

SANTA FE COUNTY

Ordinance No. 1990-11

1
2 AN ORDINANCE, PERTAINING TO PROCEDURES FOR ZONING NON-
3 CONFORMING USES; NON-RESIDENTIAL USES AND DISTRICTS IN
4 TRADITIONAL COMMUNITIES WITH NO INTERSECTIONS; CLARIFYING
5 SUBMITTALS AND PROCEDURES FOR ZONING AND ESTABLISHING NON-
6 RESIDENTIAL USES; ESTABLISHING REVISED SIGN REGULATIONS;
7 AND ESTABLISHING CERTIFICATES OF OCCUPANCY; AMENDING ARTICLE
8 I, GENERAL; ARTICLE II, ADMINISTRATION; ARTICLE III, ZONING
9 REGULATIONS; ARTICLE VIII, SIGN REGULATIONS AND ARTICLE X,
10 DEFINITIONS OF THE COUNTY LAND DEVELOPMENT CODE, ORDINANCE
11 NO. 1980-6.

12
13 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA
14 FE COUNTY:

15 Section 1:

16 Article I, GENERAL; Section 11, Penalties, and Article I,
17 Section 12, Non-conforming Uses, of the Santa Fe Land
18 Development Code are amended as follows:

19 These sections are repealed.
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2 Section 2.

3 Article II, ADMINISTRATION, Section 2, Development Permits;
4 and Section 2.3 Procedures; Section 4 (title only); Section
5 4.5 Other Non-Conformities; and Section 5, Enforcement; are
6 established or amended as follows:

7 SECTION 2 - DEVELOPMENT PERMITS

8 2.0 Reserved

9 2.1 Extent of Activities Authorized by A Development
10 Permit

11 The following limitations shall apply to all
12 development permits issued under the Code:

13 2.1.1 A development permit shall specify the
14 development permitted and the location at which the
15 development may occur.

16 2.1.2 Development allowed by a development permit
17 is limited by:

- 18 a. The provisions of the Code;
19 b. Any conditions indicated on or attached
20 to the development permit. Conditions may include a
21 requirement of compliance with any plan or other submittal
22 required and approved under the Code or a time of
23 expiration, which shall be noted on the application, and
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1 c. The application, which includes all
2 materials submitted by an applicant to the Code
3 Administrator, the County Development Review Committee, or
4 the Board in support of a request for a development permit.

5 2.1.3 Exception for Actual Construction

6 Nothing in this Section shall be deemed to
7 require a change in the plan, construction, or intended use
8 of a new structure on which actual construction was lawfully
9 begun before the effective date of the Code or any
10 amendments thereto, for a development permit which has been
11 issued and upon which actual construction has been
12 diligently carried on. "Actual construction" means (1)
13 permanently fastening construction materials in permanent
14 position; or (2) substantial demolition or removal of an
15 existing building or other structure preparatory to
16 construction of a replacement. Construction of the structure
17 shall be completed within 2 years of the issuance of the
18 development permit unless an extension of time has been
19 obtained.

20 SECTION 4 - NON-CONFORMITIES

21 4.5 Other Non-Conformities

22 4.5.1 Intent

23 Existing uses of land and structures
24 (including signs) constructed prior to the adoption of the
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1 Code, as amended, but which may not be in conformance with
2 the Code, as amended, or are prohibited or restricted under
3 the current provisions of the Code, including the provisions
4 of any amendments thereto, are considered to be non-
5 conformities.

6 It is acknowledged that certain non-
7 conformities may contribute to a historical pattern of land
8 use and/or are likely to continue to be in use. For this
9 reason non-conformities which serve to enhance the mixed use
10 zoning scheme established by these regulations, may be
11 redeveloped, improved or expanded provided the redevelopment
12 or improvements to the property serve to bring the use into
13 conformance with the purposes of the Code.

14 Expansion or re-use of unsightly or unsafe
15 conditions associated with some non-conformities such as
16 junk yards, mine sites, or industrial nuisances is
17 prohibited, and further, expansion of any non-conforming
18 commercial uses which contribute to strip development along
19 highways or other roads, shall also be prohibited.

20 4.5.2 Re-use or Expansion of Non-conforming Use.

21 a. Except as otherwise provided in this
22 section, any non-conforming use of land or structure, or
23 non-conforming structure lawfully existing on the effective
24 date of adoption of the Code, or any amendment thereto, may
25 be continued so long as it remains otherwise lawful.

1 b. A non-conforming use of a structure or
2 land, or a non-conforming structure, previously established
3 as a use similar to a proposed new use of the structure or
4 land, or a use of a structure or land which has been
5 suspended by a period of time not longer than one (1) year,
6 may be re-used, extended or expanded provided:

7 1) the re-use, expansion or extension
8 does not increase the intensity of development or alter the
9 character of the non-conformity on the site according to any
10 limitations set by the Code relating to development
11 standards for lot coverage, height, waste disposal, water
12 use, setbacks, traffic generation, parking needs,
13 landscaping, buffering, outdoor lighting, access, signage,
14 etc.

15 2) The re-use, expansion or extension
16 can be brought into compliance with the Code as specified
17 above in 4.5.2 b, 1);

18 3) The re-use, expansion or extension
19 does not confer a privilege upon the applicant;

20 4) The re-use, expansion or extension
21 is not incompatible with the surrounding uses of land and is
22 deemed to be of interest to the health, welfare and safety
23 of the community;

24 5) In certain instances where
25 conformance to Code requirements is impossible, a variance
may be required.

1 6) A change of tenancy or ownership
2 for an existing non-conformity does not require development
3 review.

4 7) All non-conforming signs shall meet
5 the requirements set forth in Art. VIII, Sub-section 7.16,m
6 Sign Removal and Non-Conforming Signs.

7 4.5.3 Submittals and Reviews

8 a. Re-use or expansion of non-conformities
9 are subject to the submittals and review requirements set
10 forth in the Code for the category of use which is proposed.

11 b. A public hearing is required pursuant
12 to Article II.

13 SECTION 5 - ENFORCEMENT

14 5.1 Complaints

15 Whenever a violation of this Code occurs or is
16 alleged to have occurred, any person may file a written
17 complaint. Such complaint, stating fully the causes and
18 basis thereof, shall be submitted to the County Land Use
19 Department. The code enforcement staff shall investigate
20 promptly and take action thereon as follows:

21 5.2 Inspection

22 The code enforcement staff shall, when required,
23 inspect a site or building(s) where provisions of the Code
24 are alleged to have been violated or a certificate of
25 occupancy is required.

1 5.3 Notice of Violation

2 Where provisions of this Code are being violated,
3 notification in writing shall be submitted to the owner or
4 tenant of the property, indicating the nature of the
5 violations and ordering the action necessary to correct it.
6 Such order shall constitute discontinuance of illegal use of
7 land, buildings, or structures; removal of illegal buildings
8 or structures or of additions, alterations or structural
9 changes thereto; discontinuance of any illegal work being
10 done; or shall take any other action authorized by this Code
11 to ensure compliance with or to prevent violations of its
12 provisions.

13 5.4 Certificate of Occupancy

14 5.4.1 a. Purposes. In order to ensure
15 compliance with the development standards of the Code,
16 conditions imposed as part of a development approval, or an
17 approved road design, utilities installation, landscaping
18 plan, sign design, lighting plan, or any other similar
19 consideration or plan relating to a zoning or subdivision
20 approval, an inspection or inspections shall be made by the
21 staff or other appropriate person upon completion of the
22 project prior to occupancy of the building or site.

