrial, manufacturing and wholesale trade								
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	C	X	
Loft		2611		X	C	C	X	
Mill-type factory structures		2612		X	X	C	X	
Manufacturing plants		2613		X	C	C	X	
Industrial parks		2614		X	X	C	X	
Laboratory or specialized industrial facility		2615		X	X	C	X	
Assembly and construction-type plants	3000	2621		X	X	C	X	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	
Construction-related businesses	7000			C	C	C	X	
Heavy construction	7400			X	X	C	X	
Machinery related	7200			X	X	C	X	
Special trade contractor	7300			X	X	C	X	
Automotive paint and body				X	X	C	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	
Demolition, building and structure business				X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	C	C	X	
High-rise mini-warehouse		2720		X	X	X	X	
Warehouse structure		2730		X	X	C	X	
Produce warehouse		2740		X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	X	
Food, textiles, and related products				X	X	C	X	
Wood, paper, and printing products				X	X	C	X	
Tank farms		2780		X	X	X	X	
Public assembly structures								
Performance theater			3110	X	X	C	C	
Movie theater			3120	X	X	C	C	
Amphitheater			3130	X	X	X	C	
Drive-in theaters			3140	X	X	X	X	
Indoor games facility		3200		X	X	C	C	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	C	C	
Amusement or theme park	5310			X	X	C	X	
Arcade	5320			X	X	C	X	
Miniature golf establishment	5340			X	X	C	X	
Fitness, recreational sports, gym, or athletic club	5370			X	X	P	P	
Bowling, billiards, pool, etc.	5380			X	X	C	C	
Skating rinks	5390			X	X	C	C	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Sports stadium or arena		3300		X	X	X	C	
Racetrack or raceway	5130			X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	C	C	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	X	C	C	
Passenger terminal, mixed mode		3810		X	X	X	X	*
Active open space/ athletic fields/golf courses	6340			X	X	C	P	*
Passive open space	6340			P	P	P	P	
Arts, entertainment, and recreation								
Active leisure sports and related activities			7100	X	X	C	P	
Movie Ranch				X	X	C	C	
Camps, camping, and related establishments	5400			X	X	C	C	
Exhibitions and art galleries		4410		X	X	C	C	
Performing arts or supporting establishment	5100			X	X	C	C	
Theater, dance, or music establishment	5101			X	X	C	C	
Institutional or community facilities								
Community center		2200		C	C	P	P	
Hospitals		4110		X	X	C	P	
Medical clinics		4120		C	C	C	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			C	C	C	C	
Child and youth services	6561			X	X	C	C	
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	
Day care center	6562			P	P	P	P	
Community food services	6563			X	X	C	C	
Emergency and relief services	6564			X	X	C	P	
Other family services	6565			X	X	C	C	
Services for elderly and disabled	6566			X	X	C	C	
Animal hospitals	6730			X	X	C	P	
School or university (privately owned)		4200		P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	
College or university facility (privately owned)		4220		P	P	P	P	
Technical, trade, and other specialty schools	6140	4230		C	C	C	C	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Library		4300		C	C	P	P	
Museum, exhibition, or similar facility	5200	4400		C	C	P	P	
Planetarium		4420		X	X	C	C	
Aquarium		4430		X	X	C	C	
Zoological parks		4450		X	X	C	C	
Public safety related facility			4500	X	X	C	C	
Fire and rescue station			4510	X	X	C	C	
Police station			4520	X	X	C	C	
Emergency operation center			4530	X	X	C	C	*
Correctional or rehabilitation facility			4600	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	C	C	C	C	
Funeral homes			4800	X	X	C	X	
Cremation facilities			4800	X	X	X	X	
Public administration		6200		X	X	C	C	
Post offices		6310		C	C	C	C	
Space research and technology		6330		X	X	C	C	*
Clubs or lodges				X	X	C	C	
Transportation-related facilities								
Commercial automobile parking lots		5200		X	X	C	X	
Commercial automobile parking garages				X	X	C	X	
Surface parking, open		5210		X	X	C	C	
Surface parking, covered		5220		X	X	C	C	
Underground parking structure with ramps		5240		X	X	X	X	
Rooftop parking facility		5250		X	X	X	X	
Bus terminal		3830		X	X	X	X	
Bus stop shelter		5300		P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	C	X	
Truck freight transportation facilities	4140			X	X	X	X	
Light rail transit lines and stops	4151			C	C	C	C	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	
Taxi and limousine service maintenance and storage facilities	4155			X	X	C	X	
Taxi and limousine service dispatch facilities				X	X	C	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	C	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	
Courier and messenger service facilities	4190			X	X	C	X	
Commercial airports		5600		X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	
Heliport facility		5640		X	X	X	X	
Helistops				X	X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	
Railroad passenger station		5701		X	X	X	X	
Railroad freight facility		5702		X	X	X	X	
Utility								
Local distribution facilities for water, natural gas, and electric power		6100		C	C	C	C	
Telecommunications lines				C	C	C	C	
Electric power substations				C	C	C	C	
High-voltage electric power transmission lines				C	C	C	C	
Dam		6220		C	C	C	C	
Livestock watering tank or impoundment				P	P	P	P	
Levee		6230		C	C	C	C	
Water tank (elevated, at grade, or underground)		6250		C	C	C	C	
Water wells, well fields, and bulk water transmission pipelines		6260		C	C	C	C	
Water treatment and purification facility		6270		C	C	C	C	
Water reservoir		6280		C	C	C	C	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	C	C	C	
Solid waste landfill facility	4345	6320		X	X	X	X	
Composting facility		6330		C	C	C	C	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Recycling transfer center		6331		X	X	P	P	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	C	X	
Household hazardous waste collection facility				X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	X	X	
Gas or electric power generation facility		6400		X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		X	X	X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		C	C	P	P	
Amateur radio antenna		6500		P	P	P	P	
Weather stations		6520		X	X	C	C	
Environmental monitoring station (air, soil, etc.)		6600		C	C	C	C	
Commercial solar energy production facility				X	X	C	C	
Geothermal production facility		6450		X	X	C	C	
Large scale wind facility				X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	X	X	C	
Fountain, sculpture, or other similar decorative structures		6950		C	C	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	C	C	
Agriculture, forestry, and conservation/open space								
Grain silos and other storage structure for grains and agricultural products		8100		A	A	A	A	
Animal production that includes slaughter	9300			X	X	X	X	
Livestock pens or hog houses		8200		A	A	A	A	
Commercial greenhouses		8500		C	C	P	C	
Nurseries and other growing of ornamental plants				C	C	P	C	

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		C	C	C	C	
Stables and other equine-related facilities - Commercial over 12 horses				C	C	C	C	
Kennels and commercial dog breeding facilities		8700		X	X	C	C	
Apiary and other related structures		8700		P	P	P	P	
Crop production outdoor	9100			P	P	P	P	
Crop production greenhouse		8500		C	C	P	C	
Display or sale of agricultural products raised on the same premises				A	A	P	P	
Forestry and logging operations	9300			X	X	X	X	
Game preserves and retreats	9400			X	X	X	X	
Support business and operations for agriculture and forestry				A	A	P	A	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	
Public or community outdoor recreation facilities				C	C	P	P	
Concentrated animal feeding operation		8310		X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		C	C	C	C	
Dairy farms		8210		X	X	X	X	
Other farm and farming-related structures		8900		A	A	A	A	
Poultry farms and poultry production facilities		8220		X	X	X	X	
Sheds, or other agricultural facilities		8000		A	A	A	A	
Animal waste lagoons		8420		X	X	X	X	Ch. 11
Mining and extraction establishments								
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.13. POJOAQUE VALLEY COMMUNITY DISTRICT OVERLAY.

9.13.1. Purpose and Intent. The provisions of the Pojoaque Valley Community District Overlay (PVCD) are intended to implement and be consistent with the land use goals, objectives and policies of the Pojoaque Valley Community Strategic Plan and the Sustainable Growth Management Plan (SGMP). The PVCD is designed to preserve the rural character, history and culture of the Pojoaque Valley, to help manage growth, maintain sustainable water and wastewater, preserve a high quality of life, protect and strengthen relationships between neighbors, and accommodate a variety of lifestyles and meet future needs. The rural character of the valley includes a mixture of uses including agricultural, residential and nonresidential uses.

9.13.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.13.3. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.13.3.1. Generally. The PVCD Overlay modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of this Code, the standard of this overlay zone shall govern.

9.13.3.2. Base Zoning Districts. Base zoning districts approved for use in the PVCD are listed in Table 9.13.1:

Table 9.13.1 Pojoaque Valley Base Zoning Districts.

TC	Traditional Community
PI	Public/Institutional

1. PVCD Traditional Community (PVCD TC); Purpose. This district designates areas suitable for residential, small-scale commercial and traditional agricultural uses consistent with the existing development patterns of the Pojoaque Valley traditional communities. The TC district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agriculture served by acequia systems, from encroachment by development. Density bonuses and transfers of development rights may be utilized to achieve the purposes of the district. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on PVCD Use Table.

b. Dimensional Standards. As identified in Chapter 8 of this Code, Traditional Community, except as prescribed below:

i. Minimum Density. The minimum lot size for PVCD TC is one dwelling unit per .75 acre.

c. Density Bonus. Density may only be increased to one dwelling unit per .33 acre with community or public water and public, not private, wastewater and if the development is clustered in accordance with the standards of this Code.

d. Setbacks. A minimum of 10 feet is required between neighboring dwelling units. Where zero lot lines exist, new development on neighboring lots requires a 10 foot minimum setback between property line and structure.

Table 9.13.2 Dimensional Standards: PVCD TC (Traditional Community).

Zoning District	PVCD TC
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (commercial)	2,500 sq. ft.
Lot coverage residential and non-residential (maximum, percent)	40

2. PVCD Public/Institutional (PVCD PI); Purpose. This district accommodates governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on PVCD Use Table.

b. Dimensional standards. As identified in Chapter 8 of this Code, Traditional Community, except as prescribed in PVCD Table 9.13.3.

Table 9.13.3: Dimensional Standards PVCD PI (Public/Institutional).

Zoning District	PVCD PI
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage residential and non-residential (maximum, percent)	40

9.13.4. PVCD Overlay Zones.

9.13.4.1. PVCD Rural Commercial Overlay (PVCD O-RC); Purpose. The Rural Commercial Overlay allows for non-residential development in the O-RC which shall be compatible with existing land use patterns, existing residential areas, land ownership characteristics, and geographic features near the property. The Rural Commercial Overlay is intended to support the needs of the community and to retain the predominantly residential character of the Village. Commercial uses that are small in scale are appropriate within this overlay zone in order to support the development of the village as a mix of residential and commercial. Commercial development should support local employment and provide local services which do not disrupt the quiet of the Village and promote self-sufficiency for the community.

