

SANTA FE COUNTY

Ordinance No. 2007 - 0

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 11, SAN MARCOS ZONING DISTRICT (SMD)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, IS AMENDED TO ADD A NEW SECTION 11 AS FOLLOWS:

Sec. 11. SAN MARCOS ZONING DISTRICT (SMD)

Applicability

This Ordinance applies in conjunction with the Land Development Code within the territory identified in Section 11.2 herein. In the event of a conflict between this Ordinance and other provisions of the Code, this Ordinance shall take precedence.

This Ordinance shall apply to existing approved master plans, applications for approval of master plans, preliminary development plans and preliminary plats.

The more detailed recommendations of County Resolution 2003-83, the San Marcos Contemporary Community/Rural District (SMD Plan), shall be considered in the review and approval of all development in the SMD.

Zoning District Maps

Location of Zoning District Boundaries

The SMD consists of all property within the area shown on the San Marcos Zoning District Map attached hereto as Exhibit A and written description attached hereto as Exhibit B.

Open Space and Trails Map

The SMD Open Space and Trails Map attached hereto as Exhibit C is hereby adopted and incorporated into this section. The roads and trails network shown on Exhibit C shall be used as a guide for the establishment of roads and trails in SMD.

Purpose

The SMD is intended to implement the purposes, intent, planned land use goals and strategies of the San Marcos Community District Plan, Resolution 2006-148, adopted and approved by the Board of County Commissioners on September 14, 2006.

SMD Subdistricts Established

The following SMD subdistricts are hereby established and approved for use in the SMD:

San Marcos Contemporary Zoning Subdistricts
Neighborhood
Rural
Homestead
Mixed Use
Institutional Use
Scenic Byway Overlay

SMD District Use Table

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Principal Uses

Commentary: Principal uses are the dominant uses allowed on a lot in a subdistrict and define the character of the zone. Accessory uses are uses or structures customarily associated with a principal use and are incidental and subsidiary to principal uses on a lot. For example, residences are a principal use in the Rural Subdistrict; accessory uses with a residence might be a home occupation, the keeping of animals for personal use, small scale agricultural uses or a guest house.

P Permitted Uses

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code.

C Conditional Uses

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the San Marcos LDRC, in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

S Special Uses

An "S" indicates that a use is allowed only if a Development Plan and Master Plan are reviewed and approved by the CDRC and Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

Uses Not Allowed

A blank cell (one without a "P", "C" or "S") indicates that a use type is not allowed in the subdistrict.

Uses Not Listed

Uses not listed may be allowed in accordance with the provisions of Article III, Section 4.3.4.

Use Categories

(Section Reserved)

Accessory Uses

Accessory uses are subject to all applicable provisions of the Code and Section 9.8, Supplemental Use Regulations.

Temporary Uses

Temporary uses are subject to all applicable provisions of the Code.

Commentary: The Use Table, below, is organized into 5 major use categories: Institutional Use, Mixed use, Neighborhood Use, Rural, and Homestead Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

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		SMD						
Use Categories	Specific Uses	Institutional	Mixed Use	Neighborhood	Rural	Homestead	Use Standards	
Residential Use Categories								
Household Living	All household living not listed below							
	Single-family dwellings, and manufactured homes		C	P	P	P		
	Two-family dwellings (duplexes)		C					
	Multi-family dwellings		C					
	Manufactured home communities and subdivisions							
	Mobile homes		P	P	P	P		
	Upper floor residential		C					
Group Living	All group living not listed below							
	Community residential homes (6 or fewer residents)		P	P	P	P		
	Community residential homes (7-14 residents)		P	P	P	C		
	Community residential homes (>14 residents)		P	P	P	C		
	Family compounds							
Public, Civic, and Institutional Use Categories								
Place of Worship	All places of worship	S	S					
Day Care	All day care not listed below							
	Day care (13 or more adults or children)	S		C	C	C		
Community Service	All community service not listed below							
	Community and Senior Centers	C						
	Libraries	C						
	Museums	C						
	Philanthropic institutions							
Educational Facilities	All educational facilities not listed below							
	Elementary schools	S						
	Middle or high schools	S						
	Colleges or universities							
	Business and vocational schools							
Government	All government facilities not							