23 b. Applicability This section does not
24 apply to residential building development permits approved
25 under Article III, Section 2.1.2 of the Code.

1 5.4.2 If the construction and installations are
2 found to be in compliance, a certificate of occupancy will
3 be issued.

4 5.4.3 No building or site may be occupied or any
5 license issued without the certificate of occupancy issued
6 by the County.

7 5.5 Letters of Credit, Surety Bonds

8 5.5.1 Irrevocable bank letters-of-credit or
9 surety bonds payable to the County of Santa Fe based on
10 engineering cost estimates for road or utility construction
11 shall be submitted to the County Public Works Department,
12 who may administer releases of the funds as improvements are
13 completed. The County Field Operations Department will
14 coordinate inspections of such improvements with the Public
15 Works Department. Upon completion of the improvements, a
16 certificate shall be issued which authorizes filing of plat.

17 5.5.2 Letters-of-credit which pertain to
18 landscaping, parking or off-site improvements relating to
19 zoning approvals shall be administered by the Land Use
20 Department who shall coordinate inspections with the
21 applicant prior to issuance of a certificate of occupancy.

22 5.6 Penalties

23 In addition to any penalty or other remedy
24 provided by law, any person, corporation, entity or
25 organization, found to have committed a violation of any of

1 the provisions of the Code, shall be punished by a fine of
2 up to \$300 or imprisonment up to ninety (90) days, or both a
3 fine and imprisonment. Each day on which the Code is
4 violated shall constitute a separate violation of the Code.

5
6 Section 3: Article III, Section 4, Non-residential
7 Districts is amended as follows:

8 SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL
9 DISTRICTS

10 4.1 Purpose and Intent

11 Commercial, and industrial non-residential land
12 uses are permitted only in zoned districts (DISTRICTS) of
13 various sizes and locations in the County of Santa Fe. Non-
14 residential districts specifically for commercial or
15 industrial land uses are established in order:

16 4.1.1 To permit intensive development of selected
17 land uses at designated locations;

18 4.1.2 To avoid strip commercial and industrial
19 patterns of development along highways, arterials,
20 collectors, and local roads of the County;

21 4.1.3 to protect the function of the County's
22 highways, arterials, collectors, and local roads by
23 controlling the number of access locations to commercial and
24 industrial use areas;

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1 4.1.4 To prevent the pre-emption of prime areas
2 for commercial or industrial development by residential
3 development;

4 4.1.5 To protect existing and future residential
5 development from encroachment of non-residential uses;

6 4.1.6 To provide the opportunity to master plan
7 non-residential use areas, so that adequate fire and police
8 protection may be provided and appropriate infrastructure
9 constructed.

10 4.2 Types and Locations of Commercial or Industrial
11 Districts

12 4.2.1 Types of Districts and Location Criteria

13 a. There are four types of commercial or
14 industrial non-residential districts which may be
15 established ~~for~~ at specific qualifying intersections of
16 various types of roads in the County:

17 1) Regional or Major center districts,
18 which are established or may be established, shall be
19 located at intersections of major arterials and major
20 highways. The purpose of major center or regional districts
21 is to concentrate extensive regional non-residential
22 activities. Section 4.3.1 infra, defines uses which may be
23 established.

24 2) Community center districts, which
25 are or may be located at intersections of arterial and/or

1 collector roads for the purpose of concentrating community
2 oriented commercial uses, shopping, offices and service
3 businesses, including travelers services; light industry;
4 research and development complexes and other similar uses.
5 Sub-section 4.3.1 infra, defines uses which may be
6 established.

7 3) Local or village center districts,
8 which are or may be located at intersections of collector
9 and local roads and in traditional community areas for the
10 purpose of concentrating activities which serve such
11 neighborhood areas for shopping, travelers' and personal
12 services. Section 4.3.2 infra, lists suggested uses.

13 4) Neighborhood or Small scale center
14 districts, which are or may be located at intersections of
15 local roads or in traditional community areas. Uses similar
16 to those which may be established in local or village center
17 districts may be established.

18 b. A non-residential use district may be
19 established within a traditional community at a qualifying
20 intersection or at an area which is pursuant to the criteria
21 set forth in Sub-section 4.2.2 infra.

22 c. Spacing Between Districts.
23 Intersections which qualify for a commercial or industrial
24 non-residential use district are established either by the
25 proximity of established or potential districts as follows:

1) the exterior boundary of a proposed major center or community center commercial or industrial non-residential district, or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one (1) mile from the exterior boundary of another established or proposed district or parcel proposed for zoning in such district; and

2) the exterior boundary of a proposed local or village center or neighborhood or small center commercial or industrial non-residential district or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one-half (½) mile from the exterior boundary of any other type established or proposed district, or parcel proposed for zoning in such district.

3) Spacing between districts as described above is intended to assure the integrity of commercial or industrial use areas, residential neighborhoods, and highways. Uses which may locate between the districts are residential, large scale residential, community facilities, or large scale master planned development.

d. Large Scale Mixed Use Development

1) Master Plan Required

1 Proposed developments which are
2 planned for a mix of residential, large scale residential,
3 and/or non-residential uses and large scale developments or
4 subdivisions which may be developed in phases shall present
5 a master plan for development to the County pursuant to
6 Article V, Sections 5.1 and 5.2 of the Code.

7 2) Location Criteria:

8 Proposed mixed use developments are
9 allowed to locate anywhere in the County, except that the
10 location of any specific commercial or industrial non-
11 residential use area designated by such proposals shall be
12 subject to the purposes and intent of Subsection 4.2.3. and
13 4.1.

14 3) Uses

15 See Sub-section 4. 3., Guidelines
16 for Permitted Uses and Structures, and Uses Not Listed
17 infra.

18 4) Design Standards and Review
19 Criteria: Refer to Section 4.4 supra.

20 5) Review Requirements: Section 4.5
21 supra, establishes the applicable reviews.

22 4.2.2 Traditional Community Districts

23 a. Mixed Uses Permitted

24 Traditional Community districts
25 established by the Code are intended to accommodate a
mixture of uses such as agriculture, residential, large

1 scale residential, community service, institutional, non-
2 residential or recreational uses anywhere inclusive of the
3 boundaries of the village provided the performance standards
4 and criteria setforth by the Code are met.

5 b. Commercial and Industrial Uses:

6 Requirements

7 1) Location

8 Commercial or light industrial
9 zoning may be approved in the traditional community where no
10 qualifying intersection appears to be present provided:

11 a) Similar uses have been
12 established as non-conformities on contiguous and adjacent
13 locations in the community;

14 b) The re-zoning to be approved is
15 similar in type and scale to those uses suggested for
16 neighborhood or small scale districts by III, 4.3.2, infra;

17 c) The re-zoning is compatible
18 with neighboring uses;

19 d) It is the consensus of the
20 local community to allow the proposed re-zoning and use; or

21 e) The re-zoning is pursuant to a
22 general plan amendment for a local land use plan for the
23 community which establishes the location for a local or
24 small commercial center;

25 2) Development and Design Standards
and Review Criteria

Commercial, light industrial and other non-residential uses proposed for approval are subject to the requirements set forth by III, 4.4, 4.5 and 4.6 infra.

4.2.3 General Scale and Size of Districts

Note: This section replaces 4.2.2 supra, which was deleted.

The location or scale of a commercial or industrial non-residential district may be considered according to each of the following criteria:

a. Location is dependant upon a qualifying intersection.

