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SANTA FE COUNTY

Ordinance No. 2000 - 13

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE TO ADD A NEW SECTION 3, TESUQUE COMMUNITY ZONING DISTRICT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, IS AMENDED TO ADD A NEW SECTION 3 AS FOLLOWS:

Section 3 – TESUQUE COMMUNITY ZONING DISTRICT

3.1 Location of District and Boundaries

3.1.1 The Tesuque Community Zoning District consists of all lands lying within the Tesuque Traditional Historic Community boundary as designated by County Ordinance 1998 - 6, as depicted on Map RTZ 1, attached.

3.1.2 The following maps are hereby adopted and incorporated into this Section:

- a. Tesuque Community Zoning, Map RTZ 1
- b. Tesuque Scenic Corridor, Map RT 5

3.2 Intent of the Rio Tesuque Land Use Plan and Tesuque Community Zoning District

3.2.1 The standards and regulations set forth for this District are intended to implement the purposes, intent, planned land use goals and strategies of the Rio Tesuque Comprehensive Land Use Plan, Resolution 2000 - 165, adopted and approved by the Board of County Commissioners on December 12, 2000 pursuant to the Community Planning Process set forth in Article XIII of the Code. This Plan and the District standards may be amended from time to time.

3.2.2 Purpose and Intent

1 Village residents desire to maintain and preserve the rural character of the Rio Tesuque
2 community.

3 To preserve, protect and conserve the following natural resources: open space, greenbelts,
4 ground and surface water, wetlands, riparian areas, flora and fauna, and, particularly, the
5 Tesuque River and its watershed.

6 To preserve and protect and maintain the following cultural resources: acequia systems,
7 archeological sites, historic structures, historical agricultural elements, historic trails and
8 the traditions associated with each of the cultural groups composing its population.

9 To manage traffic on local roads in a manner that addresses both traffic quantity, impact
10 and noise levels and to consider pedestrian, equestrian, and bicyclist safety during all
11 traffic management decision making.

12 All development must occur in a manner that supports: the rural character of the village,
13 erosion control, open space preservation, natural resources conservation, "view-scape"
14 management, and regional watershed protection. Growth must be environmentally
15 sensitive and balanced with individual rights, collective community well being and the
16 ecological system that surrounds us.

17 All future commercial development should be designed to address the expressed needs of
18 the local community.

19 Land adjacent to the Historic Community boundaries and development efforts on
20 adjacent land have consequences for Tesuque and the Rio Tesuque watershed. The
21 community will monitor activities on neighboring land and form collaborative
22 partnerships with other groups concerned with managing the ecological relationship
23 shared by the watershed and the communities and land therein.

24 To establish and promote a formal process through which the residents of Tesuque may
25 fully participate in the planning and development review processes.

26 3.3 Performance Standards for Rural Character

27 3.3.1 The following standards shall apply to new development in Tesuque and shall be
28 interpreted in conformance with the Rio Tesuque Comprehensive Land Use Plan:

29 a. Open spaces set aside for density transfers or other easements for
30 protection of river, arroyos or trail corridors shall interconnect to such sites or
31 potential sites on adjacent properties, as practicable.

32 b. Density transfers shall be used to protect agricultural lands and acequias.

33 c. When density transfers or affordable housing result in higher site
34 densities, such clusters shall be designed to fit the land features and Tesuque
35 Village character, not in an urban grid pattern.

36 d. Developments shall design narrow roads and driveways that follow the
37 natural terrain without creating large cut and fill areas; roads shall be designed
38 with more natural edges, using shoulders, ditches and grassy swales rather than
39 curb and gutter.

40 e. Identified wildlife corridors shall be avoided.

41 f. Native vegetation shall be preserved on development sites and local
42 native plants used for landscape buffers and screening.

1 g. Preserving clean air and water are community priorities. The Code
2 Administrator shall be authorized to develop criteria and standards with respect
3 to air and water quality, including without limitation, determining the efficacy of
4 alternative liquid waste disposal systems and other ground water protection
5 practices.

6 h. Noise and lighting standards shall be strictly enforced. All outdoor lights
7 shall be shielded pursuant to the standards of Article III, Section 4.4.4 of the
8 Code.

9 i. Maximum lot coverage for development shall be twenty percent (20%),
10 calculated as follows:

11 i. Residential uses: Lot Coverage means the percentage of total lot area
12 which may be covered by the total roofed area of principal and accessory
13 structures.