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Use Categories	Specific Uses	Institutional	Mixed Use	Neighborhood	Rural	Homestead	Use Standards	
Facilities	listed below							
	Emergency services	S						
	Jail or prison							
Parks and Open Spaces	All parks and open space not listed below							
	Cemeteries, columbaria, mausoleums, memorial parks							
	Public parks and Trails	C	C	C	C	C		
Passenger Terminal	All passenger terminals not listed below							
	Airports							
	Airports or heliports, private							
Social Service Institutions	All social service institutions							
Utilities	Utilities not listed below							
	Major utilities							
	Minor utilities							
	Telecommunications facilities	S	S	S	S	S		
Retail, Service and Commercial Use Categories								
Entertainment Events, Major	All major entertainment events, not listed below							
	Fairgrounds							
Medical Services	All medical services not listed below							
	Hospitals							
	Medical and dental offices/clinics		C					
	Emergency medical offices		C					
Office	All offices not listed below							
	Offices (<5,000 square feet)		C					
	Offices (>5,000 to 50,000 square feet)							
	Office uses (>50,000 square feet)							
Parking, Commercial	All commercial parking lots and garages							
Transient Accommodations	All transient accommodations not listed below							
	Inns and bed and breakfasts (<7 units)			S	S	S		
	Inns and bed and breakfasts (7-12 units)				S	S		

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Use Categories	Specific Uses	Institutional	Mixed Use	Neighborhood	Rural	Homestead	Use Standards	
			Hotels and motels (>12 units)					
	Resorts (with or without conference centers)				S	S		
Indoor Recreation	All indoor recreation not listed below							
	Adult entertainment							
	Convention or conference center							
	Private clubs and lodges (not-for-profit)							
	Entertainment and recreation, indoor							
Outdoor Recreation	All outdoor recreation not listed below							
	Recreational uses, outdoor							
	Community arenas				C	C		
	Outfitter and guide services		C					
	Racetracks, animal							
	Racetracks, motorized							
	Recreational vehicle park/campground							
	Riding academies and public stables				S	S		
Restaurants and Bars	All restaurants and bars not listed below							
	Restaurants		C					
	Restaurant, serving beer, wine, or liquor		C					
	Taverns and bars							
Retail Sales and Service	All indoor retail sales and services not listed below		C					
	Convenience stores		C					
	Exercise or dance studios		C					
	Farmers Markets	C	C					
	Gasoline and fuel sales		C					
	Liquor stores							
	Outdoor markets							
	Personal service establishments		C					
	Retail establishments, indoor <5,000sf		C					
	Retail establishments, indoor >5,000sf to 50,000sf							

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Use Categories	Specific Uses	Institutional	Mixed Use	Neighborhood	Rural	Homestead	Use Standards	
	Retail establishments, indoor >50,000							
	Vehicle parts and accessories							
	Video and DVD rental		C					
Vehicle Sales and Service	Vehicle sales and service not listed below							
	Vehicle service, general		C					
	Vehicle service, intensive							
	Vehicle sales and leasing							
Storage	Storage not listed below							
	Mini-storage units							
Home Occupations and Business Uses								
Home Businesses and Occupations			P	P	P	P		
All Home Business			C					