Type of District	Type of Roads Creating Intersection
Regional or Major Center	Controlled access highway such as the Santa Fe Relief Route or I-25 and 4 to 6 lane road(s)
Community Center	2 to 6 lane arterials or highways
Local or Village Center	2 to 4 lane arterials or collector roads
Neighborhood or Small Scale Center	2 lane sub-collector or local roads

b. The boundary of a district is limited as follows along roads emanating from the qualifying intersection.

Regional or Major Center	2500 feet
Community Center	1750 feet
Local or	

Village Center 1000 feet

Neighborhood or
Small Scale
Center 500 feet

c. The maximum net developable number of acres, excluding public rights-of-way, in each type of districts is as follows:

Regional or
Major Center 250

Community
Center 80

Local or
Village Center 40

Neighborhood or
Small Scale Center 20

d. The size of a commercial or light industrial non-residential use district in a traditional community zone shall be limited in acreage to local or neighborhood or small scale centers; pursuant to the location criteria set forth in Subsections 4.2.3 b. and c, supra.

e. Appropriate roads must be in place or constructed to create a district at the time of project development except in cases referred to in 4.2.2. Creation of a district is possible where new roads are created or at intersections of existing roads which are not anticipated by this Code, provided the criteria set forth by this section is adhered to. Neither the locations listed in this subsection nor those specified by a Local Land Use Plan confer zoning status on any parcel in these areas.

1 f. It is assumed that the initial scale of
2 a district may be small in terms of number of acres actually
3 zoned, and will increase in size, overtime, as zoning
4 requests are approved.

5 4.2.4 Non-conforming Uses; Zoning Map; Rezoning;
6 Permitted Uses; Infill Zoning for Existing Small Parcels;

7 a. Non-conforming Uses

8 1) Existing development will be
9 allowed to continue as a non-conforming use.

10 2) Non-conforming uses which
11 contribute to strip commercial or industrial development
12 patterns will not be permitted to expand, or to re-establish
13 if abandoned. Non-conforming uses which meet the location
14 criteria set forth in III, 4.2.2 will be allowed to re-
15 develop provided they are brought into conformance with Code
16 requirements.

17 b. Zoning Map

18 1) Districts or portions of districts
19 created from time to time will constitute amendments to the
20 zoning map.

21 2) The zoning map shall also depict
22 both legal non-conforming uses and zoning approvals.

23 3) Zoning approvals obtained prior to
24 the enactment of this 1990 Amendment to the Code shall not
25 constitute districts or be the precedence for the creation

1 of a district, where such approvals do not meet the location
2 criteria for a district as set forth by Section 4.2.2, Types
3 and Location of Commercial or Industrial Districts. See
4 also non-conforming uses in Section 4.2.3, a Non Conforming
5 Uses, supra, and Sub-section e., Infill, infra.

6 c. Rezoning

7 An application to establish a new
8 district or to amend an existing district shall be
9 considered a re-zoning and subject to the review and
10 recommendation of the County Development Review Committee
11 (CDRC) and approval by the Board.

12 d. Permitted Uses

13 1) Permitted uses are assigned to a
14 parcel of land which has been re-zoned pursuant to a master
15 plan for all or part of a commercial or industrial non-
16 residential district.

17 2) Guidelines for permitted uses are
18 set forth in III, 4.3 infra.

19 3) Permitted uses shall be reviewed
20 for a development permit according to the procedures set
21 forth in II, 2.1 supra.

22 4) A development plan shall be
23 submitted for each permitted use as set forth by III, 4.4
24 and 4.5 infra.

25 5) Development plans for permitted
uses shall conform to the master plan and use list approved
for the zoning or rezoning of the parcel.

1 e. Infill non-residential zoning outside
2 approved districts may be granted to uses on small parcels
3 of land which are:

4 1) in existence at the time of
5 adoption of this amendment to the Code; and

6 2) between two existing developed or
7 approved commercial or industrial uses; and

8 3) of such a size that makes it
9 impractical to develop the parcel for a large scale
10 residential use, institutional use or single family
11 residential use on lots which are one acre or less or which
12 have one hundred fifty feet (150') or less of frontage with
13 the adjacent highway, arterial, collector, or local road.

14 4.2.5 Criteria for the Establishment of
15 Districts; Findings of Fact

16 a. Establishment of districts will require
17 a review according to the procedures for a master plan as
18 set forth in Article V, Sections 4.4 and 5.2 infra, the
19 performance and location criteria set forth by this Section
20 4 below and the notice requirements of Section 3-21-6B,
21 N.M.S.A. 1978. Permitted uses shall be specified when a
22 district is created.

23 b. To establish a non-residential district
24 the following shall be used in formulating a recommendation
25 to the CDRC by the staff and the CDRC to the Board:

1) an evaluation of the type of
traffic to be generated by the types of uses (see Sub-

1 section 4.4 infra) proposed to be permitted in the new
2 district and the relationship of such traffic to traffic
3 being carried on existing or proposed roads providing
4 vehicular access to the site or intersection;

5 2) existing and future economic
6 benefits to the vicinity of the site and/or intersection
7 proposed for district classification and the County of Santa
8 Fe, especially as that relates to projected new employment;

9 3) an evaluation of infrastructure
10 availability such as existing or future streets, water
11 supply, sewage treatment facilities, police and fire
12 protection, and other services;

13 4) an evaluation of compatibility with
14 existing land use patterns especially existing residential
15 areas, land ownership characteristics, and geographic
16 features near the proposed district, and the relationship to
17 existing master plans on adjacent properties in order to
18 coordinate site planning and access.

19 5) an adequate site, sized in relation
20 to the radius and acreage requirements set forth in Section
21 4.2.3 supra;

22 6) the proposed district shall be
23 located according to the requirements described in
24 Subsections 4.1 and 4.2, 4.2.3 supra: and

25 7) uses proposed for approval for the
district must meet the design and development standards
established by Sub-sections 4.4 and 4.5 infra.

1 c. Acreage for a district may be allocated
2 to one, two or three of the quadrants of an intersection
3 area where circumstances such as excessive slope, flood
4 hazard areas or flood plains, land ownership patterns,
5 existing land uses, spacing or sizes of other existing
6 districts, right-of-way configurations, utility corridors,
7 other natural or man-made barriers, or other constraints,
8 prevent its assignment to four quadrants.

9 d. Amendments to the list of uses assigned
10 as permitted in a district or an amendment to the boundary
11 of a district, must be approved by the County Development
12 Review Committee and the Board, as per the requirements of
13 subsection 4.2 supra, for the establishment of districts.

14 4.3 Guidelines for Permitted Uses and Structures

15 The following lists represents suggestions only.
16 Uses assigned to a district are not necessarily limited by
17 the list. The Standard Industrial Classification (SIC) may
18 also be used to compare categories not listed herein.