1. Location. Boundaries of the O-RC are shown on the Official Zoning Map. There are three subdistricts within the PVTCD O-RC: Area A Jacona, Area B Pojoaque and Area C Cuyamungue. The three areas are described as follows:

a. Area A Jacona O-RC. This area is located on NM 502 and consists of areas that lie 500 feet from the right of way, into the properties adjacent to NM 502. Two parcels south of NM 502 and north of the Pojoaque Valley School District at the Jacona Campus, and one parcel north of NM 502.

b. Area B Pojoaque O-RC. This area follows property lines of specific parcels east and west of U.S. 84/285 between NM 503 intersection and CR 109 (North Shining Sun Road). Properties included in this area are those parcels with direct access to U.S. 84/285 from Old Pueblito Road, and the parcels located off the frontage road with access on Grazing Elk Drive. Also included are those parcels located east of the U.S. 84/285 frontage road adjacent to Camino Trujillo.

c. Area C Cuyamungue O-RC. This area is located off the frontage road on the west side of U.S. 84/285 in the northern area of Cuyamungue.

2. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the PVCD O-RC upon the issuance of a development permit and shall not exceed five thousand (5,000) square feet:

a. Retail services including market shops and open markets, convenience stores, offices, medical clinics, retail shops and stores, exhibition spaces and art galleries, theater, dance, restaurants, and music establishment, bicycle sales and repair shops, automobile repair and service, open markets, offices and stores with residence included, retreats, and small scale lodging, such as bed and breakfast inns (up to 7 units), with square footages of up to 5,000 square feet; and

b. Community and social services including library, museum, postal services, bus stop shelters, and community center, public recreation facilities, bus shelters, community food services, other services

including janitorial, landscaping, cleaning, research and development, services for elderly and disabled, and animal hospitals; and

c. All agricultural uses including agricultural production and sales; and

d. Utilities such as local distribution facilities for water, natural gas and power, telecommunication lines, water tanks, water wells, well fields and water transmission pipelines.

3. Conditional Uses. The following uses may be allowed in the PVCD O-RC upon the issuance of a conditional use permit, provided the maximum floor area for each establishment shall not exceed fifteen thousand (15,000) square feet:

a. Community Services such as retirement housing, assisted living facilities, life care or continuing care facilities, skilled nursing and facilities; and

b. Moderate scale lodging, such as bed and breakfast inns (between 7 and 12 units), rooming and boarding housing (under 12 units), resorts, with or without conference center, hotels motels and inns (under 12 units) and retreats (up to 6 events per year, no more than 3 days per week, and no more than 10 participants at a time); and

c. Entertainment facilities such as fitness, recreational sports, gyms, and athletic clubs, exhibitions and art galleries, performing arts and supporting establishments, bars taverns and nightclubs (to replace existing facilities only).

4. Architectural Design Standards. In order to preserve the historical design character of Pojoaque, any new non-residential development under the PVCD O-RC shall be designed to integrate with the general style of the Pojoaque Valley.

9.13.5. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.13.5.1. Home Occupations. Purpose: Home Occupations are small-scale uses that are conducted from one's home and are clearly incidental and secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and as regulated in Chapter 10 of this Code with the following exceptions as identified in Table 9.13.4.

1. Home occupations are allowed throughout the PVCD in accordance with Chapter 10 of this Code except for, home businesses that include, but are not limited to retail shops, galleries, offices or restaurants.

2. No Impact and Low Impact Home Occupations shall be permitted throughout the PVCD.

3. Medium Impact Home Occupations. Medium Impact Home Occupations shall be approved with a Conditional Use permit in accordance with this Code provided they comply with the following:

a. A Site Development Plan shall be submitted.

b. A maximum of six (6) nonresident employees may regularly work at the home occupation.

Table 9.13.4: PVCD Home Occupations Standards:

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	6
Area used for business (maximum)	25% of heated square footage*	35% of heated square footage*	50% of heated square footage*
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/ patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None**	Up to 2**	3-6**

* A maximum of 2,500 square feet may be used for the home occupation.

** Heavy equipment necessary and used for land maintenance in a rural agricultural setting, such as tractors and farm related equipment not connected to the home occupation, is not subject to the home occupation requirements for Medium Impact heavy equipment.

9.13.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the PVCD Use Table 9.13.6. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.13.5. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.13.5: Use Table Labels

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the

Table 9.13.6: PVCD Use Table.

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Residential						
Single family		1110		P	A	
Accessory dwelling units		1130		A	A	Ch. 10
Townhouses				X	A	
Multifamily dwellings		1202-99		X	A	
Retirement Housing	1210			X	P	
Assisted living facility	1230			X	P	
Life care or continuing care facilities	1240			X	P	
Nursing facilities	1250			X	P	
Community Home, NAICS 623210				C	P	
Barracks		1310		X	P	
Dormitories		1320		X	P	
Temporary structures, tents etc. for shelter		1350		X	P	
Hotels, motels, or other accommodation services						
Bed and Breakfast inn	1310			C	X	Ch. 10
Rooming and boarding housing	1320			X	C	
Resorts				X	X	
Retreats				C	P	
Hotels, motels, and tourist courts	1330			X	X	
Commercial						
Shop or store with drive-through facility		2210		X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		C	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		C	X	
Stand-alone store or shop		2230		C	X	
Department store		2240		X	X	
Warehouse discount store/superstore	2124	2250		X	X	
Market shops, including open markets		2260		C	X	
Gasoline station		2270		X	X	
Automobile repair and service		2280		C	X	
Car dealer	2111			X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	
Boat or marine craft dealer	2114			X	X	
Automotive Parts, accessories, or tires	2115			C	X	

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Gasoline service	2116			X	X	
Lumberyard and materials	2126			X	X	
Outdoor resale business	2145			X	X	
Pawnshops	NAICS 522298			X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	
Shopping center		2510-2580		X	X	
Convenience stores or centers		2591		C	X	
Car care center		2593		C	X	
Car washes	NAICS 811192			X	X	
Office or bank (without drive-through facility)		2100		C	X	
Office (with drive-through facility)		2110		X	X	
Office or store with residence on top		2300		C	X	
Office-over storefront structure		2400		C	X	
Research and development services (scientific, medical, and technology)	2416			C	X	
Car rental and leasing	2331			X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			C	X	
Bars, taverns and nightclubs				X	X	
Sexually oriented business				X	X	Sec. 10.20
Tattoo parlors				X	X	
Industrial , manufacturing and wholesale trade						
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	
Loft		2611		X	X	
Mill-type factory structures		2612		X	X	
Manufacturing plants		2613		X	X	
Industrial parks		2614		X	X	
Laboratory or specialized industrial facility		2615		X	X	
Assembly and construction-type plants	3000	2621		X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	
Construction-related businesses	7000			X	X	
Heavy construction	7400			X	X	
Machinery related	7200			X	X	

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Special trade contractor	7300			X	X	
Automotive paint and body				X	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	DCI	
Vehicle storage for towing or related business				X	C	
Demolition, building and structure business				X	X	
Warehouse or storage facility Structure		2700		X	X	
Mini-warehouse, mini-storage units		2710		X	X	
High-rise mini-warehouse		2720		X	X	
Warehouse structure		2730		X	X	
Produce warehouse		2740		X	X	
Refrigerated warehouse or cold storage		2750		X	X	
Large area distribution or transit warehouse		2760		X	X	
Wholesale trade— durable goods	3510			X	X	
Wholesale trade nondurable goods	3520			X	X	
Food, textiles, and related products				X	X	
Wood, paper, and printing products				X	X	
Tank farms		2780		X	X	
Public assembly structures						
Performance theater			3110	C	P	
Movie theater			3120	X	P	
Amphitheater			3130	X	P	
Drive-in theaters			3140	X	X	
Indoor games facility		3200		X	P	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	C	
Amusement or theme park	5310			X	X	
Arcade	5320			X	X	
Miniature golf establishment	5340			X	X	
Fitness, recreational sports, gym, or athletic club	5370			C	P	
Bowling, billiards, pool, etc.	5380			X	C	
Skating rinks	5390			X	P	
Sports stadium or arena		3300		X	C	
Racetrack or raceway	5130			X	X	
Exhibition, convention or conference structure		3400		X	P	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	*

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Covered or partially covered atriums and public enclosure		3700		X	P	
Passenger terminal, mixed mode		3810		C	P	*
Active open space/ athletic fields/golf courses	6340			C	P	*
Passive open space	6340			P	P	
Arts, entertainment, and recreation						
Active leisure sports and related activities			7100	X	P	
Movie Ranch				X	P	
Camps, camping, and related establishments	5400			C	P	
Exhibitions and art galleries		4410		C	P	
Performing arts or supporting establishment	5100			C	P	
Theater, dance, or music establishment	5101			C	P	
Institutional or community facilities						
Community center		2200		C	P	
Hospitals		4110		X	P	
Medical clinics		4120		C	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			C	P	
Child and youth services	6561			C	P	
Child care institution (basic)	6562			C	P	
Child care institution (specialized)	6562			C	P	
Day care center	6562			C	P	
Community food services	6563			C	P	
Emergency and relief services	6564			C	P	
Other family services	6565			C	P	
Services for elderly and disabled	6566			C	P	
Animal hospitals	6730			C	P	
School or university (privately owned)		4200		C	P	
Grade school (privately owned)		4210		X	P	
College or university facility (privately owned)		4220		X	P	
Technical, trade, and other specialty schools	6140	4230		X	P	
Library		4300		X	P	
Museum, exhibition, or similar facility	5200	4400		C	P	
Planetarium		4420		C	P	
Aquarium		4430		X	P	
Zoological parks		4450		X	P	
Public safety related facility			4500	C	P	
Fire and rescue station			4510	C	P	

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Police station			4520	C	P	
Emergency operation center			4530	C	P	*
Correctional or rehabilitation facility			4600	X	P	*
Cemetery, monument, tombstone, or mausoleum			4700	C	P	
Funeral homes			4800	X	P	
Cremation facilities			4800	X	P	
Public administration		6200		X	P	
Post offices		6310		X	P	
Space research and technology		6330		X	P	*
Clubs or lodges				X	C	
Transportation-related facilities						
Commercial automobile parking lots		5200		X	X	
Commercial automobile parking garages				X	X	
Surface parking, open		5210		X	A	
Surface parking, covered		5220		X	A	
Underground parking structure with ramps		5240		X	A	
Rooftop parking facility		5250		X	A	
Bus terminal		3830		X	P	
Bus stop shelter		5300		P	P	
Truck storage and maintenance facilities		5400		X	X	
Truck freight transportation facilities	4140			X	X	
Light rail transit lines and stops	4151			P	P	
Local rail transit storage and maintenance facilities	4153			X	X	
Taxi and limousine service maintenance and storage facilities	4155			X	X	
Taxi and limousine service dispatch facilities				X	X	
Bus transportation storage and maintenance facilities	4156			X	C	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	C	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	
Courier and messenger service facilities	4190			C	X	
Commercial airports		5600		X	C	
Private airplane runways and landing strips		5610		X	X	
Airport maintenance and hangar facilities		5620		X	C	
Heliport facility		5640		X	C	