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Use Categories	Specific Uses	Institutional	Mixed Use	Neighborhood	Rural	Homestead	Use Standards	
Industrial Use Categories								
Industrial Sales & Service	Industrial sales & service not listed below							
	Manufactured home sales & service							
	Plumbing & electrical contractors							
	Woodworking, including cabinet makers & furniture							
Warehouse & Freight Movement	Warehouse & freight movement not listed below							
	Transport & Shipping							
	Truck stops							
	Outdoor storage yards							
Waste related Services	Waste related services not listed below							
	Landfills							
	Recycling facilities							
Wholesale Trade	Wholesale trade not listed below							
	Equipment rental							
	Mail-order houses							
Heavy Industrial	All heavy industrial							
Resource Extraction	All resource extraction not listed below							
	Mining & extractive uses							
	Sand & gravel operations							
Open Use Categories								
Agriculture	All Agriculture not listed below							
	Agriculture, grazing & ranching				C	P		
	Ag-related supplies & equipment		C					
	Animal boarding, kennels, shelters			S	S	S		
	Commercial Animal Raising				S	S		
	Private animal keeping & raising			P	P	P		
	Greenhouses & plant nurseries				S	S		
	Veterinary clinics (large animals)		C		S	S		
	Veterinary clinics (Small animals)		C					
		Feed lots						

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Density and Dimensional Standards

The following table establishes the dimensional standards that apply in the SMD. Measurements and exceptions to the standards of this schedule are listed in the table notes.

Commentary: The density and dimensional standards set forth in this section are not a “guarantee” that stated development density and intensities can be attained. Other factors—water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few—may have the effect of limiting development intensity more than the stated standards. If, for example, adequate water is not available, Article VII, Section 6, Water Supply, will dictate lot sizes that exceed those of the zoning district. The inability to attain maximum development intensities shall not serve as justification for adjusting other standards. See also Section 11.7, Supplemental Use Regulations and Section 11.9, District Standards.

SMD																
Sub districts	Minimum Lot Area/Principal Use (acres) (1)							Max. Coverage (%)	Max. Height (ft)			Min. Setbacks (ft) (3)				
	Base Density/Intensity		Water Cons.	Long Term Water	Community Services				Residential Uses	Non-residential Uses	Residential Uses		Non Res Uses	Front & Street Side	Interior Side	Rear
	Res Uses	Non Res Uses			Water	Sewer	Both W&S				SF	MF				
Neighborhood Density (2)	5	5	5	5						24	24	24				
Rural Density	15	15	15	15						24	24	24				
Homestead Density	40	40	40	40						24	24	24				
Mixed Use										24	24	24				
Institutional use										24	24	24				

Notes:
 (1) Minimum lot area may not be reduced by employing water conservation measures and reducing water use nor by proving the existence of any amount of water
 (2) Lot size may be reduced to 3 acre minimum for family transfers. (See 11.8 F)
 (3) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement. Special setbacks apply in the Scenic Byway Overlay District (See 11.9)

11.7 Supplemental Use Regulations

Preservation of Community Character

The following standards shall apply to all new development in the SMD:

1. All future nonresidential development should be designed to address the needs of the local community. The location, intensity, and design of new development shall respect existing neighborhood character, natural environmental conditions and carrying capacities, scenic resources, views, and resources of other social, cultural, or recreational concern.

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2. Development must preserve distinctive natural features such as vistas, arroyos, significant rock outcroppings, and large trees
3. Native vegetation shall be preserved and local native plants used for landscape buffers and screening.
4. Residential roads and driveways shall follow the natural terrain without creating large cut and fill areas; roads shall be designed with natural edges, using shoulders, ditches and grassy swales rather than curb and gutter.
5. Non-residential Building Setbacks from Residential Neighbors:
6. Building and parking areas shall be set back 50 feet from the property line of existing residential properties.
7. The building and parking setback may be reduced to 25 feet if buffered by a 6 foot perimeter stucco, site wall or solid wood fence, or a combination of landscape berm (minimum 3 feet, 3:1 maximum side slopes) and wall or fence. Berms shall be naturalistic in style.

Accessory Uses and Structures

Any accessory use or structure normally and customarily associated with a principal use will be permitted subject to the same requirements associated with the principal use.