14 ii. Non-residential uses. Lot Coverage means the percentage of total lot
15 area which may be covered by roof area of all structures and parking areas and
16 driveways.

17 iii. Whenever density transfers are used to create open space which is
18 protected in perpetuity by easement or other legal means, lot coverage shall be
19 calculated based on the total acreage of the project rather than for each individual
20 development lot and shall be apportioned to the density transfer lots by means of
21 building envelopes on the approved final plat.

22 j. Parking lots shall be located and constructed

- 23 • So that the view of commercial lots are effectively shielded from
24 residential neighboring lands; shielding may consist of a landscaped
25 buffer, wall or berm;
- 26 • to the side or rear of buildings unless the LDRC determines that
27 alternative siting more effectively protects the rural character of the
28 area;
- 29 • with gravel surfacing except as required to meet ADA standards.

30 3.4 Residential Uses

31 3.4.1 Traditional Village Zone

32 a. Minimum Lot Size is one (1) acre and only one dwelling unit shall be
33 permitted per acre.

34 b. Two dwelling units may be located on a lot of 1.5 acres or larger if advanced
35 liquid waste systems with backup vault holding tanks are installed to serve the
36 dwellings. Such systems must be designed by a New Mexico Professional
37 Engineer with experience in liquid waste system design. These systems must
38 treat effluent to tertiary standards prior to discharge. Disinfection and filtration
39 are required. The systems shall be designed so that the effluent's total nitrogen
40 shall not exceed 10 milligrams per liter, fecal coliform shall not exceed 100
41 colony forming units per 100 milliliters, and chemical oxygen demand shall not
42 exceed 25 milligrams per liter. (Constructed wetlands are prohibited.)

43 c. The minimum lot size shall not be adjusted down when community water and
44 sewer systems are provided except:

- 1) where density transfers are used to protect sensitive lands or preserve open space or agricultural lands and gross density is maintained; or
- 2) where affordable housing on community water and sewer systems and meeting County standards is provided.

3.4.2 Tesuque Basin Fringe Zone

a. Lot Size Requirements of Art. III, Section 10 for Basin Fringe Zone shall apply.

b. The minimum lot size shall not be adjusted down when community water and sewer systems are provided except:

- 1) where density transfers are used to protect sensitive lands or preserve open space or agricultural lands and gross density is maintained; or
- 2) where affordable housing on community water and sewer systems and meeting County standards is provided.

3.4.3 Family Transfers

Because local families are one of the great community resources of the Tesuque Traditional Historic Community, lots created by inheritance or family transfer are allowed and shall meet the requirements of Article II, Section 4 of the Code.

3.5 Commercial Uses

3.5.1 Lot Size

- a. Minimum Lot Size is $\frac{3}{4}$ acre
- b. Maximum Lot Size is 1.5 acres
- c. The Code Administrator shall determine whether a conventional liquid waste treatment system is adequate for a proposed commercial use and/or lot or whether the use of advanced liquid waste treatment is required. Commercial uses producing waste water of 2000 g.p.d. or more must hook up to a community sewer system.

3.5.2 Performance standards

Commercial uses must meet all Rural Character Performance Guidelines set forth in Section 3.3.1 above.

3.5.3 Resort uses shall be governed by Article III, Section 6, Large Scale Residential Uses.

3.5.4 The proposed location for neighborhood scale commercial activity at the village center is within a five hundred foot (500') radius from a point on CR 73 midway between the intersections of CR73/CR73A and CR73/Griego Road. See Map RTZ 1 Tesuque Community Zoning Map. The total area eligible for rezoning will be up to 20 acres maximum; the shape and extent will be based on boundaries of parcels which are zoned. Other locations for non-residential uses may be proposed as long as the standards of this Section 3.5 and Section 3.3 are met.

3.6 Home Occupations

3.6.1 Home occupations meeting the minimum standards of Article III, Section 3 of the Code are allowed within the Tesuque Community Zoning District.

- 1 3.6.2 Arts and crafts may be sold as part of a home occupation provided:
2 a. all products to be sold are manufactured on site by the resident; and
3 b. no more than two (2) employees other than the resident shall be regularly
4 engaged in work at the site of the home occupation.

5 3.7 Non-conforming Legal Uses

6 3.7.1 Non-conforming legal land uses and lots shall meet the standards of Article II of
7 this Code.