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Helistops				X	C	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	C	
Railroad tracks, spurs, and sidings				C	P	
Railroad switching, maintenance, and storage facility		5700		X	C	
Railroad passenger station		5701		C	P	
Railroad freight facility		5702		X	X	
Utility						
Local distribution facilities for water, natural gas, and electric power		6100		P	P	
Telecommunications lines				P	P	
Electric power substations				C	C	
High-voltage electric power transmission lines				C	C	
Dam		6220		C	C	
Livestock watering tank or impoundment				P	P	
Levee		6230		C	C	
Water tank (elevated, at grade, or underground)		6250		C	P	
Water wells, well fields, and bulk water transmission pipelines		6260		P	P	
Water treatment and purification facility		6270		C	P	
Water reservoir		6280		C	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	P	
Solid waste landfill facility	4345	6320		X	C	
Composting facility		6330		X	X	
Recycling transfer center		6331		X	P	
Solid waste collection transfer station (Governmental)	4343		3210	X	P	
Solid waste collection transfer station (Private)	4343		3210	X	C	
Solid waste combustor or incinerator	4344			X	X	
Septic tank service, repair, and installation business	4346			C	X	
Household hazardous waste collection facility				X	X	
Hazardous waste storage facility		6340		X	X	
Hazardous waste treatment and disposal facility				X	X	
Sewage treatment plant and disposal facilities		6350		X	C	
Gas or electric power generation facility		6400		X	DCI	

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	
Roof Mounted/Surface Mounted/Stealth		6500		C	P	
Amateur radio antenna		6510		X	P	
Weather stations		6520		C	P	
Environmental monitoring station (air, soil, etc.)		6600		C	P	
Commercial solar energy production facility				X	X	
Geothermal production facility		6450		X	C	
Large scale wind facility				X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	P	
Fountain, sculpture, or other similar decorative structures		6950		C	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	P	
Agriculture, forestry, and conservation/open space						
Grain silos and other storage structure for grains and agricultural products		8100		C	C	
Animal production that includes slaughter	9300			C	X	
Livestock pens or hog houses		8200		C	X	
Commercial greenhouses		8500		P	C	
Nurseries and other growing of ornamental plants				P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		C	P	
Stables and other equine-related facilities - Commercial over 12 horses				C	C	
Kennels and commercial dog breeding facilities		8700		C	P	
Apiary and other related structures		8700		P	P	
Crop production outdoor	9100			P	P	
Crop production greenhouse		8500		P	P	
Display or sale of agricultural products raised on the same premises				A	P	
Forestry and logging operations	9300			X	P	
Game preserves and retreats	9400			X	P	
Support business and operations for agriculture and forestry				C	P	

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Parks, open space areas, conservation areas, and preservation areas				P	P	
Public or community outdoor recreation facilities				C	P	
Concentrated animal feeding operation		8310		X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	
Dairy farms		8210		C	X	
Other farm and farming-related structures		8900		P	A	
Poultry farms and poultry production facilities		8220		C	X	
Sheds, or other agricultural facilities		8000		P	A	
Animal waste lagoons		8420		X	X	Ch. 11
Mining and extraction establishments						
Oil and natural gas exploration or extraction	8100			DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.14. SAN MARCOS COMMUNITY DISTRICT OVERLAY.

9.14.1. Purpose and Intent. The provisions of the San Marcos Community District (SMCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the San Marcos Community Plan and the Sustainable Growth Management Plan (SGMP). The SMCD is designed to implement the San Marcos Community Plan to ensure compatibility among various land uses, in the San Marcos community.

9.14.2. Sustainable Design Standards. The development standards of Chapter 7 of this ordinance shall be applicable to all development, except as otherwise specified herein.

9.14.2.1. NM 14 Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering NM 14 shall be setback a minimum of 100 feet in Commercial Neighborhood. If an existing legal parcel is unable to meet the setback requirements, the third of the parcel furthest away from NM 14 can be built upon.

2. Parcels bordering NM 14 shall be setback a minimum of 200 feet in Rural Residential. If an existing legal parcel is unable to meet the setback requirements, the third of the parcel furthest away from NM 14 can be built upon.

9.14.2.2. Cerrillos Reservoir Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering the Cerrillos Reservoir shall setback a minimum of 200 feet.

9.14.2.3. Cerrillos State Park Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering the Cerrillos State park shall setback a minimum of 200 feet.

9.14.2.4. County Trails Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering County trails identified on Map 5 of the Official Map Series of this Code shall be setback a minimum of 50 feet.

9.14.2.5. Archeological Site Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering identified archeological site shall be setback a minimum of 100 feet.

9.14.2.6. Water Harvesting. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Rainwater catchment systems are required for all new construction whose roof area is 1,500 square feet or greater and for new additions that expand the roof area of the structure to 1,500 square feet or greater. Rainwater catchment systems

are also required for any accessory structure whose roof surface is 500 square feet or greater.

9.14.3. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.14.3.1. Generally. The SMCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.14.3.2. Base Zoning Districts. Base zoning districts approved for use in the SMCD are listed in Table 9.14.1.

Table 9.14.1: San Marcos Base Zoning Districts.

RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
CN	Commercial Neighborhood

1. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

a. Retirement housing, assisted living facility, life care or continuing care facilities, skilled nursing facilities:

i. This type of permitted use shall be limited to 4 units at 5,000 square feet or 50% of lot square footage whichever is smaller.

b. Temporary structures, tents etc. for shelter:

i. These uses shall follow the construction code and have sewer and water hook up for a residence.

c. Water treatment and purification facility:

i. This is a conditional use for potable drinking water uses only.

2. SMCD Rural (SMCD RUR); Purpose. The purpose of this district is to designate areas suitable for a combination of agricultural, equestrian, residential and other compatible uses. The intent of the SMCD RUR district is to protect agricultural uses from encroachment by development and to support agricultural, ranch, very large lot residential, ecotourism and equestrian uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Water wells, well fields, and bulk water transmission pipelines:

(a) This does not prohibit private wells.

b. Dimensional Standards. As regulated in Chapter 8 of this Code except as prescribed in Dimensional Standards Table 9.14.2.

Table 9.14.2: Dimensional Standards SMCD RUR (Rural).

Zoning District	SMCD RUR
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	150
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	50
Lot Coverage (maximum)	20%
Setbacks from front, rear and side property lines	100 feet

3. SMCD Rural Fringe (SMCD RUR-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The SMCD RUR-F zone accommodates primarily large lot residential, retreats, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Commercial greenhouses:

(a) There shall be a minimum 500 foot setback from property lines for commercial greenhouses.

b. Dimensional Standards. As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9.14.3.

Table 9.14.3: Dimensional Standards SMCD RUR-F (Rural Fringe).

Zoning District	SMCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet)	36
Lot Coverage (maximum)	20%
Setbacks from front, rear and side property lines	100 feet

4. SMCD Rural Residential (SMCD RUR-R); Purpose. The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, and farmers markets.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Water wells, well fields, and bulk water transmission pipelines:

(a) This does not prohibit private wells.

b. Dimensional Standards. As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9.14.4.

Table 9.14.4: Dimensional Standards SMCD RUR-R (Rural Residential).

Zoning District	SMCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot Coverage (maximum)	20%
Setbacks from front, rear and side property lines	100 feet

5. SMCD Commercial Neighborhood (CN); Purpose. The purpose this district is to allow for low-intensity convenience retail and personal services, as well as office uses, that are intended to serve and are in close proximity to individual residential neighborhoods. Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood. In San Marcos these properties are in close proximity to NM 14.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

b. Dimensional Standards. As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9.14.5.

Table 9.14.5: Dimensional Standards SMCD CN (Commercial Neighborhood).

Zoning District	SMCD CN
Density	n/a
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	50%
Maximum building size (aggregate)	15,000
Maximum size of individual establishments (sq.ft.)	5,000

c. Lighting. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. 24 hour business lighting is prohibited.

d. Architectural Design Standards. As regulated in Chapter 8 of this Code, except as prescribed below:

i. The architectural style of all structures shall be complementary to that of other structures in the area and to regional architectural styles.

ii. Incorporate, within all walls over 100 feet in length, at least 4 recesses, off-sets, angular forms, and other features with 100 foot length to provide a visually interesting shape.

9.14.4. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.14.4.1. Home Occupations; Purpose. The purpose of the Home Occupations in the SMCD is to support economic development opportunities that are not disruptive to the residential character of the area or significantly interfere with the use of adjacent residential properties. Home Occupations shall be as regulated in Chapter 10 of this Code except as prescribed in Table 9.14.6.

Table 9.14.6 SMCD Home Occupations.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit Only Permitted in Commercial Neighborhood zone
Non-resident employees (max)	1	4	5
Area used for business (maximum)	25% of heated square footage	50% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (average per day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	Not Permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	0	3-6

9.14.5. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the SMCD Use Table 9.14.8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.14.7. Accessory uses may be subject to specific regulations as provided in Chapter 9,10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.14.7 Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the district.

Table 9.14.8 : SMCD Use Table.

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Residential								
Single family		1110		P	P	P	P	
Accessory dwelling units		1130		A	A	A	A	Ch.10
Townhouses				X	X	X	X	
Multifamily dwellings		1202-99		X	X	X	X	
Retirement Housing	1210			P	P	P	P	Ch.9
Assisted living facility	1230			P	P	P	P	Ch.9
Life care or continuing care facilities	1240			P	P	P	P	Ch.9
Nursing facilities	1250			P	P	P	P	Ch. 9
Community Home, NAICS 623210				P	P	P	P	
Barracks		1310		X	X	X	X	
Dormitories		1320		X	X	X	X	
Temporary structures, tents etc. for shelter		1350		P	P	P	P	Ch. 9
Hotels, motels, or other accommodation services								
Bed and Breakfast inn	1310			P	P	C	P	
Rooming and boarding housing	1320			C	C	X	C	
Resorts				C	C	X	X	
Retreats				P	P	C	X	-
Hotels, motels, and tourist courts	1330			X	X	X	X	
Commercial								
Shop or store with drive-through facility		2210		X	X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	P	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	P	
Stand-alone store or shop		2230		X	X	X	P	
Department store		2240		X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	
Market shops, including open markets		2260		X	X	X	P	
Gasoline station		2270		X	X	X	C	
Automobile repair and service		2280		X	X	X	P	
Car dealer	2111			X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	X	X	
Boat or marine craft dealer	2114			X	X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	X	

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Gasoline service	2116			X	X	X	C	
Lumberyard and materials	2126			X	X	X	X	
Outdoor resale business	2145			X	X	X	C	
Pawnshops	NAICS 522298			X	X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	X	C	
Shopping center		2510-2580		X	X	X	X	
Convenience stores or centers		2591		X	X	X	C	
Car care center		2593		X	X	X	X	
Car washes	NAICS 811192			X	X	X	X	
Office or bank (without drive-through facility)		2100		X	X	X	P	
Office (with drive-through facility)		2110		X	X	X	X	
Office or store with residence on top		2300		X	X	X	P	
Office-over storefront structure		2400		X	X	X	P	
Research and development services (scientific, medical, and technology)	2416			X	X	X	P	
Car rental and leasing	2331			X	X	X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	P	
Bars, taverns and nightclubs				X	X	X	X	
Sexually oriented business				X	X	X	X	Sec. 10.20
Tattoo parlors				X	X	X	X	
Industrial, manufacturing and wholesale trade								
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	X	
Loft		2611		X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	
Manufacturing plants		2613		X	X	X	X	
Industrial parks		2614		X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	
Construction-related businesses	7000			X	X	X	X	
Heavy construction	7400			X	X	X	X	
Machinery related	7200			X	X	X	X	
Special trade contractor	7300			X	X	X	C	