19 4.3.1 Guidelines for Types of Permitted Uses and
20 Structures in Major or Community, Commercial or Industrial
21 Non-residential Districts

- 22 a. Professional, business or governmental
23 offices;
24 b. Business services;
25 c. Research and development businesses and
laboratories;
d. Retail establishments;

- e. Restaurants and bars;
- f. Gas or service stations, tire recapping or retreading and repair garage establishments and related use;
- g. personal service establishments;
- h. Hotels, motels, bed and breakfast inns;
- i. Commercial indoor recreational uses and structures, such as a theater (but not drive-in theaters), bowling alleys, poolrooms, gamerooms, skating rinks;
- j. Commercial parking lots and garages;
- k. Offices, studios, clinics and laboratories;
- l. Banks or other financial institutions;
- m. Private clubs and lodges;
- n. Public or private utilities;
- o. Veterinary hospitals or establishments;
- p. Public buildings and grounds other than elementary or high schools;
- q. Churches and other religious institutions;
- r. Business and vocational schools;
- s. Greenhouses and plant nurseries;
- t. Auto, truck or RV dealerships;
- u. Mobile home sales and service;
- v. art galleries or dealers;
- w. Planned unit or master planned developments for mixed uses;

- 1 x. Clubs or other not-for-profit uses,
2 lodges or museums;
3 y. Office park or other theme development;
4 z. Shopping centers;
5 aa. Colleges or universities;
6 bb. Hospitals, medical or dental clinics;
7 cc. Light industry and manufacturing.
8 dd. Wholesale, warehouse, distribution and
9 general industry.

10 4.3.2 Guidelines for Types of Permitted Uses and
11 Structures in Local or Small Scale Districts

- 12 a. Retail establishments including
13 supermarkets, drugstores, bakeries, meat markets, liquor
14 stores, hardware, paint and wallpaper stores, camera shops,
15 florists' shops, gift shops, stationery shops, bookstores,
16 apparel shops, shoe stores, variety stores, jewelry stores,
17 pet shops, toy stores, movie-video stores, music or record
18 stores, household goods;
19 b. Restaurants and bars;
20 c. Personal service establishments
21 including barbershops, beauty shops, dry cleaning and
22 laundromat establishments, shoe repair shops, tanning
23 salons, spas, exercise or dance studios, etc;
24 d. Office and studios, medical offices
25 and/or clinics;
 e. Banks or other financial institutions;

- 1 institutions;
- 2 g. Public parks, public buildings (such as
- 3 libraries) and community facilities or utility substations;
- 4 h. Private day care;
- 5 i. Dwelling units for occupancy only by
- 6 owners or employee;
- 7 j. Automotive service stations and repair
- 8 garage not industrial in nature;
- 9 k. Liquor and package stores;
- 10 l. Mini-storage units;
- 11 m. Galleries;
- 12 n. Private clubs and lodges;
- 13 o. Veterinary establishments;
- 14 p. Commercial indoor recreation;
- 15 q. Shopping centers;
- 16 v. Outdoor markets.

17 4.3.3 Accessory Uses

18 Accessory uses and structures are

19 considered an amendment to an approved development plan, and

20 may be permitted provided the requirements of the Code are

21 met. Residential uses for security purposes may also be

22 considered, provided the use can meet the minimum

23 requirements of the Code for residential uses.

24 4.3.4 Uses Not Listed

25 a. Proposed uses or use groups either

generalized or not listed as suggested to be permitted for

1 zoning districts by the Code shall be evaluated by the
2 County Land Use Administrator to determine how a proposed
3 use or use group should be categorized.

4 b. Evaluations or interpretations of uses
5 not listed shall be made in writing; shall state any
6 precedent, reasons or analysis on which the evaluation is
7 based; and shall be kept on file in the Land Use Department.
8 The Standard Industrial Classification Manual, U.S. Dept of
9 Commerce, latest revision, may be used as a reference for
10 such evaluations.

11 c. Disagreement with an evaluation or
12 interpretation of the Land Use Administrator may be appealed
13 to the CDRC or the Board.

14 d. New and unlisted uses that cannot
15 logically be included in existing categories or that could
16 not reasonably be anticipated at adoption of this Code may
17 be added to these regulations by recommendation of the CDRC
18 and approval by the Board.

19 4.4 Design Standards and Review Criteria

20 In addition to the other requirements of the Code,
21 the following standards and criteria will be applied in the
22 review process:

23 4.4.1 Submittals

24 a. To zone or re-zone any parcel for a
25 commercial or industrial non-residential district a master
plan shall be submitted. Submittals and procedures for
master plans are set forth in Article V, 5.2 infra.

1 b. A development plan shall be submitted
2 for individual uses to be permitted within the district, as
3 follows:

4 1) Vicinity Map: A vicinity map drawn
5 at a scale of not more than 2,000 feet to one inch showing
6 contours at twenty (20) feet intervals showing the
7 relationship of the site to its general surroundings, and
8 the location of all existing drainage channels, water
9 courses and water bodies within one mile of the development
10 site.

11 2) Existing Site Data: A description
12 of existing conditions on or adjacent to the site. Maps
13 shall be at a scale of one (1) inch to one hundred (100)
14 feet or larger and shall include the following:

15 (a) Boundary lines, bearings and
16 distances: The error or closure shall be of a third order
17 survey, and no discrepancy between computed and measured
18 distances shall exceed one (1) part in 1,280 parts.

19 (b) Easements: Location, width and
20 purposes.

21 (c) Streets on and immediately
22 adjacent to the tract, name and right-of-way width.

23 (d) Utilities on and immediately
24 adjacent to the tract.

25 (e) Owners of record or unplatted
land and existing subdivision plats by name and recordation,

1 shall be shown for property within one thousand (1,000) feet
2 of that tract.

3 (f) Title and certificates:

4 Present tract designations according to official records in
5 the County Clerk's Office, title under which the proposed
6 development is to be recorded with name and address of
7 owner, notation stating acreage, scale, true and magnetic
8 north arrow, U.S.G.S. datum and benchmarks, if any,
9 certification of the engineer or land surveyor licensed in
10 accordance with the laws of the State of New Mexico who
11 prepared the plat.

12 3) Site Plan

13 (a) The site plan consisting of a
14 map and other drawings or documents drawn to a scale of one
15 (1) inch to one hundred (100) feet, or larger, shall show
16 the following:

17 (1) proposed arrangement of
18 buildings;

19 (2) proposed off-street
20 parking and loading facilities;

21 (3) proposed access to the
22 site and internal vehicular circulation;

23 (4) existing and proposed
24 landscaping;

25 (5) proposed location and type
of fences, walls, and signs; and

(6) drainage and grading plan
indicating existing and proposed contours; soils and flood
plain areas;

(7) a lighting plan;
(8) proposed architectural
treatment;

(b) The site plan shall respond to
the standards set forth by Sub-section 4.4.3 Site Planning
Standards for driveway access, building placement, parking
lot location and terrain management.

4) Preliminary Development Plan
Report.

The preliminary development plan
report shall include the following exhibits: a water use
report pursuant to 4.4.1 d, a traffic generation report,
pursuant to 4.4.1 e, a report addressing the Environmental
Performance Standards pursuant to 4.4.2 and a report
responding to the Design and Development Standards set forth
in Section 4.4.3 as that relates to the proposed use.

6) Traffic Generation Report

a) The amount of traffic generated
by the development shall not at any time impede traffic
flow, or cause public roads to operate at over capacity.

b) If a fair and substantial
showing is made that the development will increase the
burden on inadequate public roads, utilities or other
services, the use may be denied, or the developer may be

1 required to undertake the full cost of improvements to the
2 public road or other services in order to meet the test of
3 adequacy.

4 c) A traffic report shall be
5 prepared, signed and sealed by a registered New Mexico
6 professional engineer, or other qualified professional as
7 determined by the Code Administrator. Report contents shall
8 be based upon existing traffic conditions in relation to
9 existing road capacity and level-of-service (LOS); a
10 projection of traffic to be generated by the development;
11 and recommendations for mitigating any negative effects to
12 existing road capacity which may occur as a result of new
13 development. Where applicable, the International Traffic
14 Engineers (ITE) Trip Generation Report 1987, 4th Ed. shall
15 be used as a reference in calculating traffic projections.
16 Copies of the ITE Trip Generation Report are available in
17 the Land Use Administrators Office.