8 3.7.2. Non-conforming legal uses which have previously been expanded under the
9 County Land Development Code or the Santa Fe Extraterritorial Zoning Ordinance shall
10 not be allowed further expansion based on adoption of this Ordinance.

11 3.8 Terrain Management

12 The terrain management standards of Article VII, Environmental Requirements and site
13 planning standards of Article III shall apply except where alternative or more restrictive
14 standards are set forth below.

15 3.8.1 Protection of River corridors and acequias

16 a. Except as provided below, development shall be set back a minimum of fifty
17 feet (50') from the natural edge of the Little Tesuque and the Big Tesuque rivers.
18 A minimum of twenty-five feet (25') set back is required from the natural edge of
19 other streams, waterways, drainage ways or arroyos that may convey a discharge
20 ("Q") of one hundred cubic feet per second (100 cfs) or more, generated by a
21 design storm (100 year recurrence, 24 hour duration); the required setback may
22 be increased if the Code Administrator determines that a clear hazard exists
23 pursuant to the procedures set forth in Art. VII, Section 3.4.

24 1) Bridges, gardens, acequias, detention ponds and other erosion control
25 facilities, access and utility corridors are allowed within setback areas; trails
26 and outdoor recreational uses are allowed but not buildings; and

27 2) Exceptions to these setbacks may be approved by the Code Administrator
28 pursuant to standard engineering practice and alternative stormwater
29 management practices.

30 b. In order to protect the Little Tesuque and the Big Tesuque rivers from siltation
31 and contaminants from accessory uses, drainage from all land uses which may
32 discharge runoff containing high nitrogen content or other contaminants, such as
33 stables or kennels, shall be retained in ponds set back a minimum of twenty-five
34 feet (25') from the natural edge of the river or the FEMA designated 100 year
35 flood plain whichever is closer. Retention ponds shall be cleaned regularly to
36 maintain their planned capacity and are encouraged to be incorporated into
37 landscaping for the site.

38 c. Applications for development within twenty-five feet (25') of an acequia shall
39 be reviewed by the affected acequia association before any Development Permits
40 are issued.

41 3.8.2 Architectural and Appearance Standards

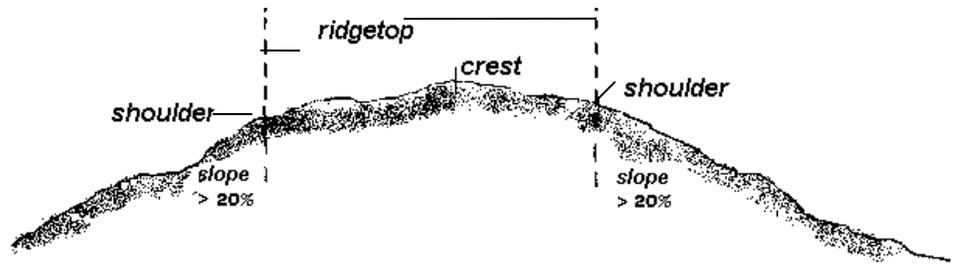
42 a. No Build and Buildable Areas

1 Except as set forth in this Tesuque Community Zoning District Ordinance,
2 No Build and Buildable Areas shall be determined according to the standards
3 of Article III and Article VII, Section 3.4 of the Code.

4 **b. Definitions**

5 1) Ridgetop - the uppermost elevations, between the shoulder and crest, of
6 any hill or ridge with a slope of twenty percent (20%) or greater. For
7 purposes of these regulations, a ridgetop means the area measured
8 horizontally from the shoulder across the crest to the parallel shoulder. A
9 ridge formation which does not contain a development site of at least twelve
10 hundred (1200) square feet will not be classed as part of the Buildable Area
11 for purposes of construction of a primary residential structure. See also
12 "Shoulder" defined below. Where a ridgetop measures more than three
13 hundred feet (300') from shoulder to shoulder (a mesa), the ridgetop
14 standards and requirements for architecture and buffers shall apply within
15 one hundred fifty feet (150') of the shoulder of the ridge.

16 2) Shoulder - the line where the profile of the upper slope of an elevation
17 (hill, ridge, mountain, escarpment, etc.) changes from 20% or greater slope to
18 less than 20% slope.