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Automotive paint and body				X	X	X	X	Sec.10
Automotive wrecking and graveyards, salvage yards, and junkyards				X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	
Demolition, building and structure business				X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	
High-rise mini-warehouse		2720		X	X	X	X	
Warehouse structure		2730		X	X	X	X	
Produce warehouse		2740		X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	X	
Food, textiles, and related products				X	X	X	X	
Wood, paper, and printing products				X	X	X	X	
Tank farms		2780		X	X	X	X	
Public assembly structures								
Performance theater			3110	X	X	X	X	
Movie theater			3120	X	X	X	X	
Amphitheater			3130	X	X	X	X	
Drive-in theaters			3140	X	X	X	X	
Indoor games facility		3200		X	X	X	C	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	X	
Amusement or theme park	5310			X	X	X	X	
Arcade	5320			X	X	X	X	
Miniature golf establishment	5340			X	X	X	X	
Fitness, recreational sports, gym, or athletic club	5370			X	X	X	C	
Bowling, billiards, pool, etc.	5380			X	X	X	C	
Skating rinks	5390			X	X	X	X	
Sports stadium or arena		3300		X	X	X	X	
Racetrack or raceway	5130			X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	X	X	X	
Passenger terminal, mixed mode		3810		X	X	X	X	*
Active open space/ athletic fields/golf courses	6340			X	X	X	X	*

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Passive open space	6340			P	P	P	P	
Arts, entertainment, and recreation								
Active leisure sports and related activities			7100	C	C	C	C	
Movie Ranch				X	X	X	C	
Camps, camping, and related establishments	5400			X	X	X	X	
Exhibitions and art galleries		4410		X	X	X	P	
Performing arts or supporting establishment	5100			X	X	X	P	
Theater, dance, or music establishment	5101			X	X	X	P	
Institutional or community facilities								
Community center		2200		X	X	X	P	
Hospitals		4110		X	X	X	X	
Medical clinics		4120		C	C	C	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			X	X	X	X	
Child and youth services	6561			C	C	C	P	
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	
Day care center	6562			P	P	P	P	
Community food services	6563			X	X	X	P	
Emergency and relief services	6564			X	X	X	P	
Other family services	6565			X	X	X	C	
Services for elderly and disabled	6566			X	X	X	P	
Animal hospitals	6730			X	X	X	P	
School or university (privately owned)		4200		P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	
College or university facility (privately owned)		4220		X	X	X	C	
Technical, trade, and other specialty schools	6140	4230		X	X	X	C	
Library		4300		X	X	X	P	
Museum, exhibition, or similar facility	5200	4400		X	X	X	P	
Planetarium		4420		X	X	X	C	
Aquarium		4430		X	X	X	X	
Zoological parks		4450		C	C	X	C	
Public safety related facility			4500	C	C	C	C	
Fire and rescue station			4510	C	C	C	C	
Police station			4520	C	C	C	C	
Emergency operation center			4530	C	C	C	C	*
Correctional or rehabilitation facility			4600	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	X	X	X	X	
Funeral homes			4800	X	X	X	X	

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Cremation facilities			4800	X	X	X	X	
Public administration		6200		X	X	X	X	
Post offices		6310		X	X	X	C	
Space research and technology		6330		X	X	X	X	*
Clubs or lodges				X	X	X	X	
Transportation-related facilities								
Commercial automobile parking lots		5200		X	X	X	X	
Commercial automobile parking garages				X	X	X	X	
Surface parking, open		5210		X	X	X	X	
Surface parking, covered		5220		X	X	X	X	
Underground parking structure with ramps		5240		X	X	X	X	
Rooftop parking facility		5250		X	X	X	X	
Bus terminal		3830		X	X	X	X	
Bus stop shelter		5300		P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	
Light rail transit lines and stops	4151			X	X	X	X	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	X	X	X	
Taxi and limousine service dispatch facilities				X	X	X	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	
Courier and messenger service facilities	4190			X	X	X	X	
Commercial airports		5600		X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	
Heliport facility		5640		X	X	X	X	
Helistops				X	X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	
Railroad passenger station		5701		X	X	X	X	
Railroad freight facility		5702		X	X	X	X	

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Utility								
Local distribution facilities for water, natural gas, and electric power		6100		C	C	C	C	
Telecommunications lines				C	C	C	C	
Electric power substations				C	C	C	C	
High-voltage electric power transmission lines				X	X	X	X	
Dam		6220		X	X	X	X	
Livestock watering tank or impoundment				P	P	P	X	
Levee		6230		X	X	X	X	
Water tank (elevated, at grade, or underground)		6250		P	P	P	P	
Water wells, well fields, and bulk water transmission pipelines		6260		X	X	C	X	Ch.9
Water treatment and purification facility		6270		C	C	C	C	Ch. 9
Water reservoir		6280		X	X	X	X	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		X	X	X	X	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		X	X	X	X	
Solid waste landfill facility	4345	6320		X	X	X	X	
Composting facility		6330		X	X	X	X	
Recycling transfer center		6331		X	X	X	X	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	
Household hazardous waste collection facility				X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	X	X	
Gas or electric power generation facility		6400		X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	C	C	X	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	P	P	P	
Amateur radio antenna		6510		P	P	P	P	
Weather stations ~~or transmitters~~		6520		X	X	X	X	
Environmental monitoring station (air, soil, etc.)		6600		X	X	X	X	
Commercial solar energy production facility				X	X	X	X	

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Geothermal production facility		6450		X	X	X	X	
Large scale wind facility				X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		X	X	X	X	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	X	
Agriculture, forestry, and conservation/open space								
Grain silos and other storage structure for grains and agricultural products		8100		X	X	X	X	
Animal production that includes slaughter	9300			X	X	X	X	
Livestock pens or hog houses		8200		X	X	X	X	
Commercial greenhouses		8500		X	P	X	C	
Nurseries and other growing of ornamental plants				X	X	X	C	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		C	C	C	X	
Stables and other equine-related facilities - Commercial over 12 horses				X	X	X	X	
Kennels and commercial dog breeding faculties		8700		X	X	X	X	
Apiary and other related structures		8700		P	P	P	P	
Crop production outdoor	9100			P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	
Display or sale of agricultural products raised on the same premises				P	P	A	P	
Forestry and logging operations	9300			X	X	X	X	
Game preserves and retreats	9400			X	X	X	X	
Support business and operations for agriculture and forestry				X	X	X	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	
Public or community outdoor recreation facilities				C	C	C	C	
Concentrated animal feeding operation		8310		X	X	X	X	Ch.11
Cattle ranching, and the grazing or cattle or other livestock		8230		X	X	X	X	
Dairy farms		8210		X	X	X	X	
Other farm and farming-related structures		8900		A	A	A	A	
Poultry farms and poultry production facilities		8220		X	X	X	X	
Sheds, or other agricultural facilities		8000		A	A	A	A	
Animal waste lagoons		8420		X	X	X	X	Ch.11

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Mining and extraction establishments								
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	Ch.11
Hard rock mining	8200			DCI	DCI	DCI	DCI	Ch.11
Sand and gravel Mining				X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	Ch.11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use District and Planned Development District.**

9.15. GALISTEO COMMUNITY DISTRICT OVERLAY.

9.15.1. Purpose and Intent. The provisions of the Galisteo Community District, (GCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Galisteo Community Plan and the Sustainable Growth Management Plan (SGMP). The GCD is designed to ensure compatibility among various land uses, encourage compact development, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the community. Provisions include standards and dimensions based on historic development patterns and incentives to encourage compact development in conjunction with conservation easements that preserve agricultural land and open space.

9.15.2. Sustainable Design Standards. The development standards of Chapter 7 of this ordinance shall be applicable to all development, except as otherwise specified herein.

9.15.2.1. Fences and Walls. The standards for fences and walls shall be as identified in Chapter 7 of this Code with the following exceptions:

1. Location and height. Maximum height of walls and fences abutting SR 41 shall not exceed eight feet in height. The maximum height of all other walls or fences in this district shall not exceed six feet; provided however, that the height of pedestrian door or gate portals built into wall of fence may be up to 11 feet. Maximum height of walls and fences abutting SR 41 shall not exceed eight feet in height.

2. Materials. The standards for materials shall be as identified in Chapter 7 of this Code with the following exceptions:

a. Chain-link fencing is prohibited.

9.15.2.2. Lighting. The standards for lighting shall be as identified in Chapter 7 of this Code with the following exceptions:

1. Metal Halide lights are prohibited.

2. Street lights are prohibited unless required to protect the safety of motorists as regulated in Chapter 7 of this Code as determined by the Land Use Administrator.

9.15.2.3. Signs. The standards for signs shall be as identified in Chapter 7 of this Code with the following exception:

1. Illuminated signs are prohibited unless required for road safety.

9.15.2.4. Road Design Standards. The standards for road design shall be as identified in Chapter 7 of this Code with the following exceptions:

1. Residential Driveways. Driveways may serve up to 4 lots in the RE, and TC Districts pursuant to Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).

2. Additional Standards for Non-residential, Multi Family and Mixed Use Driveways.

a. Separation of driveways. If driveways are located on local roads with speed limits of 25 mph or less, the minimum distance between driveways shall be 30 feet.

b. Apron. A 20 foot long asphalt or concrete apron shall be required on driveways accessing a paved road.

c. Design Standards for Local Roads. The standards for local roads shall be as identified in Chapter 7 of this Code with the following exceptions:

i. A road shall contain two travel lanes each with a width of 9 feet.

ii. Existing Local Roads. Where new development has frontage along an existing road the right-of-way to be dedicated shall be a minimum of 10 feet beyond the edge of the existing pavement (asphalt/dirt) into the development.

3. Setback from State Road 41. As regulated in Chapter 7 of this Code, except as prescribed below:

a. Unless established through a right-of-way, all development fronting State Road 41 shall be setback at least 20 feet from the property boundaries in the RE, and TC and 35 feet from the property boundaries in all other zoning districts. Walls and fences may extend into the setback but shall remain at least 10 feet from the road pavement in the RE, and TC and 20 feet in all other zoning districts.

9.15.2.5. Water Supply, Wastewater and Water Conservation. As regulated in Chapter 7 of this Code, except as prescribed below:

1. Intent/Purpose. The intent of the water supply, conservation and waste water provisions is to ensure a sustainable water supply and to ensure new development will not impair senior water rights, existing domestic wells, stream and spring flows and water quality.

2. Required Connection to Public or Publicly-Regulated Private Water Utility. Connection to Public or Publicly-Regulated Private Water Utility is required for all subdivisions, residential and non-residential development applications permitted after the date of this ordinance as specified below:

a. All commercial/mixed-use or non-residential subdivision and/or developments in the Galisteo Community District Overlay shall make connection to a public or publicly-regulated private water system when the utility becomes ready, willing and able to supply the development.

b. Development located in Traditional Community and Residential Estate, Residential Fringe, and Rural Zoning Districts shall make connection to a public or publicly-regulated private water system when the utility becomes ready, willing and able to supply the development.

c. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of individual wells is strictly prohibited on property supplied by Public or Publicly-Regulated Private Water Utility or shared domestic wells.

9.15.2.6. Open Space and Trails. As regulated in Chapter 7 of this Code, except as prescribed below:

1. Official Map. Open Space and Trails identified in the Galisteo Community Plan may be added to the Appendix C: Official Map Series Map 5: Open Space and Trails Map.