18 4.4.2 Environmental Performance Standards

19 The proposed development shall utilize
20 standard techniques available in order to minimize noise,
21 vibration, smoke and other particulate matter, odorous
22 matter, toxic or noxious matter; radiation hazards; fire and
23 explosive hazards, or electromagnetic interference. The
24 Code Administrator may refer an application to the New
25 Mexico Environmental Improvement Division (EID) for comment
concerning the performance standards.

1 If it is determined that the development
2 will create any dangerous, injurious, noxious or otherwise
3 objectionable condition, noise or vibration; smoke, dust,
4 odor, or other form of air pollution, electrical or other
5 disturbance, glare or heat, in a manner which causes a
6 significant adverse impact to the adjacent areas, a plan
7 shall be submitted which states how such conditions will be
8 mitigated.

9 4.4.3 Site Planning Standards

10 a. Driveway Access

11 1) All uses proposed for zoning shall
12 share points of ingress and egress to the development site,
13 unless it can be demonstrated that additional or separate
14 access is required.

15 2) Spacing between points of ingress
16 and egress shall be determined by the posted design speed
17 and intended function of the road creating access to the
18 development site, as follows:

<u>MPH</u>	<u>FEET</u>
25-30	200
30-35	270
35-40	315
40-45	375
45+ *	400+

24 *See Table 6, Speed Change - Lane Length Requirements, for
25 Driveway Spacing; New Mexico State Highway and
Transportation Department, Regulations for Driveways and
Median Openings on Non-Access Controlled Highways.

3) Driveway profiles shall be submitted to assure the access is constructed to accommodate projected traffic for the uses.

4) Where additional access points are required, such points shall be located no less than 300 feet apart. Provisions for circulation between adjacent parcels shall also be provided through coordinated or joint parking systems, or other methods, as specified in the Master Plan.

5) No driveway access may be located closer than 100 feet from an intersection.

6) No driveway may be located closer than 50 feet from the transition point of a turning lane at intersection locations.

7) Driveway profiles, design elements, corner clearance, and performance standards for accel-deaccel lanes shall conform to the New Mexico State Highway and Transportation Department Regulations for Driveways, and Median Openings on Non-Access Controlled Highways.

8) Driveway design and placement must be in harmony 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 competent traffic survey.

9) Uses which generate more than (100) trips per day shall be required to submit an on-site circulation plan for approval and may be required to contribute to off-site improvements to mitigate the traffic

1 hazards they create, such as, but not limited to traffic
2 signals and acceleration or deceleration lanes.

3 b. Building Placement

4 Buildings shall be placed or oriented
5 on a site to either:

6 1) enhance the logical development of
7 the site and its relationship to the scale and design of
8 adjacent development; or

9 2) to take advantage of topography; or

10 3) to create a buffer or screen for
11 storage or parking areas; or .

12 4) to take advantage of solar gain in
13 winter months; see also the setback requirements setforth in
14 this Sub-Section 4, Design Standards and Review
15 Requirements.

16 c. Parking Lot Location.

17 Parking lots should be placed or
18 oriented on a site either:

19 1) to the rear or side of buildings
20 (or both); and

21 2) to encourage pedestrian safety and
22 convenience;

23 d. Terrain Management

24 Clearing and Grading and other site
25 development work shall be in accordance with the Santa Fe
County Land Development Code, Article VII, Section 3.

4.4.4 Development and Design Standards

a. Screening

Outdoor storage, parking and loading areas which are visible from public roads or from abutting public lands or residential areas shall be screened. Such screening may be landscaping, walls, fencing, building placement, berms, or any combination thereof. For landscaping plans and standards relating to screening see Sub-section f infra.

b. Buffer Zones and Setbacks

1) Proposed non-residential districts or uses that adjoin parcels on which dwellings are located within 100 feet of the property line adjacent to the parcel on which the use is to be located shall be set back 100 feet from the property line in major or community center districts and 25 feet in local or small scale districts. The 100' setback area may be used to meet the off-street parking requirement of Section 9 of Article III except that no parking may be provided within twenty five (25) feet of the property line in Major and Community Center Districts and five (5) feet from property line in Local and Small Scale Districts. In the setback area, existing vegetation shall be preserved and natural topographic features, planting, building placement, walls, fencing, earth berms or landscaping or any combination thereof, shall be used to keep buildings, parking or outdoor storage unobtrusive.

2) Alternatives to the 100 foot setback are specified in Article V, Section 8.1.4, e, 1-5 infra.

1 3) Side and rear yard setbacks shall
2 apply only to lots at the edge of a non-residential
3 district. Zero lot lines (no setback) for building
4 placement may be allowed, if fire resistive construction
5 between buildings is provided directly adjacent or adjoining
6 on interior property lines.

7 c. Maximum Height

8 Structures shall be limited to a
9 maximum height of thirty six (36) feet from the highest
10 point of the surface of the ground at the perimeter of the
11 structure in Major or Community Center Districts and to
12 (twenty four) 24 feet in height in Neighborhood or Local
13 Center Districts.

14 d. Parking

15 Compliance with the parking standrds
16 set forth in Article III, Section 9, supra, is required.

17 e. Maximum Lot Coverage

18 Maximum lot coverage for all structures
19 for any development shall not exceed (thirty) 30% in major
20 or community center districts or (twenty) 20% in
21 neighborhood or small scale center districts.

22 f. Landscaping

23 1) Purpose and Intent

24 Landscape treatments are
25 applicable to all new development for the following
purposes:

1 (a) to assure that new
2 development creates an amenity and improves and enhances the
3 visual quality of an area;

4 (b) to buffer or screen visually
5 unattractive land uses from roadways and residential areas;

6 (c) to shade, cool and define
7 large parking areas;

8 (d) to define the separate
9 function of thoroughfares and other land uses;

10 (e) to minimize erosion, dust and
11 other weather related problems; and

12 (f) to assure that landscape
13 treatment and improvements are so designed, installed and
14 maintained that they actually produce the intended results.

15 2) Native Vegetation: Preservation;

16 In order to preserve both native vegetation and landscapes,
17 grading shall be kept to a minimum. Native vegetation or
18 freeze or drought resistant introduced vegetation shall, be
19 used for new landscaping in an effort to conserve water use
20 once the plants are established. Where botanical materials
21 are utilized as part of landscape treatment, such materials
22 shall be chosen so they fit within the water budget or water
23 use plans for the development. An extensive list of such
24 plant materials, their size at maturity, how they can be
25 used, their water use, and other information is available at
the office of the County Land Use Administrator.

3) Landscaping Plan.

The landscaping plan is required for all new development and shall be presented for review with either the master plan or the preliminary development plan and shall contain the following information:

(a) a description of any existing native vegetation on the site which will be retained, including common and botanical names, locations, and approximate size (caliper and height);

(b) a list of plants to be installed, with common and botanical names, showing the caliper or gallon size at time of planting and the size of the plant material at maturity in height and width;

(c) the location and quality of all other materials to be used as part of the landscape treatment;

(d) a description of the proposed system of irrigation including the use of on-site storm water collectoin, drip irrigation, recycled water or other systems; and

(e) methods for protecting required landscaping from damage by automobiles, or run off containing salts from paved areas;

(f) the purpose of each plant material to be used, e.g., for screening, ornament, shade, or other purpose;

(g) a description of proposed structures or other buffering devices, such as walls,

1 fences, or earth berms, including location, height, building
2 materials and/or exterior finish treatment which are part of
3 the landscape treatment;

4 (h) the landscaping plan shall be
5 drafted to scale, with all plant material footprinted
6 according to the spread of the plants at maturity.