1. All accessory uses and structures must be incidental or subordinate to the principal use and structure on the lot. Accessory uses and structures may be attached or detached from the principal building.
2. Accessory uses and structures shall not be commercial, except for permitted home occupation or home business
3. Accessory uses and structures shall comply with applicable provisions of this Code, including lot coverage, height and setback regulations.
4. Accessory structures greater than 2,000 square feet shall only be allowed under a Conditional Use Permit.
5. Accessory structures shall use a shared driveway with and be served by utilities from the principal use.
6. Residential accessory uses include, but are not limited to, keeping and raising of animals for personal use, arts and crafts, recreational facilities for personal use and permitted home occupations.
7. Accessory structures include, but are not limited to, offices/art studios/workshops, garage or carports for storage of personal vehicles, utility or storage sheds, stables, barns, greenhouses, or guesthouses.

Guest Houses/Rentals

Any parcel with a primary dwelling on it may be permitted a guest house for purposes of private use or rental.

1. Guest houses shall not exceed one thousand square feet and may contain a kitchen or attached or unattached cooking facilities, and a bathtub or shower.
2. The guesthouse cannot be sold separately from the platted residential plot on which it is situated.
3. The parcel cannot be subdivided to accommodate the guesthouse (i.e. Condominiumized)
4. Water use of a guesthouse dwelling must be calculated together with the primary residence, both of which may not exceed .33 acre feet per year. Water use must be metered.
5. Multiple entry points (drive-way access) roads are not allowed.
6. A county permit is required for rental of a guesthouse use.
7. A development permit shall not be issued until a deed restriction is placed on the parcel that prohibits the further subdivision of lots.

Home Occupations

A home occupation shall be allowed as an accessory use to a residential dwelling and shall be permitted subject to compliance with the following standards:

1. Each home occupation must receive a Business License pursuant to the requirements of Ordinance 1992-Business Licenses.
2. The home occupation shall be clearly incidental and secondary to the principal use of the residence, and not more than 50 percent of the floor area of the dwelling or 1,500 square feet, whichever is less, shall be used in the conduct of the home occupation.

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3. All activities related to the home occupation shall be conducted entirely within the dwelling or within customary residential accessory structures.
4. Not more than 4 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation.
5. There shall be no outside storage of any kind related to the home occupation.
6. No equipment or process shall be used in the home occupation which significantly interferes with the existing use of adjacent property.
7. The home occupation shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
8. The occupation shall not create a traffic or parking problem.
9. The occupation shall not involve, intensive vehicle service (auto repair, body shops, etc.) the storage of construction equipment (vehicles with three or more axles), or retail sales, other than products, art work, and handicrafts that are produced on the premises.
10. Home Occupations shall have a maximum of one sign advertising home occupation use in accordance with the requirements of Article VIII of the Code. Signs (more specifically, see Sec. 7.13 Sign area in residential areas).
11. There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation.
12. On-Site parking shall be required for employees, customers, and clients of the home occupation, in addition to the parking otherwise required by Article III, Section 9 of the Code.

Family Transfers

Family Transfers shall comply with Zoning District minimum lot sizes; with the exception of Family Transfers within the Neighborhood Zone District which allows lots no less than 3 acres.

Nonconforming Uses

Nonconforming legal uses and lots shall comply with the requirements of Article II, Section 4 or Article III, Section 4.2.4 of the Code, as applicable. Nonconforming legal uses which have previously been expanded under the Code shall not be allowed further expansion.

11.8 Scenic Byway Overlay Zone Setbacks

Setbacks from State Route 14 (Scenic Byway) within the SMD shall be 200 feet for all development within the zone, except that there shall be only a 100 foot set back within any Mixed Use Zone.

11.9 District Standards

Open Space

1. Protection of Arroyo Corridors
 - a. Development shall be set back a minimum of 50 feet from the natural edge of all major arroyos. A minimum 25 foot set back is required from the natural edge of other streams, waterways, or drainage ways that convey a discharge (Q) of 100 cubic feet per second (100 cfs) or more, generated by a design storm (100-year recurrence, 24 hour duration). The required setback will increase if the Administrator determines that a clear hazard exists pursuant to the procedures set forth in Article VII, Environmental Requirements.
 - b. Trails and outdoor recreational uses, but not buildings, are allowed within arroyos and arroyos setback areas;
 - c. Bridges, gardens, acequias, detention ponds and other erosion control facilities, access and utility corridors are allowed within setback areas; and
 - d. Exceptions to these setback standards will be approved by the SMDRC pursuant to standard engineering practice and alternative stormwater management practices.
2. Open Space Required for Subdivisions or Land Divisions
 - a. Any proposed subdivision or land division shall preserve no less than thirty percent (30%) of the entire tract as permanent open space.