9.15.2.7. Protection of Historic and Archaeological Resources; Purpose. This section is intended to preserve and enhance the historic, archeological and cultural heritage of the Galisteo Community District. The unique heritage of the area began thousands of years ago when people traveled through the area seeking resources, inspiration and eventually a place to call home. The numerous archeological sites, spectacular petroglyphs and traditional village pattern of small lots, clustered adobe homes, accessory structures, unpaved rural roads, adobe and rock walls, wood gates and coyote fencing provide important and even sacred connections to the past. Ensuring continued connection to the past is a high priority of the community.

1. Areas of High Potential for Discovery of Archeological Resources. All properties in the Galisteo Community District are covered by the High Potential Archaeological District as depicted in Appendix D: Archeological Resources Protection Map.

2. NM State Designated Galisteo Historic District. The Galisteo Community District contains the State designated Galisteo Historic District which is listed on the "New Mexico Register of Cultural Properties," therefore, is regulated in Chapter 7 of this ordinance.

9.15.3. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.15.3.1. Generally. The Galisteo Community Overlay modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If

an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.15.3.2. Base Zoning Districts. Base zoning districts approved for use in the Galisteo Community District are listed in Table 9.15.1.

Table 9.15.1: Galisteo Base Zoning Districts.

A/R	Agriculture/ Ranch
RUR	Rural
RES-F	Residential Fringe
RES-E	Residential Estate
TC	Traditional Community
PI	Public/Institutional

1. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on GCD Use Table.

a. Temporary structures, tents etc. for shelter:

i. These uses shall be permitted with a septic system.

b. Duplex:

i. This use is permitted and limited to one duplex (2 units) per development.

c. Retirement Housing:

i. This use is limited to a maximum of 5,000 square feet.

d. Active leisure sports and related activities:

i. These uses are conditional and limited in scale to 5,000 square feet.

e. Exhibitions and art galleries:

i. These uses are permitted and limited in scale to 5,000 square feet.

f. Stables and other equine-related facilities-All personal use and commercial up to 12 horses:

i. These uses are conditional use in the Rural, Residential Fringe, Residential Estate and Traditional Community.

ii. These uses require a manure/waste removal and management plan.

g. Cattle ranching, and the grazing or cattle or other livestock:

i. These uses are conditional in the Rural, Residential Fringe, Residential Estate and Traditional Community:

ii. These uses require a manure/waste removal and management plan.

2. GCD Agriculture/Ranch (GCD A/R); Purpose. The Agricultural and Ranch designation applies to properties in the far west and southern portions of the plan area that are associated with the historic acequia land grant property and the current La Jara and San Cristobol Ranch operations. Large lots will continue to support ranching and associated activities including the Rodeo grounds. Rural cluster development in conjunction with conservation easements that preserve agricultural land and open space shall be permitted.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on GCD Use Table.

i. Research and development services (scientific, medical, and technology):

i. These uses are conditional limited to a maximum of 5,000 square feet.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.15.2.

Table 9.15.2: Dimensional Standards GCD A/R (Agriculture/Ranching).

Zoning District	GCD A/R
Density (# of acres per dwelling unit)	160
Lot width (minimum, feet)	400
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

i. Setbacks. Except as required for SR 41; Front, side and rear setbacks shall be 50 feet from the property line.

3. GCD Rural (GCD RUR); Purpose. This designation covers several large lot residential and agricultural properties in the northern and western portions of the plan area and several lots south of the village that front CR 42. This area is appropriate for single-family development with options for clustering, agricultural related uses and low to medium impact home occupations. Rural cluster development in conjunction with conservation easements that preserve agricultural land and open space shall be permitted.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on GCD Use Table.

i. Research and development services (scientific, medical, and technology):

i. These uses are conditional and limited to a maximum of 5,000 square feet.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.15.3.

Table 9.15.3: Dimensional Standards GCD RUR (Rural).

Zoning District	GCD RUR
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	150
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

i. Setbacks. Except as required for SR 41; Front, side and rear setbacks shall be 50 feet from the property line.

4. GCD Residential Fringe (GCD RES-F); Purpose. This designation covers areas associated with contemporary residential subdivisions. This includes the Ranchitos de Galisteo Subdivision. This area is appropriate for single-family development with options for clustering, agricultural related uses and no to low, but not medium impact home occupations and businesses.

a. Use Regulations. Uses shall be permitted, conditional, accessory and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the GCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.15.4.

Table 9.15.4: Dimensional Standards GCD RES-F (Residential Fringe).

Zoning District	GCD RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

i. Setbacks. Except as required for SR 41**,** Front, side and rear setbacks shall be 50 feet from the property line.

5. GCD Residential Estate (GCD RES-E); Purpose. This designation covers areas adjacent to the GCD Traditional Community District which is historically associated with the historic village core due to proximity, use and subdivision patterns. To preserve the existing development pattern and recognize this area as contributing to the character of the historic village and as a transition zone from the denser village area to the larger agricultural and ranching lots; this area is appropriate for single-family development with options for clustering, agricultural related uses and no to medium impact home occupations and businesses.

a. Use Regulations. Uses shall be permitted, conditional, accessory and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the GCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.15.5.

Table 9.15.5: Dimensional Standards GCD RES-E (Residential Estate).

Zoning District	GCD RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

6. GCD Traditional Community (GCD TC); Purpose. This designation covers the historic village area associated with historic development patterns and uses. This area is appropriate for single-family development with options for clustering, agricultural related uses and no to medium impact home occupations and businesses. Minimum lot size of .75 acres is established to ensure that liquid waste disposal systems will not contaminate domestic wells, and that there will continue to be an adequate supply of ground water in the future.

a. Use Regulations. Uses shall be permitted, conditional, accessory and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the GCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.15.6.

Table 9.15.6: Dimensional Standards GCD TC (Traditional Community).

Zoning District	GCD TC
Density (# of acres per dwelling unit)	0.75/0.33*
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (commercial)	2,500 sq. ft.

* The standard density of one dwelling unit/0.75 acres may be increased to one dwelling unit/0.33 acres if the lot is served by public water and sewer.

7. GCD Public/Institutional (GCD PI); Purpose. This designation covers areas including the fire station, community center and parks that accommodates governmental, educational, and non-profit or institutional uses, but excludes any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses shall be permitted, conditional, accessory and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the GCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.15.7.

Table 9.15.7: Dimensional Standards GCD PI (Public/Institutional).

PI Zoning District	PI
Density	2.5*
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80

*density shall be 1 acre if the surrounding zoning district is RC, reduced to 0.75 acres if the surrounding zoning district is TC.

9.15.4. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.15.4.1. Home Occupations. The standards for home occupations shall be as regulated in Chapter 10 of this Code except as prescribed in Table 9.15.8.

Table 9.15.8 Home Occupation Table.

	GCD Agriculture/Ranching	GCD Rural	GCD Residential Fringe	GCD Residential Estate	GCD Traditional Community
No Impact	P	P	P	P	P
Low Impact	P	P	P	C	C
Medium Impact	C	C	C	C	C

9.15.5. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the GCD Use Table 9.15.10. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.15.9. Accessory uses may be subject to specific regulations as provided in Chapter 9,10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.15.9: Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.**
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the district.