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22 c. These standards apply to all new buildings and additions to existing structures
23 which are located on development sites where any portion of land has a natural
24 slope prior to development of fifteen percent (15%) or greater and on ridgetops.
25 They are designed to assure that buildings, roads, driveways, utilities, and other
26 development blend into the natural landscape and conform to the existing natural
27 topography, vegetation, and soils characteristics of Tesuque. The natural form,
28 color, slope, and texture of the hills or mountains should be the dominant feature,
29 not the built environment.

30 1) Exterior walls, facades and roofs shall be darker shades of the natural
31 earth tones (dark tan, brown, or dark mauve) of the soils on the building site
32 and shall blend with predominant year round color of the natural foliage of
33 the native trees or other vegetation.

34 2) Roof colors and all wall and facade colors visible from adjacent
35 properties or from US 84/285, CR 73 and CR 73A shall be muted and of
36 non-reflective or non-glossy materials with a Light Reflective Value (LRV)
37 of less than forty (40) pursuant to manufacturers specifications. When such
38 data is unavailable, compliance will be determined by a comparison of
39 samples for which data is available.

1 3) For all new buildings and additions to existing structures which are
2 located on development sites where any portion of land has a natural slope
3 prior to development of fifteen percent (15%) or greater and on ridgetops,
4 window and door glazing shall be limited to no more than thirty percent
5 (30%) of a facade and shall be non-mirrored and the LRV shall be less than
6 twenty (20), except:

7 i. glazing shall be limited to no more than fifty percent (50%) under
8 portals eight feet (8') or deeper, or

9 ii. this subsection shall not apply to glazing on a south-facing facade
10 where incorporated into a documented, design solar heating application
11 equivalent to one for which the annual "Solar Saving Fraction (SSF)"
12 exceeds sixty percent (60%). See for example "Passive Solar Design
13 Handbook", Balcomb et al., DOE/Los Alamos National Laboratories, 1984.

14 d. Height on slopes and on Ridgetops

15 1) On ridgetops as defined in this Section, only one story buildings are
16 allowed and the height of any structure shall not exceed fourteen feet (14').
17 Chimneys may extend three feet (3') beyond the height limitation.

18 2) The height of any dwelling or residential accessory structure located on
19 land which has a natural slope of fifteen percent (15%) or greater shall not
20 exceed eighteen feet (18'). The vertical distance between the highest point of
21 a building and the lowest point of a building at natural grade or finished cut
22 grade, whichever is lower, shall not exceed thirty feet (30'). The Code
23 Administrator may waive this requirement if the portion of the structure
24 located on land over 15 % slope is incidental to the entire site.

25 e. Landscaping

26 1). Indigenous evergreen trees at least five feet (5') tall and approximating
27 the original density and type existing on the site prior to disturbance shall be
28 used for screening and buffering of structures and cuts and fills, where
29 required, in order to maintain year round screening.

30 2). Cut slopes with a slope or retaining wall closer than six feet (6') from the
31 edge of a road or driveway, where the planting area for trees is limited, may
32 be screened with a trellis supporting planted vegetation or some other similar
33 means which creates a natural screened effect.

34 3.8.3. Administrative approval

35 The Code Administrator may approve siting or design of a structure which minimally
36 deviates from strict compliance with terrain management standards or architectural and
37 appearance standards upon a finding that the proposed deviation results in a decrease of
38 the visual or environmental impact of the development or reduces site grading. In making
39 this finding, the Administrator shall consider existing topography, effects on native
40 vegetation, soils and erosion potential, location of infrastructure, proposed site
41 improvements and other proposed changes that would protect the public interest and
42 further the intent of terrain management or architectural and appearance standards.

43 *Examples of such instances include 1) stepped construction with greater overall height in*
44 *order to diminish visual impact and/or the impact of excavation or erosion that might*
45 *result from strict adherence to the standards and 2) construction of a building with*

1 greater overall height on the non-visible side of a ridge in order to avoid building on the
2 ridgetop or another more visible area of the lot.

3 3.9 Signs

4 a. Pole mounted signs are not allowed; wall and pedestal signs with a maximum
5 size of six (6) square feet are allowed for non-residential uses. Home occupations
6 are allowed one sign of one (1) square foot.

7 b. Internally lit signs are not allowed; external lights shall be shielded so that the
8 light source is not visible.