7 (i) The landscaping plan shall
8 also include the following:

- 9 a) a water use budget;
10 b) a watering schedule;
11 c) an estimate of the cost
12 of installation of the landscape materials.

13 (j) the landscaping plan shall
14 where required, be in conformance with a master plan for
15 landscaping.

16 4) Landscaping Design Standards

17 All landscaping shall meet the
18 following requirements:

19 (a) a minimum of seventy five
20 (75) percent of an area designated for landscaping shall be
21 developed with living plant materials including areas seeded
22 with grasses and flowers;

23 (b) all plant growth in required
24 landscaped areas shall be controlled by pruning or trimming
25 so that it will not interfere with the installation,
maintenance or repair of any public utility, restrict
pedestrian or vehicular access, or constitute a traffic

hazard, or interfere with an intersection visibility triangle;

(c) all trees, shrubs and plants which have been planted and which, due to accident, damage, disease, or other cause, fail to show healthy growth within one year of planting shall be replaced;

(d) all trees, shrubs and plants shall be clear of insects, pests or fungus diseases and the effects of previous infestations;

(e) trees and large shrubs shall be supported after planting in such a way that the plants will not be injured by strong winds;

(f) parking, loading and outdoor storage are prohibited within a landscaped area;

(g) if appropriate and wherever possible, native landscape should be retained within an area designated for landscaping;

(h) living plant materials installed in areas designated for landscaping on road frontages shall be planted so as to create the appearance of a continuous edge occasionally punctuated with dissimilar materials to create interest.

In addition:

(1) designated landscape areas or buffer zones shall be planted according to a ratio of one tree at a minimum height at maturity of twenty four (24) feet for each five hundred (500) square feet, and one

1 shrub of a minimum height and spread at maturity of four (4)
2 feet for each sixteen (16) square feet;

3 (2) adjustments will be
4 considered for existing heavily vegetated areas or for plant
5 materials with varying characteristics provided that:

6 - the ratio of living
7 plant material to inorganic material is maintained at
8 (seventy five) 75% living materials to 25% (twenty five)
9 inorganic materials;

10 - the living plant
11 material is installed so as to provide a continuous visual
12 screen; or

13 (3) living plant material
14 may be planted in drifts or clumps with pockets of open
15 areas providing the sense of continuity with the street edge
16 is maintained;

17 (4) adjustments of up to
18 50% to the width of the landscape area (See Sub-section f 5)
19 (b) infra will be considered where a four (4) foot masonry
20 wall or a six (6) foot opaque fence or earth berm is
21 constructed. The ratio of living plant materials may be
22 reduced by fifty (50) percent where the landscape treatment
23 includes walls, fences, or berms. Walls or fences should be
24 located in the landscape area to accommodate the
25 installation of the living plant materials;

(5) non-vegetative
landscape materials may include gravel and bark mulch.

(i) In addition to the front lot landscape area (see f. 5) (b) infra), a landscaped area and structural buffer consisting of a six (6) foot masonry wall or fence constructed of opaque materials and a three (3) foot wide planting area may be required between any non-residential use and residential use on the side or rear lot lines. This requirement applies to non-residential districts established for commercial, office or industrial purposes at the perimeter where there are existing residential uses. Trees and shrubs selected for the three foot planting area may be used to create shade or visual amenity. Trailing vines for the wall may also be considered.

(j) Landscaped areas shall be a minimum of ten (10) percent of the development lot area. Minimum landscaped area may be modified based on the following considerations: large tracts with minimum development, existing conditions providing other buffering opportunities or extensive existing vegetation.

(k) Pedestrian, bike or equestrian pathways or trails are allowed within landscape areas on street frontages provided that:

(1) no plant material is eliminated;

(2) the total width of the buffer is maintained;

(1) Except as specifically required elsewhere, no landscaping is required adjacent to structures abutting the parking lot or adjacent to structures located at the minimum setback from side or rear lot lines.

5) Landscaping for Road Frontage Area

(a) Upon approval of the governmental agency responsible for the maintenance of the adjoining roadway, any public right-of-way between the front property line and the street may be landscaped and maintained by the property owner retaining native materials or using grass, groundcovers, or low growing shrubs having a maximum mature height exceeding two (2) feet, or be treated with a non-vegetative cover such as bark mulch or gravel.

Where appropriate, such areas may be considered as part of the width of landscape areas as set forth in Subsection f.

5) (b), infra.

(b) The width of landscape areas between the street or road right of way and any developed areas of a parcel shall be as follows:

Highways or Major Arterials	- 25 feet
Minor Arterial, Collector or Local	- 10 feet

6) Landscaping for Parking Lots

Except as otherwise provided in Sub-section f. 4) a landscape screen providing a visual buffer is required along the front, and if applicable, to

1 the side and rear property lines for parking lots with more
2 than ten (10) parking spaces or (four thousand) 4,000 square
3 feet, which ever is less, and where parking is located
4 within twenty five (25) feet of a property line adjoining
5 residential uses. Covered or decked parking lots are
6 exempted from this section.

7 (a) Standards for the front of
8 the lot, and where applicable, side lot landscaping are set
9 forth in Sub-section f. 4), supra.

10 (b) Interior landscaping is
11 required for parking lots with more than forty (40) parking
12 spaces or (twelve thousand) 12,000 square feet, whichever is
13 less. Interior landscaping shall cover a minimum area
14 equivalent to one parking space or (one hundred sixty) 160
15 square feet for every twenty (20) parking spaces. In
16 addition:

17 - interior landscaping shall
18 provide shading and a visual break to the parking lot
19 surface. Plant material shall consist of a minimum of one
20 (1) deciduous shade tree and three shrubs for every ten (10)
21 parking spaces. The shade trees shall be a minimum of one
22 and one-half (1.5) caliper and six (6) feet tall at the time
23 of planting, and have a twenty (20) foot minimum mature
24 height. Shrubs shall be five (5) gallon size at the time of
25 planting and shall have a minimum mature height of three (3)
feet;

- non-vegetative cover

including but not limited to gravel or bark is required
under trees where other planting is not provided;

- interior landscaping shall

have a minimum area of (one hundred sixty) 160 square feet
and a minimum dimension of four (4) feet;

- interior landscaping shall

be uniformly distributed throughout the parking lot;

- pedestrian pathways or

sidewalk areas shall be incorporated into the parking area
landscape treatment.

7) Screening and Buffering for

Residential Uses;

The requirements for

screening residential areas from roadways and non-
residential uses, and for landscaping residential common
open space, may include one or more of the following:

(a) stuccoed poured

concrete walls;

(b) stuccoed masonry walls

of cement block, brick or adobe;

(c) earthtone masonry

walls;

(d) rock or field stone

walls;

(e) wood fences of

materials at least 3/4 inch thick with crossbracing secured

with posts on maximum eight foot centers set in concrete or creosoted posts set twenty four inches deep;

(f) earth berms with shrubs and vegetative groundcovers;

(g) any combination of shrubs and trees; or

(h) a combination of the above. The developer may choose any of the above screening methods at his discretion.

8) In order to avoid tunneling effect where a development borders on a highway or arterial street or road for more than one thousand feet, developers or builders shall vary the masonry structures, fences, or walls with living plants.