Table 9.15.10: GCD Use Table

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Residential										
Single family		1110		P	P	P	P	P	A	
Accessory dwelling units		1130		A	A	A	A	A	A	Ch.10
Townhouses				X	X	X	X	X	A	
Multifamily dwellings		1202-99		X	X	X	X	X	X	
Retirement Housing	1210			C	C	C	C	C	X	Ch. 9
Assisted living facility	1230			X	X	X	X	X	X	
Life care or continuing care facilities	1240			X	X	X	X	X	X	
Nursing facilities	1250			X	X	X	X	X	X	
Community Home, NAICS 623210				P	P	P	P	P	P	
Barracks		1310		X	X	X	X	X	X	
Dormitories		1320		X	X	X	X	X	X	
Temporary structures, tents etc. for shelter		1350		P	P	P	P	P	P	Ch. 9
Hotels, motels, or other accommodation services										
Bed and Breakfast inn	1310			C	C	C	C	C	X	Ch.10
Rooming and boarding housing	1320			X	X	X	X	X	X	
Resorts				C	C	X	X	X	X	
Retreats				C	C	X	X	X	X	
Hotels, motels, and tourist courts	1330			X	X	X	X	X	X	
Commercial										
Shop or store with drive-through facility		2210		X	X	X	X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	C	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	C	X	
Stand-alone store or shop		2230		X	X	X	X	C	X	
Department store		2240		X	X	X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	
Market shops, including open markets		2260		C	C	C	C	C	X	
Gasoline station		2270		X	X	X	X	X	X	
Automobile repair and service		2280		X	X	X	X	X	X	
Car dealer	2111			X	X	X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	X	X	X	X	
Boat or marine craft dealer	2114			X	X	X	X	X	X	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Automotive Parts, accessories, or tires	2115			X	X	X	X	X	X	
Gasoline service	2116			X	X	X	X	X	X	
Lumberyard and materials	2126			C	C	C	C	C	X	
Outdoor resale business	2145			X	X	X	X	X	X	
Pawnshops	NAICS 522298			X	X	X	X	X	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	x	X	X	X	X	
Shopping center		2510-2580		X	X	X	X	X	X	
Convenience stores or centers		2591		C	C	C	C	C	X	
Car care center		2593		X	X	X	X	X	X	
Car washes	NAICS 811192			X	X	X	X	X	X	
Office or bank (without drive-through facility)		2100		X	X	X	X	X	X	
Office (with drive-through facility)		2110		X	X	X	X	X	X	
Office or store with residence on top		2300		X	X	X	X	X	X	
Office-over storefront structure		2400		X	X	X	X	X	X	
Research and development services (scientific, medical, and technology)	2416			C	C	X	X	X	X	Ch. 9
Car rental and leasing	2331			X	X	X	X	X	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	X	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	X	X	X	
Bars, taverns and nightclubs				X	X	X	X	X	X	
Sexually oriented business				X	X	X	X	X	X	Sec.10.20
Tattoo parlors				X	X	X	X	X	X	
Industrial, manufacturing and wholesale trade										
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		C	C	X	X	X	X	
Loft		2611		X	X	X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	X	X	
Manufacturing plants		2613		X	X	X	X	X	X	
Industrial parks		2614		X	X	X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	X	X	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Assembly and construction-type plants	3000	2621		X	X	X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	X	X	
Construction-related businesses	7000			X	X	X	X	X	X	
Heavy construction	7400			X	X	X	X	X	X	
Machinery related	7200			X	X	X	X	X	X	
Special trade contractor	7300			C	C	C	X	X	X	
Automotive paint and body				C	C	C	C	C	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				~~X~~	X	X	X	X	X	
Vehicle storage for towing or related business				X	X	X	X	X	X	
Demolition, building and structure business				X	X	X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	X	X	
High-rise mini-warehouse		2720		X	X	X	X	X	X	
Warehouse structure		2730		X	X	X	X	X	X	
Produce warehouse		2740		X	X	X	X	X	X	
Refrigerated warehouse or cold storage		2750		X	X	X	X	X	X	
Large area distribution or transit warehouse		2760		X	X	X	X	X	X	
Wholesale trade— durable goods	3510			X	X	X	X	X	X	
Wholesale trade nondurable goods	3520			X	X	X	X	X	X	
Food, textiles, and related products				X	X	X	X	X	X	
Wood, paper, and printing products				X	X	X	X	X	X	
Tank farms		2780		X	X	X	X	X	X	
Public assembly structures										
Performance theater			3110	X	X	X	X	X	X	
Movie theater			3120	X	X	X	X	X	X	
Amphitheater			3130	X	X	X	X	X	X	
Drive-in theaters			3140	X	X	X	X	X	X	
Indoor games facility		3200		X	X	X	X	X	X	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	X	X	X	
Amusement or theme park	5310			X	X	X	X	X	X	
Arcade	5320			X	X	X	X	X	X	
Miniature golf establishment	5340			X	X	X	X	X	X	
Fitness, recreational sports, gym, or athletic club	5370			C	C	X	C	C	X	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Bowling, billiards, pool, etc.	5380			X	X	X	X	X	X	
Skating rinks	5390			X	X	X	X	X	X	
Sports stadium or arena		3300		X	X	X	X	X	X	
Racetrack or raceway	5130			X	X	X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	X	X	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	X	X	X	X	X	
Passenger terminal, mixed mode		3810		X	X	X	X	X	X	*
Active open space/ athletic fields/golf courses	6340			C	C	C	C	C	C	*
Passive open space	6340			C	C	C	C	C	C	
Arts, entertainment, and recreation										
Active leisure sports and related activities			7100	C	C	C	C	C	C	
Movie Ranch				X	X	X	X	X	X	
Camps, camping, and related establishments	5400			X	X	X	X	X	X	
Exhibitions and art galleries		4410		P	P	P	P	P	P	
Performing arts or supporting establishment	5100			C	C	C	C	C	C	
Theater, dance, or music establishment	5101			C	C	C	X	C	X	
Institutional or community facilities										
Community center		2200		C	C	C	C	C	P	
Hospitals		4110		X	X	X	X	X	X	
Medical clinics		4120		C	C	C	C	C	C	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			C	C	C	C	C	C	
Child and youth services	6561			C	C	C	C	C	C	
Child care institution (basic)	6562			P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	
Community food services	6563			C	C	C	C	C	C	
Emergency and relief services	6564			C	C	C	C	C	C	
Other family services	6565			C	C	C	C	C	C	
Services for elderly and disabled	6566			C	C	C	C	C	C	
Animal hospitals	6730			X	X	X	X	X	X	
School or university (privately owned)		4200		P	P	P	P	P	P	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Grade school (privately owned)		4210		P	P	P	P	P	P	
College or university facility (privately owned)		4220		C	C	C	C	C	C	
Technical, trade, and other specialty schools	6140	4230		C	C	C	C	C	C	
Library		4300		P	P	C	C	C	C	
Museum, exhibition, or similar facility	5200	4400		C	C	C	C	C	C	
Planetarium		4420		X	X	X	X	X	X	
Aquarium		4430		X	X	X	X	X	X	
Zoological parks		4450		X	X	X	X	X	X	
Public safety related facility			4500	C	C	C	C	C	C	
Fire and rescue station			4510	P	P	P	P	P	P	
Police station			4520	C	C	C	C	C	C	
Emergency operation center			4530	P	P	P	P	P	P	*
Correctional or rehabilitation facility			4600	X	X	X	X	X	X	*
Cemetery, monument, tombstone, or mausoleum			4700	C	C	C	C	C	C	
Funeral homes			4800	X	X	X	X	X	X	
Cremation facilities			4800	X	X	X	X	X	X	
Public administration		6200		X	X	X	X	X	X	
Post offices		6310		C	C	C	C	C	C	
Space research and technology		6330		X	X	X	X	X	X	*
Clubs or lodges				C	C	C	C	C	C	
Transportation-related facilities										
Commercial automobile parking lots		5200		X	X	X	X	X	X	
Commercial automobile parking garages				X	X	X	X	X	X	
Surface parking, open		5210		X	X	X	X	X	X	
Surface parking, covered		5220		X	X	X	X	X	X	
Underground parking structure with ramps		5240		X	X	X	X	X	X	
Rooftop parking facility		5250		X	X	X	X	X	X	
Bus terminal		3830		X	X	X	X	X	X	
Bus stop shelter		5300		P	P	P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	X	X	
Light rail transit lines and stops	4151			X	X	X	X	X	X	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	X	X	
Taxi and limousine service maintained and storage facilities	4155			X	X	X	X	X	X	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Taxi and limousine service dispatch facilities				X	X	X	X	X	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	X	X	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	X	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	X	X	
Courier and messenger service facilities	4190			X	X	X	X	X	X	
Commercial airports		5600		X	X	X	X	X	X	
Private airplane runways and landing strips		5610		X	X	X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	X	X	
Heliport facility		5640		X	X	X	X	X	X	
Helistops				X	X	X	X	X	X	
Glideport, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	X	X	
Railroad tracks, spurs, and sidings				X	X	X	X	X	X	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	X	X	
Railroad passenger station		5701		X	X	X	X	X	X	
Railroad freight facility		5702		X	X	X	X	X	X	
Utility										
Local distribution facilities for water, natural gas, and electric power		6100		X	X	X	X	X	X	
Telecommunications lines				C	C	C	C	C	C	
Electric power substations				C	C	X	X	X	X	
High-voltage electric power transmission lines				X	X	X	X	X	X	
Dam		6220		X	X	X	X	X	X	
Livestock watering tank or impoundment				P	P	C	C	C	C	
Levee		6230		C	C	C	C	C	C	
Water tank (elevated, at grade, or underground)		6250		C	C	C	C	C	C	
Water wells, well fields, and bulk water transmission pipelines		6260		C	C	C	C	C	C	
Water treatment and purification facility		6270		C	C	C	C	C	C	
Water reservoir		6280		C	C	C	C	C	C	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		C	C	C	C	C	C	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		C	C	C	C	C	C	
Solid waste landfill facility	4345	6320		X	X	X	X	X	X	
Composting facility		6330		C	C	C	C	C	C	
Recycling transfer center		6331		X	X	X	X	X	X	
Solid waste collection transfer station (Governmental)	4343		3210	X	X	X	X	X	X	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	X	X	
Solid waste combustor or incinerator	4344			X	X	X	X	X	X	
Septic tank service, repair, and installation business	4346			X	X	X	X	X	X	
Household hazardous waste collection facility				X	X	X	X	X	X	
Hazardous waste storage facility		6340		X	X	X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	X	X	
Sewage treatment plant and disposal facilities		6350		X	X	X	X	X	X	
Gas or electric power generation facility		6400		X	X	X	X	X	X	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	C	X	X	X	P	-
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	P	P	-
Roof Mounted/Surface Mounted/Stealth		6500		P	P	P	C	C	P	-
Amateur radio antenna		6510		P	P	P	P	P	P	-
Weather stations		6520		X	X	X	X	X	X	
Environmental monitoring station (air, soil, etc.)		6600		C	C	C	C	C	C	
Commercial solar energy production facility				C	C	X	X	X	X	
Geothermal production facility		6450		C	C	X	X	X	X	
Large scale wind facility				C	C	X	X	X	X	Sec. 10.16
Highway rest stops and welcome centers		6930		C	C	X	X	X	X	
Fountain, sculpture, or other similar		6950		P	P	P	P	P	P	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
decorative structures										
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	X	C	C	
Agriculture, forestry, and conservation/open space										
Grain silos and other storage structure for grains and agricultural products		8100		C	C	X	X	X	X	
Animal production that includes slaughter	9300			C	C	X	X	X	X	
Livestock pens or hog houses		8200		X	X	X	X	X	X	
Commercial greenhouses		8500		C	C	C	C	C	C	
Nurseries and other growing of ornamental plants				C	C	C	C	C	C	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	C	C	C	C	C	Ch. 9
Stables and other equine-related facilities - Commercial over 12 horses				C	C	X	X	X	X	
Kennels and commercial dog breeding facilities		8700		C	C	X	X	X	X	
Apiary and other related structures		8700		P	P	P	P	P	P	
Crop production outdoor	9100			P	P	C	C	C	C	
Crop production greenhouse		8500		P	P	C	C	C	X	
Display or sale of agricultural products raised on the same premises				P	P	A	A	A	A	
Forestry and logging operations	9300			X	X	X	X	X	X	
Game preserves and retreats	9400			X	X	X	X	X	X	
Support business and operations for agriculture and forestry				C	C	X	X	X	X	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	
Public or community outdoor recreation facilities				C	C	C	C	C	C	
Concentrated animal feeding operation		8310		X	X	X	X	X	X	Ch.11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	C	C	C	C	C	Ch. 9
Dairy farms		8210		X	X	X	X	X	X	
Other farm and farming-related structures		8900		A	A	A	A	A	A	
Poultry farms and poultry production facilities		8220		C	C	C	C	C	C	
Sheds, or other agricultural facilities		8000		A	A	A	A	A	A	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Animal waste lagoons		8420		X	X	X	X	X	X	Ch.11
Mining and extraction establishments										
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	Ch.11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				X	X	X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	DCI	DCI	Ch.11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**

9.16. CHIMAYO COMMUNITY DISTRICT OVERLAY.

9.16.1. Purpose and Intent. The provisions of the Chimayo Community District (ChCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Chimayo Community Plan and the Sustainable Growth Management Plan (SGMP). The ChCD is designed to ensure compatibility among various land uses, encourage compact development, support the agricultural nature of the community, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces, conserve water resources and accommodate the natural growth of the community.

9.16.2. Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.16.2.1. Second story areas of flat roofed structures shall be a maximum of 65% of the ground floor footprint.

9.16.2.2. Density Transfers; Purpose. Density transfers shall be used to protect community assets including but not limited to wetlands, open spaces, springs, water courses, riparian areas, agricultural land, acequias, traditional community centers, archaeological sites, historical and cultural sites, and multigenerational family compounds. When density transfers result in higher site densities, such development shall be clustered and sited in a manner to fit the topography and existing rural character of Chimayo, instead of in an urban grid pattern.

1. Residential Lot Coverage Calculations on Density Transfers or other types of Perpetual Easements. Whenever density transfers are used to create open space in perpetuity by easement or other legal means, and new lots are created, maximum residential lot coverage shall increase up to 50% and shall be calculated based on each individual new development lot.

9.16.3. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.16.3.1. Generally. The ChCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the base zoning districts of this Code. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.16.3.2. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on the ChCD Use Table.

9.16.3.3. Lot Coverage. The standards shall be regulated as identified in Chapter 8 of this Code with the following exceptions:

1. Residential Uses. The maximum lot coverage for residential uses is 25%.

2. Agricultural Uses. Agricultural uses resulting in roofed areas and/or impermeable surfaces are subject to the ChCD lot coverage restrictions.

9.16.4. Establishment of Zoning Districts. The development standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.16.4.1. Generally. The ChCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the base zoning districts of this Code. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.16.4.2. Base Zoning Districts. Base zoning districts approved for use in the ChCD are listed in Table 9.16.1.

Table 9.16.1 Chimayo Base Zoning Districts.

RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
TC	Traditional Community
CN	Commercial Neighborhood
PI	Public/Institutional

1. ChCD Rural Residential (ChCD RUR-R); Purpose. The purpose of this district is to preserve the scenic and environmental resources attributed to the hills, barrancas and "tierras secanas" that surround the acequia irrigated agricultural lands of the Chimayo Valley. The area is a highly valued scenic, historic and cultural resource for the community. The majority of the area should remain as natural open space with continued opportunities for grazing and hiking. Uses that support rural character of the broader area should be allowed and include educational and training activities, conferences, contemplative activities, caretaker quarters, overnight and short term stays, eco-tourism, retreats, agricultural production, farmers markets and produce stands. Development in this district should reflect historic patterns and styles of Northern New Mexico Vernacular architecture and traditional materials and siting should be incorporated. Density bonuses, density transfers and clustered development should be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ChCD Use Table.

b. Density Bonus. Density for the ChCD RUR-R is one dwelling unit per 10 acres. Additional density shall be subject to the Open Space Design Standards identified below:

i. Open Space Design Standards. Maximum density and building size (aggregate, non-residential) may be increased in ChCD RUR-R by a factor of two provided that the following criteria are met:

(a) The buildable areas, including parking & roads, shall be limited to 15% lot coverage of the total acreage.

(b) The remaining 85% of land shall be designated as open space with agricultural or ranch uses and protected through a conservation easement or other legal means, in perpetuity.

c. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.16.2**.**

Table 9.16.2 Dimensional Standards ChCD RUR-R (Rural Residential).

Zoning District	ChCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (aggregate, non-residential)	12,000 sq. ft.
Maximum building size (non-residential)	5,000 sq. ft.
Lot Coverage (maximum, all non-residential uses)	25%

2. ChCD Residential Fringe (ChCD RES-F); Purpose. The purpose of this district is to protect scenic and environmental resources attributed to the hills, barrancas and "tierras secanas" that surround the acequia irrigated agricultural lands of the Chimayo Valley. The area is a highly valued scenic, historic and cultural resource for the community. The majority of the area should remain as natural open space with continued opportunities for grazing and hiking. The RES-F District supports agricultural and single-family residential uses and limited community/institutional uses on property that meets adequate standards for water, sewer and roads. Development in this district should reflect historic patterns and styles of Northern New Mexico Vernacular architecture and traditional materials and siting should be incorporated. Density bonuses, density transfers and clustered development should be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ChCD Use Table.

b. Density Bonus. Density for the ChCD RES-F is one dwelling unit per 5 acres. Additional density shall be subject to the Open Space Design Standards identified below:

i. Open Space Design Standards. Maximum density and building size (aggregate, non-residential) may be increased in ChCD RES-F by a factor of two provided that the following criteria are met:

(a) The buildable areas, including parking & roads, shall be limited to 15% lot coverage of the total acreage.

(b) The remaining 85% of land shall be designated as open space with agricultural or ranch uses and protected through a conservation easement or other legal means, in perpetuity.

c. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.16.3.

Table 9.16.3: Dimensional Standards ChCD RES-F (Residential Fringe).

Zoning District	ChCD RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (aggregate, non-residential)	12,000 sq. ft.
Maximum building size (non-residential)	5,000 sq. ft.
Lot Coverage (maximum, all non-residential uses)	25%

3. ChCD Residential Estate (ChCD RES-E); Purpose. This category is intended to preserve the riparian area of the Santa Cruz River and includes several properties which are existing platted lots on the southeastern area of the Chimayo Planning area.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ChCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.16.4.

Table 9.16.4: Dimensional Standards ChCD RES-E (Residential Estate).

Zoning District	ChCD RES-E
Density (# of acres per dwelling unit)	2.5
Frontage (minimum, feet)	50
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (aggregate, non-residential)	12,000 sq. ft.
Maximum building size (non-residential)	5,000 sq. ft.
Lot Coverage (maximum, all non-residential uses)	25%

4. ChCD Traditional Community (ChCD TC); Purpose. This district is characterized by historic acequia irrigated farmlands, residential uses and traditional development patterns and includes the Chimayo Historic Village Areas of Plaza del Cerro and Plaza del Potrero. Land uses and development shall contribute to the historic and cultural character of the areas by siting structures appropriately, staying consistent with scale and height of surrounding buildings and using Northern New Mexico vernacular architecture. Agricultural lands and acequias are the defining cultural features of the area and should be preserved and expanded. Acequia irrigated properties are highly valued by the community and provide an important visual amenity. In conjunction with new development in the area, incentives such as transfer of development rights and bonus zoning should be established to ensure preservation of agricultural lands and support for on-going cultural uses. The area consists of primarily single-family residential and small scale agricultural development, consistent with historic development patterns and uses. This district includes appropriately scaled community facilities, institutional uses, agricultural uses, home businesses and occupations.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ChCD Use Table.

i. Accessory Dwelling Units:

(a) Accessory dwelling units shall be limited to a maximum of 650 square feet.

ii. Bed and Breakfast inn:

(a) Bed and breakfast inns are limited to 7 guest units.

(b) Bed and breakfast inns shall be limited to parcels with a minimum of .75 acre.

b. Density Bonus. Prohibited in ChCD TC.

c. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed below, and in Table 9.16.5.

Table 9.16.5: Dimensional Standards ChCD TC (Traditional Community).

Zoning District	ChCD TC
Density (# of acres per dwelling unit)	0.75*
Frontage (minimum, feet)	20
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (non-residential)	2,500 sq. ft.
Lot Coverage (maximum, all non-residential uses)	50%

*Base density may not be adjusted through Density Bonus.

5. ChCD Commercial Neighborhod (CN); Purpose. The purpose of this district is to allow for residential and low-intensity non-residential uses that are intended to serve and are in close proximity to individual residential neighborhoods.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ChCD Use Table.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.16.6.

Table 9.16.6: Dimensional Standards ChCD CN (Commercial Neighborhood).

CN Zoning District	CN
Density	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Maximum building size (aggregate, non-residential)	12,000
Maximum building size (non-residential)	5,000
Lot Coverage (maximum, all non-residential uses)	60%

6. ChCD Public/Institutional (ChCD PI); Purpose. The purpose of this district is to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on ChCD Use Table.

i. Uses permitted in the base zones and planned development zoning districts are designated as permitted, accessory, or conditional, as further explained in Table 9.16.8.

ii. Accessory uses may be subject to specific regulations as provided in Chapter 10 of this Code and conditional uses are subject to the conditional use permit standards provided in Chapter 14 of this Code.

b. Dimensional Standards. The dimensional standards shall be as identified in Chapter 8 of this Code except as prescribed in Table 9.16.7.

Table 9.16.7: Dimensional Standards ChCD PI (Public/Institutional)

PI Zoning District	ChCD PI
Density	2.5*
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Lot Coverage (maximum, all non-residential uses)	25%

*Density shall be .75 acres if the surrounding zoning district is ChCD TC.

9.16.5. ChCD Overlay Zones.

9.16.5.1. ChCD TRANSFER OF DEVELOPMENT RIGHTS OVERLAY DICTRICT (ChCD-TDROD)-reserved

9.16.5.2. ChCD HISTORIC PRESERVATION OVERLAY (ChCD O-HP)-reserved.

9.16.5.3. ChCD Environmental and Resource Protection Overlay (ChCD O-ERP)-reserved.

9.16.6. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.16.6.1. Home Occupations. Purpose: Home Occupations are small-scale uses that are conducted from one's home and are clearly incidental and secondary to primary use of a residence. All Home Occupations shall meet the criteria established in this Overlay and as regulated in Chapter 10 of this Code with the following exception.

1. Agricultural Equipment. Heavy equipment necessary and used for land maintenance in a rural agricultural setting, such as tractors and farm related equipment not connected to the home occupation, is not subject to the home occupation requirements for Low and Medium Impact heavy equipment.

9.14.7. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the ChCD Use Table 9.16.9. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9.16.8. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the

conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 9.16.8: Use Table Labels.

P	**Permitted Use:** The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	**Accessory Use:** The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	**Conditional Use:** The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	**Development of Countywide Impact**: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development of Countywide Impact.
X	**Prohibited Use:** The letter "X" indicates that the use is not permitted within the district.

Table 9.16.9: ChCD Use Table.