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- b. The following property may be considered open space for the purpose of meeting the 30% requirement:
 - (1) Major arroyos or other open space mapped on the SMD District Zoning Map;
 - (2) Common or Public Parks and Plazas;
 - (3) Trails allowing public access and connecting the Santa Fe County Trail system
 - (4) Public Trailheads;
 - (5) Archeological easements;
 - (6) Setbacks required by the Scenic Byway Standards; and
 - (7) Private open space if it is physically contiguous or separated only by road or trail features from adjacent open space and meets the open space standards set forth in subparagraph 3 below.
- c. The applicable density for the entire tract shall be transferred to that portion of the tract designated for development.
- d. The permanent open space shall 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
- e. The permanent open space shall be covenanted and restricted from further development, except where due to terrain or soil constraints, easements to accommodate liquid waste disposal or drainage are created in the open space.
- f. Dedicated open space lands, whether public or private, may not be enclosed by fences, walls or other structures except for wire or other open fencing.

3. Open Space Standards

- a. Open space shall be designed in a manner that creates contiguous or continuous natural areas rather than scattered locations within a development.
- b. Where applicable, open space must be integrated into the trail system within the SMD.
- c. Open space 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.
- d. Open space dedications shall be used to preserve distinctive natural features such as vistas, arroyos, significant rock outcroppings, large trees, and identified wildlife corridors.
- e. Native vegetation shall be preserved within open space areas. Orchards and other small scale agricultural uses are permitted within open space areas. Invasive species and noxious weeds shall be removed to preserve native species.
- f. Perimeter setbacks on properties may not be used as open space unless the area meets the standards set forth at Section A 2, Open Space Required, or a buffer is needed for adjacent properties.

Trails

- 1. Trail access for pedestrians, bicyclists and equestrians shall be separated or provided by parallel trails as long as there is equivalent connectivity in the network for all users.
- 2. 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.
- 3. 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 from the edge of the roadway by a minimum 4' wide landscaped area
- 4. The County and the community shall work with existing developments and property owners to provide trails and connections.
- 5. New development shall not block access to the trail system shown on the Roads and Trails Map. Wherever possible, access to the trail system shall be accomplished by providing off-road facilities.

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Trail Categories

District Trails:

1. District Trails are major components of the County-wide trail system functioning in the SMD as a district-wide connective trail system. The District trails in the SMD tend to follow arterial road corridors and the major arroyos that traverse the SMD. These non-motorized trails provide alternative transportation routes and connections to Local Trails and are best located off-road in natural settings away from conflicting automotive traffic.
2. The District Trails are shown on the SMD Roads and Trails Map and/or the County Open Lands and Trails Plan. District Trails shall be designed as a shared-use facility for pedestrian, bicycle and equestrian uses. Where necessary to promote the safety of all users, the multiple uses of District Trails shall be divided between separate trails. Bicycle access may be provided both on and off-road.
3. Master Plans, development plans, and plats shall show District Trails in the approximate locations shown on the Roads and Trails Map or, where off-road trails are substituted, in an approved location that provides equal system connectivity and promotes the safety of all users.

Local Trails:

1. Local Trails are the secondary trails connecting SMD neighborhoods and subdivisions to the District Trail network. They shall be identified at Master Plan or Preliminary Development Plan and plat submittal.
2. Where feasible, Local Trails shall be designed as shared-use facilities for pedestrian, bicycle and equestrian uses. At a minimum, Local Trails shall be designed for pedestrian and bicycle use. Where necessary to promote the safety of all users, the multiple uses of Local Trails shall be divided between separate trails.
3. Local Trails shall be required through new development to ensure access to the District Trails for older neighborhoods. Sidewalks required on streets qualify as part of the local trail system within a New Village or cluster development.