9) Landscaping shall be installed for inspection prior to the issuance of Certificate of Occupancy.

g. Signs See Article VIII, Sign Regulations.

h. Outdoor Lighting

1) Purpose

Outdoor lighting for new development in non-residential districts (Section 4), master planned developments, large scale residential development (Section 4), master planned developments, large scale residential development (Section 6), community service facilities (Section 7), and other large scale development

1 (Section 8), in the County, shall be designed and arranged
2 to enhance the safety of areas designated for pedestrian use
3 during evening hours, to provide security, to conserve
4 energy, and in particular, to prevent the spillover,
5 nuisance or hazard effects of light and glare on adjacent
6 locations and uses of land.

7 2) Definitions

8 (a) "cut-off" - the point at
9 which all light rays from the light source or luminaire is
10 completely eliminated at a specific angle above the ground.

11 (b) "cut-off luminaire" - a
12 luminaire with shield, reflectors, reflector panels or other
13 housing which directs and cuts off light rays from direct
14 view.

15 (c) "footcandle" - a unit of
16 illumination produced on a surface, all points which are one
17 (1) foot from a uniform point source of one (1) candle. A
18 comparative measure is the brightness of a full moon which
19 is equal to .01 footcandle.

20 (d) "glare" - the brightness of a
21 light source which causes eye discomfort.

22 (e) "luminaire" - a complete
23 lighting unit consisting of a light source and all necessary
24 mechanical electrical and decorative parts.

25 3) Submittals.

(a) A lighting plan shall be
submitted for master plan or preliminary development at

1 ~~final-site~~ plan review, showing the location, mounting
2 height, types of luminaires, accessory equipment such as
3 shades, deflectors, or other housing controlling the
4 direction of light on a surface, and the beam direction of
5 any luminaire.

6 (b) The plan shall be drawn to
7 scale, and shall also include elevations of building facades
8 showing the location of, and shielding devices for, wall
9 mounted luminaires, and detailed drawings of the luminaires,
10 and detailed drawings of the luminaires and accessory
11 equipment to be used.

12 (c) Additional submittals that
13 may be required include, but are not limited to, preparation
14 of a visual impact analysis for alternative types of
15 lighting solutions for the project as those would affect and
16 be seen from adjacent residential properties, a comparative
17 analysis of performance standards relating mounting height,
18 footcandles, footcandle levels and location for various
19 types of lighting which could be developed for the proposed
20 use, and, types of shields, deflectors and adjustments on
21 orientation or other buffers which could be implemented to
22 mitigate glare, nuisance or hazardous effects of any night
23 lights.

24 4) Lighting Design Standards

25 (a) The use of cut-off type
luminaires is required.

1 (b) Spillover of lighting for
2 adjacent properties shall not exceed one half of one (.50)
3 footcandle measured at any point ten feet beyond a property
4 line.

5 (c) No luminaire shall be
6 installed higher than one and one half (1.5) the height of
7 any structure proposed for development or twenty four (24)
8 feet, whichever is less.

9 (d) Luminaires shall be recessed
10 into any canopy structure that is designated for pedestrian
11 use, loading or service, unless a suitable alternative is
12 submitted for approval. Decorative lamps housing an
13 incandesant light source for hanging under portals are
14 exempted.

15 (e) Building facades may be
16 illuminated with ground floodlamps located close to the
17 structure; wall mounted floodlamps must be shielded so that
18 the light source is not visible. Spotlights without a
19 shielding device are prohibited.

20 (f) Control of the distribution
21 of illumination for outdoor recreation areas, outdoor
22 storage areas, or outdoor display of merchandise is subject
23 to additional submittals.

24 (g) Automatic timing devices may
25 be required to turn off lighting at specified hours.

(h) A range of lighting design
solutions for the various aspects of a development shall be
considered over a single lighting solution.

(i) Where appropriate,
illumination of architecturally significant building facades
may be used as part of the overall lighting design.

4.4.5 Special District Review

The Code Administrator shall check the location of the proposed use and shall inform the applicant of any additional submittals or reviews required because of location of the proposed use within a Special Review District, Article VI.

4.4.6 Environmental Review

The Code Administrator shall review the proposed development and shall inform the applicant of the additional submittals or reviews required under Article VII - Environmental Requirements of the Code.

4.4.7 Conformance to Building, Mechanical and Electrical Codes

The Code Administrator shall review the submitted plans and specifications for compliance with the building, mechanical, and electrical provisions of the Code and for engineering design. If all of the requirements of the Code are met and a development permit is issued, construction must begin within one (1) year of the date of issuance, or the permit becomes invalid and a new application must be made.

4.4.8 Final Development Plan

After the preliminary development plan has been approved, the applicant shall prepare and submit a

1 final development plan to be followed in construction
2 operations. The plan shall be accompanied by (1) evidence
3 that conditions of approval assigned to the preliminary site
4 plan approval have been satisfied; (2) cost estimates for
5 construction and engineering, letters of credit, ownership
6 documents, and other submittals which may be requested by
7 the CDRC or Code Administrator; (3) two sets of plans and
8 specifications for the construction of any structure. A
9 final development plan may be submitted separately for any
10 phase of a master plan. The final development plan
11 (or successive stages thereof) as approved becomes the final
12 plat and the basis for issuance of development permit and
13 for acceptance of public dedications.

14 Developments authorized by development
15 permits will be inspected for completion in order to obtain
16 a certificate of occupancy. The inspection must be made
17 within ten (10) days of receiving written notice of
18 completion.

19 4.5 Review Requirements

20 4.5.1 Public Hearings

21 Parcels to be zoned as districts for
22 commercial and industrial uses shall submit a master plan
23 pursuant to Article V, Sections 5.1 and 5.2 infra.

24 a. The master plan shall be reviewed by
25 the County Development Review Committee in a public hearing
for a recommendation to the Board for approval, approval
with conditions, or denial pursuant to procedures set forth
in Article II, supra, of this Code.

b. The master plan accompanied by the recommendation, from the CDRC, shall be reviewed for adoption purposes by the Board of County Commissioners at a public hearing.

4.5.2 Administrative Approvals

Permitted uses submitted for development in a district which has been approved for zoning may be approved administratively according to the procedures set forth in Article II, Section 2 of the Code.

SECTION 9 - PARKING REQUIREMENTS is amended as indicated by underlining.

9.1 The following parking requirements are established for the types of development listed:

Type of Use	Number of Parking Spaces
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.
Retail Centers	1 per 1 employee plus 1 per 200 sq. ft.
Restaurants	1 per 1 employee plus 1 per 150 sq. ft.
Bars	1 per 1 employee plus 1 per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.

Small Scale Centers	1 per 1 employee plus
Home Occupations	1 per 400 sq. ft. of used for commercial space
Large Scale Residential	2 per dwelling unit
Institutional Residential	
Resorts	
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	as determined by the County

9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.

9.3 Minimum size of parking space shall be: 300 square feet which includes the parking stalls and aisles.

9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

Section 4.

ARTICLE VIII - SIGN REGULATIONS

SECTION 1 PURPOSE AND INTENT

It is the intent of these sign regulations to encourage the use of signs which are coordinated with and complimentary to either the character of the area where the sign is located, a master plan design theme, or the premissis and its architectural elements, and the overall scale and

1 design elements of the proposed uses(s) to be advertised for
2 the purpose of preventing a clutter of signs which distract
3 or otherwise create safety hazards or visual blight. For
4 purposes of sign coordination, a comprehensive sign plan may
5 be submitted with a master plan.