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Residential										
Single family		1110		P	P	P	P	P	A	
Accessory dwelling units		1130		A	A	A	A	A	A	Ch. 9&10
Townhouses				P	P	P	P	P	A	
Multifamily dwellings		1202-99		C	C	C	C	C	A	
Retirement Housing	1210			C	C	C	C	C	C	
Assisted living facility	1230			C	C	C	C	P	P	
Life care or continuing care facilities	1240			C	C	C	C	P	P	
Nursing facilities	1250			C	C	C	C	P	P	
Community Home, NAICS 623210				P	P	P	P	P	P	
Barracks		1310		X	X	X	X	X	P	
Dormitories		1320		X	X	X	X	C	P	
Temporary structures, tents etc. for shelter		1350		A	A	A	A	C	P	
Hotels, motels, or other accommodation services										
Bed and Breakfast inn	1310			P	P	P	P	P	X	Ch. 9 & 10
Rooming and boarding housing	1320			C	C	C	C	C	C	
Resorts				X	X	X	X	X	X	
Retreats				C	C	C	C	C	P	
Hotels, motels, and tourist courts	1330			X	X	X	X	X	X	
Commercial										
Shop or store with drive-through facility		2210		X	X	X	X	X	X	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	C	X	X	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	C	P	X	
Stand-alone store or shop		2230		X	X	X	C	P	X	
Department store		2240		X	X	X	X	X	X	
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	
Market shops, including open markets		2260		X	X	X	C	P	X	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Gasoline station		2270		X	X	X	X	X	X	
Automobile repair and service		2280		X	X	X	C	P	X	
Car dealer	2111			X	X	X	X	X	X	
Bus, truck, mobile home, or large vehicle dealers	2112			X	X	X	X	X	X	
Bicycle, motorcycle, all terrain vehicle dealers	2113			X	X	X	X	X	X	
Boat or marine craft dealer	2114			X	X	X	X	X	X	
Automotive Parts, accessories, or tires	2115			X	X	X	C	P	X	
Gasoline service	2116			X	X	X	X	X	X	
Lumberyard and materials	2126			X	X	X	C	X	X	
Outdoor resale business	2145			X	X	X	X	X	X	
Pawnshops	NAICS 522298			X	X	X	C	P	X	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			X	X	X	X	X	X	
Shopping center		2510-2580		X	X	X	X	P	X	
Convenience stores or centers		2591		X	X	X	C	P	X	
Car care center		2593		X	X	X	C	P	X	
Car washes	NAICS 811192			X	X	X	X	C	X	
Office or bank (without drive-through facility)		2100		X	X	X	C	P	X	
Office (with drive-through facility)		2110		X	X	X	X	X	X	
Office or store with residence on top		2300		X	X	X	C	P	X	
Office-over storefront structure		2400		X	X	X	C	P	X	
Research and development services (scientific, medical, and technology)	2416			X	X	X	C	P	X	
Car rental and leasing	2331			X	X	X	C	P	X	
Leasing trucks, trailers, recreational vehicles, etc.	2332			X	X	X	X	C	X	
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			X	X	X	C	P	X	
Bars, taverns and nightclubs				X	X	X	X	X	X	
Sexually oriented business				X	X	X	X	X	X	Sec.10.20
Tattoo parlors				X	X	X	C	P	X	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Industrial , manufacturing and wholesale trade										
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		X	X	X	X	X	X	
Loft		2611		X	X	X	X	X	X	
Mill-type factory structures		2612		X	X	X	X	X	X	
Manufacturing plants		2613		X	X	X	X	X	X	
Industrial parks		2614		X	X	X	X	X	X	
Laboratory or specialized industrial facility		2615		X	X	X	X	X	X	
Assembly and construction-type plants	3000	2621		X	X	X	X	X	X	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	X	X	
Construction-related businesses	7000			X	X	X	C	X	X	
Heavy construction	7400			X	X	X	X	X	X	
Machinery related	7200			X	X	X	X	X	X	
Special trade contractor	7300			X	X	X	X	X	X	
Automotive paint and body				X	X	X	X	C	X	Sec. 10
Automotive wrecking and graveyards, salvage yards, and junkyards				DCI	DCI	DCI	DCI	DCI	DCI	
Vehicle storage for towing or related business				X	X	X	X	X	C	
Demolition, building and structure business				X	X	X	X	X	X	
Warehouse or storage facility Structure		2700		X	X	X	X	X	X	
Mini-warehouse, mini-storage units		2710		X	X	X	X	X	X	
High-rise mini-warehouse		2720		X	X	X	X	X	X	
Warehouse structure		2730		X	X	X	X	X	X	
Produce warehouse		2740		C	C	X	C	C	C	
Refrigerated warehouse or cold storage		2750		C	C	X	C	C	C	
Large area distribution or transit warehouse		2760		X	X	X	X	X	X	
Wholesale trade— durable goods	3510			C	C	X	C	C	C	
Wholesale trade nondurable goods	3520			C	C	X	C	C	C	
Food, textiles, and related products				C	C	X	C	C	C	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Wood, paper, and printing products				C	C	X	C	C	C	
Tank farms		2780		X	X	X	X	X	X	
Public assembly structures										
Performance theater			3110	X	X	X	C	P	C	
Movie theater			3120	X	X	X	X	C	C	
Amphitheater			3130	X	X	X	X	X	P	
Drive-in theaters			3140	X	X	X	X	X	X	
Indoor games facility		3200		X	X	X	X	C	P	
Amusement, sports, or recreation establishment not specifically enumerated	5300			X	X	X	X	X	C	
Amusement or theme park	5310			X	X	X	X	X	X	
Arcade	5320			X	X	X	X	X	X	
Miniature golf establishment	5340			X	X	X	C	C	X	
Fitness, recreational sports, gym, or athletic club	5370			C	C	C	C	P	P	
Bowling, billiards, pool, etc.	5380			X	X	X	C	P	C	
Skating rinks	5390			X	X	X	C	C	P	
Sports stadium or arena		3300		X	X	X	X	X	C	
Racetrack or raceway	5130			X	X	X	X	X	X	
Exhibition, convention or conference structure		3400		X	X	X	X	X	P	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		X	X	X	X	C	P	
Passenger terminal, mixed mode		3810		X	X	X	C	C	P	*
Active open space/ athletic fields/golf courses	6340			C	C	C	C	C	P	*
Passive open space	6340			P	P	P	P	P	P	
Arts, entertainment, and recreation										
Active leisure sports and related activities			7100	C	C	C	C	C	P	
Movie Ranch				C	C	C	C	P	P	
Camps, camping, and related establishments	5400			C	C	C	C	C	P	
Exhibitions and art galleries		4410		C	C	C	P	P	P	
Performing arts or supporting establishment	5100			C	C	C	C	P	P	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Theater, dance, or music establishment	5101			C	C	C	C	P	P	
Institutional or community facilities										
Community center		2200		C	C	C	C	P	P	
Hospitals		4110		X	X	X	X	X	P	
Medical clinics		4120		C	C	C	C	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			P	P	P	P	P	P	
Child and youth services	6561			P	P	P	P	P	P	
Child care institution (basic)	6562			P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	
Community food services	6563			P	P	P	P	P	P	
Emergency and relief services	6564			P	P	P	P	P	P	
Other family services	6565			P	P	P	P	P	P	
Services for elderly and disabled	6566			P	P	P	P	P	P	
Animal hospitals	6730			P	P	P	P	P	P	
School or university (privately owned)		4200		C	C	C	P	C	P	
Grade school (privately owned)		4210		P	P	P	P	P	P	
College or university facility (privately owned)		4220		C	C	C	C	C	P	
Technical, trade, and other specialty schools	6140	4230		C	C	C	C	C	P	
Library		4300		P	P	P	P	P	P	
Museum, exhibition, or similar facility	5200	4400		C	C	C	P	P	P	
Planetarium		4420		X	X	X	P	C	P	
Aquarium		4430		X	X	X	X	X	X	
Zoological parks		4450		X	X	X	X	X	X	
Public safety related facility			4500	P	P	P	P	P	P	
Fire and rescue station			4510	P	P	P	P	P	P	
Police station			4520	P	P	P	P	P	P	
Emergency operation center			4530	P	P	P	P	P	P	*
Correctional or rehabilitation facility			4600	X	X	X	X	X	P	*
Cemetery, monument, tombstone, or mausoleum			4700	C	C	C	C	C	P	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Funeral homes			4800	X	X	X	P	P	P	
Cremation facilities			4800	X	X	X	X	X	P	
Public administration		6200		X	X	X	P	P	P	
Post offices		6310		C	C	C	C	P	P	
Space research and technology		6330		X	X	X	C	P	P	*
Clubs or lodges				C	C	C	C	C	C	
Transportation-related facilities										
Commercial automobile parking lots		5200		X	X	X	C	C	X	
Commercial automobile parking garages				X	X	X	C	C	X	
Surface parking, open		5210		A	A	A	A	A	A	
Surface parking, covered		5220		A	A	A	A	A	A	
Underground parking structure with ramps		5240		X	X	X	C	X	A	
Rooftop parking facility		5250		X	X	X	X	X	A	
Bus terminal		3830		X	X	X	X	X	P	
Bus stop shelter		5300		P	P	P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	X	X	
Truck freight transportation facilities	4140			X	X	X	X	X	X	
Light rail transit lines and stops	4151			C	C	C	C	P	P	
Local rail transit storage and maintenance facilities	4153			X	X	X	X	X	X	
Taxi and limousine service maintenance and storage facilities	4155			X	X	X	C	X	X	
Taxi and limousine service dispatch facilities				X	X	X	C	C	X	
Bus transportation storage and maintenance facilities	4156			X	X	X	C	X	C	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	C	C	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	4170			X	X	X	X	X	X	
Courier and messenger service facilities	4190			X	X	X	C	C	X	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Commercial airports		5600		X	X	X	X	X	C	
Private airplane runways and landing strips		5610		X	X	X	X	X	X	
Airport maintenance and hangar facilities		5620		X	X	X	X	X	C	
Heliport facility		5640		X	X	X	X	X	C	
Helistops				X	X	X	X	X	C	
Glide port, stolport, ultralight airplane, or balloon port facility		5650		X	X	X	X	X	C	
Railroad tracks, spurs, and sidings				P	P	P	P	X	P	
Railroad switching, maintenance, and storage facility		5700		X	X	X	X	X	C	
Railroad passenger station		5701		C	C	X	C	X	C	
Railroad freight facility		5702		X	X	X	X	X	X	
Utility										
Local distribution facilities for water, natural gas, and electric power		6100		P	P	P	P	A	P	
Telecommunications lines				P	P	P	P	P	P	
Electric power substations				C	C	C	C	C	C	
High-voltage electric power transmission lines				X	X	X	X	X	C	
Dam		6220		C	C	C	C	X	C	
Livestock watering tank or impoundment				P	P	P	P	A	P	
Levee		6230		C	C	C	C	A	C	
Water tank (elevated, at grade, or underground)		6250		P	P	P	P	P	P	
Water wells, well fields, and bulk water transmission pipelines		6260		P	P	P	P	A	P	
Water treatment and purification facility		6270		P	P	P	P	X	P	
Water reservoir		6280		C	C	C	C	X	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	P	A	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		P	P	P	P	A	P	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Solid waste landfill facility	4345	6320		X	X	X	X	X	C	
Composting facility		6330		C	C	X	C	C	X	
Recycling transfer center		6331		C	C	C	C	P	P	
Solid waste collection transfer station (Governmental)	4343		3210	C	C	C	C	C	P	
Solid waste collection transfer station (Private)	4343		3210	X	X	X	X	X	C	
Solid waste combustor or incinerator	4344			X	X	X	X	X	X	
Septic tank service, repair, and installation business	4346			C	C	X	C	C	X	
Household hazardous waste collection facility				X	X	X	C	X	X	
Hazardous waste storage facility		6340		X	X	X	X	X	X	
Hazardous waste treatment and disposal facility				X	X	X	X	X	X	
Sewage treatment plant and disposal facilities		6350		C	C	C	C	X	C	
Gas or electric power generation facility		6400		X	X	X	X	X	DCI	
New Wireless Communication Facilities/Modification of existing wireless communication facility with substantial changes		6500		C	X	X	X	X	C	
Modification of existing wireless communication facility with no substantial changes/Collocation		6500		P	P	P	P	P	P	
Roof Mounted/Surface Mounted/Stealth		6500		P	C	C	C	P	P	
Amateur radio antenna		6510		X	X	X	C	A	P	
Weather stations		6520		C	X	X	C	A	P	
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	P	A	P	
Commercial solar energy production facility				C	C	C	C	C	X	
Geothermal production facility		6450		X	X	X	X	X	X	
Large scale wind facility				X	X	X	X	X	X	Sec.10.16
Highway rest stops and welcome centers		6930		C	C	C	C	C	P	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		A	A	A	C	C	P	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Agriculture, forestry, and conservation/open space										
Grain silos and other storage structure for grains and agricultural products		8100		A	A	A	P	X	C	
Animal production that includes slaughter	9300			C	C	X	X	X	X	
Livestock pens or hog houses		8200		C	C	C	C	C	C	
Commercial greenhouses		8500		P	P	P	P	P	P	
Nurseries and other growing of ornamental plants				P	P	P	P	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.		8240		P	P	P	P	P	P	
Stables and other equine-related facilities - Commercial over 12 horses				P	C	C	C	C	C	
Kennels and commercial dog breeding facilities		8700		C	C	C	C	C	P	
Apiary and other related structures		8700		P	P	P	P	P	P	
Crop production outdoor	9100			P	P	P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	P	P	
Display or sale of agricultural products raised on the same premises				P	P	P	P	P	P	
Forestry and logging operations	9300			C	C	C	C	X	P	
Game preserves and retreats	9400			X	X	X	X	X	P	
Support business and operations for agriculture and forestry				C	C	C	P	P	P	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	P	P	
Concentrated animal feeding operation		8310		X	X	X	X	X	X	Ch. 11
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	P	P	P	
Dairy farms		8210		C	C	C	C	X	X	
Other farm and farming-related structures		8900		P	P	P	P	P	P	
Poultry farms and poultry production facilities		8220		C	C	C	C	X	X	

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Sheds, or other agricultural facilities		8000		A	A	A	A	A	A	
Animal waste lagoons		8420		X	X	X	X	X	X	Ch. 11
Mining and extraction establishments										
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Sand and gravel Mining				C	C	X	X	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

*** Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.**