Equestrian Trails:

Equestrian trails are an integral part of the District and Local trail system. Equestrian-only trails are encouraged to be provided for the safety and enjoyment of all users. They shall be identified in the Master Plan or Preliminary Development Plan submittal. Equestrian trails shall separate from bicycle trail uses. Pedestrian and equestrian uses may be combined within a single easement if sufficient tread width and user separation is provided.

Trail Location Standards

Arroyos, Floodplains and Natural Areas

1. Special conditions will 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.
2. Trails may be located in preserved natural areas based on a case-by-case review.
3. Where feasible trail corridors shall be located on, or along, existing traditionally used trails within the SMD.

Easements and Rights-of-Way

1. Trails shall be located on public lands, in public rights-of-way, or within dedicated easements.
2. 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.
3. Santa Fe County shall be granted public trail easements for development-required trails that are components of the public trail system.
4. If possible, off-road trails and paths shall be located in utility corridors or other existing, publicly dedicated routes.
5. Equestrian trails may be built within public rights of way on local roads currently developed to rural standards.

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Roads and Access Management

1. Roads in new developments shall adhere to Santa Fe County Road Standards using the lowest possible road classification (least predicted traffic volume) as the basis of design standards. Where more than one classification could be applied, the classification and structural design standard resulting in the narrowest roadway and least site disturbance shall be used. For roads serving less than five residences, single lanes with pullouts and gravel surfacing shall be used.
2. No paving for any purpose shall be allowed without full storm water infiltration and permanent soil stabilization conforming to the most current requirements of the National Pollutant Discharge Elimination System (NPDES). NPDES Standards shall take precedence over current County practice unless the latter are more stringent, and shall apply to all paving projects regardless of acreage.
3. Context Sensitive Solutions, including traffic-calming designs, shall be applied in the construction of all new roads. The AASHTO Roadside Design Guide, chapter 10, concerning restricted environments, will be adhered to when applicable.
4. The maximum width of roads shall be two lanes for access and internal circulation except where turning lanes, acceleration and deceleration lanes are required.
5. New developments shall not be approved unless they provide at least two connections to public roads suitable for fire emergency egress.

Water and Waste Water

New subdivision development

1. Applicants shall design, engineer and construct any water system in conformance to standards from the County Growth Management Dept.
2. Applicants shall design, engineer and construct any sewer systems to standards from the County Open Space Division and Growth Management Dept. All new septic tanks shall meet or exceed existing New Mexico Environmental Department (NMED) and County standards and be equipped with an above ground access port.
3. All residential lots platted subsequent to the adoption of the SMD Community Plan shall limit water use to a maximum of .25 acre feet per year.
4. Clustering is encouraged to limit long term maintenance costs of water and sewer systems.
5. New buildings shall 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 NMED Liquid Waste or Ground Water Quality Bureau permits are required when a grey water system is installed.

Utilities

All new utilities shall be installed underground wherever possible.

Landscaping

1. Applicants must preserve native species and topography in setback areas and other undeveloped areas on lots.
2. Applicants must plant only drought tolerant species, fruit trees and small ornamental trees and shrubs outside of protected courtyards. Developers are prohibited from introducing plants that might invade and replace native species as per Office of the Director/Secretary. 1998. New Mexico noxious weed list (20 October 2003). New Mexico Department of Agriculture.