9 3.10 Scenic Corridor

10 3.10.1 A Scenic Corridor adjacent to US 84/285 is designated as depicted on Map RT 5.

11 3.10.2 Development in the Scenic Corridor shall conform to the standards of the Santa
12 Fe Metro Area Highway Corridor for the Scenic Corridor Area except where the
13 requirements of this Section 3 are more restrictive. *(Insert correct reference when a*
14 *Highway Corridor ordinance is approved).*

15 a. A noise impact setback of 300 feet is required. Applicants may perform
16 on site noise analysis to determine a specific setback, which may be less than 300
17 feet, as long as buildings and building sites can be located outside of 65Leq dBA
18 or weighted equivalent noise levels measured in decibels, projected for 2020.

19 b. Berms and landscaping may be used to mitigate noise levels; sound
20 walls, i.e., a wall or walls erected at the edge of the property along the highway
21 right-of-way in order to deflect noise, are not allowed.

22 3.11 Roads and Traffic

23 3.11.1 Bus and Truck Restrictions

24 Bishop's Lodge Road (CR 73A) north of the Bishop's Lodge property is a historic
25 roadway following closely the original wagon road in width and alignment. It is very
26 narrow, with sharp curves and limited sight distance for cars entering from side roads and
27 driveways. The section of the road between Shidoni on the north and Bishop's Lodge on
28 the south is less than two standard lanes wide and without center line striping. Through
29 traffic by commercial motor carrier vehicles (12,000 pounds or greater) is restricted from
30 this section of CR 73A; local deliveries are allowed.

31 3.11.2 Traditional Village Road Standards

32 SECTION RESERVED FOR VILLAGE ROAD STANDARDS

33 3.12 Community Notice and Procedures

34 3.12.1 Submittals for Construction in Tesuque

35 All development permit applications shall require a site specific slope analysis showing
36 the existing topography of the Buildable Area and development site including building
37 locations, utility corridors and sites, access corridors and landscaped areas. Slope analysis
38 shall clearly indicate all areas with natural slopes between fifteen percent (15%) and
39 twenty percent (20%), twenty percent (20%) to thirty percent (30%), and thirty percent
40 (30%) or greater as calculated between every contour interval on the map. A slope
41 analysis of the entire lot or parcel may be required by the Code Administrator in cases of
42 local occurrences of steeper slopes, drainage, erosion or slope stability problems.

1 a. Applications for development sites of less than fifteen (15%) slope may use
2 contour mapping available from Santa Fe County Geographic Information
3 System.

4 b. Development sites containing land with natural slopes of fifteen percent (15%)
5 or greater shall be mapped with contour line intervals of not more than five feet
6 (5') signed and sealed by a registered land surveyor, professional engineer or
7 other qualified professional.

8 3.12.2 Posting

9 Notice of development applications shall be posted prominently on all sides of the land,
10 building, or other structure which is the subject of the application in such a way as to give
11 reasonable notice to persons interested in the application. A laminated copy of the site
12 plan showing existing and proposed development shall be firmly attached to the poster.

13 3.12.3 Community Pre-application Review of Non-Residential Zoning Applications

14 Applicants for any non-residential development shall hold a pre-application meeting in
15 the community to present the development concept and gather public comments and
16 concerns about the development.

17 a. The applicant shall publish notice of the time, place and purpose of the
18 meeting in a newspaper of general circulation in the community and shall mail
19 notice to Santa Fe County, neighborhood organizations on the County's agenda
20 list, and to all property owners within one hundred (100) feet (excluding rights-
21 of-way) of the subject property. The property shall be posted as set forth in
22 Section 3.12.2 above.

23 b. The applicant shall record the meeting proceedings and submit a written record
24 to the County along with the application for development.

25 Severability

26 If any part of this Ordinance or the application thereof to any person or circumstance is
27 held invalid, the remainder of the Ordinance and its application to other persons or
28 circumstances shall not be affected thereby.

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31 **PASSED, ADOPTED AND APPROVED** this ____ day of _____, 2000, by the Santa Fe
32 County Board of County Commissioners.

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36 _____
37 Paul Duran, Chairman

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40 ATTEST:
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REBECCA BUSTAMANTE
COUNTY CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

COUNTY ATTORNEY

CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2000 -___, was filed in my office on the ____ day of _____, 2001, in book Number ____ at Page _____.

SANTA FE COUNTY CLERK

REBECCA BUSTAMANTE