Outdoor Lighting

All outdoor lighting, including sign lighting, shall be fully shielded and directed down and otherwise in accordance with the requirements of Article III, Section 4.4.4 Outdoor Lighting. In addition:

1. Intensity
 - a. 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.

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- b. Overall lighting levels shall not exceed 0.5 average horizontal foot-candles, the maximum levels set forth in residential lighting guidelines of the IESNA (Illuminating Engineering Society of North America) Lighting Handbook, ninth edition, and as amended, in particular Chapter 21, Exterior Lighting and Chapter 22, Roadway Lighting.
 - c. Individual streetlights and parking area lights shall be sodium vapor and shall not exceed 250 watts. Lights that are used to minimize glare and blind spots along streets shall not exceed 150 watts unless they are located at a major intersection.
 - d. Illumination levels and uniformity shall in no case exceed the current recommended practices of the Illuminating Engineering Society.
2. **Heights**
Street lights shall not exceed 24 feet in height. Other outdoor lights shall not exceed 17 feet in height or the height of the lowest adjacent building, whichever is less. Lights illuminating landscaping or art shall not exceed 4 feet in height.
 3. **Prohibited Lighting**
Neon, flashing, traveling, intermittent, spot, and architectural lights are prohibited.
 4. **Lighting for Outdoor Art and Landscaping**
Low-intensity lighting is allowed for illuminating outdoor landscaping.
 5. **Light Trespass**
Light trespass is defined as the shining of light produced by a light fixture beyond the horizontal boundaries of the property on which it is located and vertically above the property. For all types of uses, light level shall be no greater than one-half (1/2) of a foot-candle at the property line.
 6. **Scenic Byway Lighting Plan**
Where property is located within the Scenic Byway Overlay, the applicant shall submit and obtain approval for a lighting plan either as part of the Site Plan or as a requirement of building permit submittal.

Signs

The following standards shall not apply to Master Plans approved prior to the adoption of this Ordinance (, 2007).

Residential Uses

1. Residential uses shall be allowed one identification sign of a maximum size of one square foot. This shall include any identification of a home occupation.
2. **Subdivision and Development Identification Signs**
Signs announcing entry to subdivisions or other development shall comply with the following provisions:
3. Signs identifying a residential subdivision shall be located within the subdivision at external street entrances to the subdivision, not to exceed 2 such signs.
4. Signs identifying another type of 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 external street entrances to the development, not to exceed 2 such signs.
5. Signs shall be monument-supported signs. Monuments supporting the signs shall not exceed 30 square feet and 5 feet in height.
6. The sign face or letters shall not exceed 20 square feet.
7. All signs shall be set back a minimum of 5 feet from property lines.

Non-residential Uses

In addition to development identification signs described above, individual non-residential uses within a multi-use or multi-business project may identify the business or use with signs meeting the following provisions:

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1. Each business or use is allowed signs equal to 1 square foot per linear foot of storefront, not to exceed a total of 20 square feet. Signs may be monument, canopy or wall signs.
2. Mixed use development projects shall submit a sign plan to establish guidelines and placement requirements to unify the variety of signs associated with a master planned community: entry monuments, directional signs, and building mounted and canopy signs for mixed use areas.

Prohibited Signs

The following signs are prohibited:

- Off-site business or civic advertising signs.
- Pole mounted signs.
- Roof signs.
- Internally lit signs.
- Neon signs.
- Signs higher than 80% of the height of the highest building on the lot or project.

J. Nuisance Standards

All property in all zone districts shall be used so as to avoid creating any dangerous, injurious, noxious or conditions that would adversely impact residents, employees, or visitors on the property itself or on adjacent properties.

1. Noise
All activities shall be conducted so that the level and pattern of noise does not constitute a nuisance to the public. No activity shall be conducted at a level that exceeds the following maximum permissible noise levels:

Maximum Allowable Ambient Noise Exposure for Various Land Uses

Land Use Suggested Maximum Ldn

- Residential - Low Density 60
- Residential - High Density 65
- Transient Lodging 65
- Schools, Libraries 70
- Auditoriums 70
- Playgrounds, Parks 70
- Commercial 70

Note: Ldn = day-night average sound level.

Any activity which exceeds the maximum allowable ambient noise level shall be deemed a public nuisance and shall constitute a violation of this ordinance:

Extractive Industries

2. Odor Emissions
No activity or development shall cause or allow the emission of any odorous air contaminant that is a hazard or exceeds applicable federal or state regulations. The measurement of the threshold odor shall be in accordance with the American Society for Testing Materials Method D1391-57 "Standards Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing Materials, 1957). Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
3. Air Quality
Land uses shall not create or constitute a source of air pollution prohibited under applicable federal, state or County regulations.
4. Hazardous Materials
All applicable federal, state, and local statutes, rules, regulations, and ordinances (including,

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without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the New Mexico Department of Public Health and Environment, the National Institute of Health, or the U.S. Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, or solid wastes (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced above).

5. Materials and Waste Handling

All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened.

6. Screening of Outdoor Storage, Loading and Service Areas

Service areas, loading areas, outdoor storage areas, and trash receptacles for other than single-family houses shall be screened with buildings, walls, berms, vegetation, or existing terrain. The screening for loading areas and outdoor storage areas shall be a minimum of 6 feet in height and a maximum of 8 feet in height. All screening shall provide protection of the enclosed area from animals and wind.

Mixed Use District

Applicability

Boundaries of a Mixed Use District are shown on the SMD Zoning District Map. Properties within this area are eligible for but have no absolute right to be rezoned.

Mix of Uses

1. Commercial Uses and Home Businesses are allowed within the Mixed Use Zone set forth on the District Map. Also allowed are residential and institutional land uses as defined in the performance Use Table of this Ordinance. Home occupation is allowed throughout the District.

Mixed Use Performance Standards

All but single family residential development in the Mixed Use Zones shall comply with the following standards:

1. Maximum size of each detached structure shall be 5,000 square feet.
2. The architectural style of all structures shall be complimentary to that of other structures in the area and regional architectural styles.
3. Exhibit a unity of design for buildings within multi-building complexes through the use of similar elements such as rooflines, materials, window arrangements, sign location, and details.
4. Incorporate, within all walls over 100 feet in length, at least 4 recesses, off-sets, angular forms, and other features consistent with SMD.
5. Utilize tones and non-reflective materials on all structures, including roofs, to minimize contrast and blend with surrounding natural landscape without calling undue attention to the development.
6. All mixed use development will conform to county lighting requirements and no "all night" lighting shall be permitted.
7. All mixed use development shall be master planned.
8. A neighborhood impact plan study must be submitted to the District SMLDRC for review.
9. All roads in developments must meet current Santa Fe County Road Standards and must be completed before the construction of buildings.
10. Where development is dependant upon ground water sources, such development shall only be approved if the applicant provides a site specific geo-hydrology report that demonstrates a 100 year water supply in accordance with Santa Fe County's water supply requirements. These

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- reports shall assess the impact of the new well on neighboring wells, streams, ponds, and springs.
11. Any development which will result in increased or new traffic via existing or new access must meet the requirements of the NMDOT.

Institutional

Boundaries of the Institutional District are shown on the SMD Zoning District Map. The Institutional zones in the San Marcos District define areas in which institutional development is appropriate. These uses are limited to present identified institutional uses. Any future institutional uses may be considered for a rezoning in accordance with County procedures.

Special Community Notice and Procedural Requirements

1. Notice of all development applications for land divisions, subdivisions, rezoning, non-residential use, including home occupation or home business, or other applications requiring committee review shall be posted prominently on all sides of the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application. A laminated copy of the Site Development Plan showing existing and proposed development shall be firmly attached to the poster. LDC Article II (2.3.1c)
2. The applicant shall mail notice to neighborhood organizations on the County's agenda list, and to all property owners within 500 feet (excluding rights-of-way) of the subject property. LDC Article II (2.4.2)

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PASSED, ADOPTED AND APPROVED this ____ day of _____, 2007, by the Santa Fe County Board of County Commissioners.

Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Stephen C. Ross, County Attorney

CERTIFICATE OF FILING

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2007 - _____, was filed in my office on the ____ day of _____, 2007, in Instrument No. _____.

SANTA FE COUNTY CLERK

VALERIE ESPINOZA