6 SECTION 2 DEFINITIONS

7 "Sign" means any medium including its structure
8 and component parts which is used or intended to display to
9 public view and/or promote merchandise for advertising
10 purposes, services or activities within a building or
11 property, consisting of any letter, figure, poster pictorial
12 picture, stripe, line, trademark, reading matter, or
13 illuminating device;

14 "Sign, area" means the net geometric area enclosed
15 by the sign, including all elements such as borders or
16 frames, perforated or solid background, but not including
17 the projected area of structural supports for ground signs,
18 unless it is designed in such a manner as to form an
19 integral part of the background of the display;

20 "Sign, building mounted" means a sign mounted on a
21 building and includes canopy sign, marquee sign, projecting
22 sign, and wall sign;

23 "Sign canopy" means a sign mounted upon or under a
24 permanent awning, arcade or portal;
25

1 "Sign, directional" means any sign utilized only
2 for the purpose of indicating the location or direction of
3 any object, place or area and containing absolutely no
4 advertising;

5 "Sign, free standing" include pole mounted and
6 pedestal signs. A pole mounted sign and sign structure are
7 permanently affixed to the ground supported by uprights or
8 braces and not attached to any building or structure. A
9 pedestal or ground mounted sign is affixed to, or painted on
10 or incised into a structural base, usually masonry, placed
11 on or in the ground and not attached to a dwelling.

12 "Sign height" means the vertical distance, from
13 grade to the highest point of the sign;

14 "Signs marquee" means a permanent canopy
15 projecting above an entrance and over a sidewalk or terrain;

16 "Signs, number". For the purpose of determining
17 number of signs, a sign shall be considered to be a single
18 display surface or display device containing elements
19 organized, related and composed to form a unit. Where
20 matter is displayed in a random manner without organized
21 relationship of elements or where there is reasonable doubt
22 about the relationship of elements, each element shall be
23 considered a single sign;

24 "Sign, portable" means a free standing sign,
25 designed and constructed to be easily moved from one

1 location to another, frequently, but not necessarily
2 displaying changeable copy, including signs mounted upon or
3 designed to be mounted on a trailer, wheeled carrier, or
4 other nonmotorized structure. A portable sign which has its
5 wheels removed shall still be considered a portable sign. A
6 portable sign or similar structure mounted in or on or
7 otherwise attached to any motorized vehicle or conveyance
8 and parked for purposes of display or advertising shall be
9 considered to fall under the provisions of this ordinance.

10 "Sign, projecting" means any sign which is
11 attached to a structure and extends beyond the line of the
12 structure.

13 "Sign, roof" means a sign painted, erected or
14 constructed wholly upon and over the roof of a building and
15 supported solely on the roof structure;

16 "Sign, temporary" means a sign which relates to an
17 event, function or activity of a specific, limited duration.
18 Temporary signs include but are not limited to include
19 flags, banners, pennants and similar paraphernalia;

20 "Sign, wall" means a sign painted on, attached to
21 or incised into, and/or erected parallel to or supported by
22 the face of the outside wall or fence;

23 "Combined commercial, shopping or office center
24 sign" means a sign for a group of two or more retail, office
25 and/or commercial establishments built on a site which is

1 planned, developed and managed as an operating unit related
2 in its size, location and type of shops or offices to the
3 trade area that the unit serves. The commercial, retail or
4 office establishments may or may not be architecturally
5 unified, may be single or multiple ownership and may be
6 located on single or multiple lot development sites;

7 "Footcandle" means a unit of illumination produced
8 on or reflected by a surface, measured with a footcandle
9 meter or sensitive photometer, which measures the candle
10 power distribution of a source of light; and

11 "Footlambert" means a measure of the relative
12 intensity of illumination from a source of light measured in
13 candles per square centimeter.

14 SECTION 3 SIGN PERMITS, SUBMITTALS AND REVIEWS

15 3.1 Except as provided by Section 8.4 infra.,
16 all new signs or any change to the design, size or placement
17 of an existing sign, are required to have a sign permit.

18 3.2 An application to permit a new sign shall
19 include the following information:

20 a. The name, address and telephone number
21 of the applicant; the name, address and consent of the owner
22 of the building; structure, or land to which the sign is to
23 be attached or erected; and

24 b. Name of the business and the date upon
25 which the development permit or business license for the
business was issued.

1 3.3 Required submittals for a sign permit
2 include the following:

3 a. A scaled line drawing showing the
4 design, height and dimensions of the signs;

5 b. A site plan or line drawing drafted to
6 scale, showing the proposed location of the sign on the site
7 and facade of a building(s);

8 c. Said plan or drawing shall include the
9 scale, design and location of all other existing signs
10 maintained on a premises.

11 3.4 The submittals shall be reviewed for
12 compliance with these sign regulations pursuant to
13 procedures set forth by Article II, Section 2 of the Code
14 and shall be submitted with the preliminary development
15 plan.

16 3.5 New signs requiring a permit but not part of
17 a master plan or development plan which is the subject to an
18 approval shall pay a fee as specified by the Santa Fe County
19 Fee Schedule.

20 3.6 No certificate or occupancy shall be issued
21 without a duly authorized sign permit.

22 SECTION 4 EXEMPT SIGNS: STANDARDS

23 4.1 The following types of signs are allowed
24 without a permit, provided the number of signs or the area
25 of the signs does not exceed the following:

1 a. One (1) sign, denoting the name and
2 address of the occupants of a premises, a home occupation,
3 private day care or kindergarten, or professional name plate
4 of up to one (1) square foot.

5 4.2 Applicants requesting additional signs or
6 signs which exceed the standards set forth by sub-section
7 4.1 shall submit an application for a sign permit pursuant
8 to Section 3 supra.

9 SECTION 5 TEMPORARY SIGNS

10 5.1 Permit Required; Time Limit

11 a. Signs or devices advertising temporary
12 or one-time events require a permit pursuant to Section 8.3.

13 b. Temporary signs may be erected or
14 maintained for a time period not to exceed thirty (30) days
15 unless the sign is denoting the architect, engineer or
16 contractor placed on the premises where construction, repair
17 or renovation is in progress, which sign shall be removed
18 prior to issuance of a certificate of occupancy; or the
19 sale, lease or rent of commercial or multi-family
20 residential property, which sign shall be removed when the
21 sale, lease or rent is accomplished.

22 5.2 Standards and Reviews

23 a. No temporary sign shall exceed four feet
24 in any one of its dimensions, or sixteen (16) square feet.
25

1 b. No temporary sign shall extend over or
2 into any street, alley, sidewalk, right-of-way, visibility
3 triangle, or other public thoroughfare.

4 c. Permits for temporary signs shall be
5 pursuant to the procedures set forth in Article II, Section
6 2.

7 d. One (1) sign is allowed for a temporary
8 garage or yard sale which shall be located on the premises
9 where the sale is conducted.

10 SECTION 6 POLITICAL CAMPAIGN SIGNS.

11 6.1 Political campaign signs are allowed as
12 follows:

13 a. No permit is required;

14 b. No sign shall exceed thirty two square
15 feet;

16 c. The owner of property on which the sign
17 is erected must give verbal permission prior to erecting the
18 sign; and

19 d. The sign shall be removed within five
20 days after the election.

21 SECTION 7 DESIGN AND OTHER STANDARDS FOR PERMANENT SIGNS

22 7.1 Permits Required

23 Sign permits are required as provided in
24 Section 3 infra.

25 7.2 Height and setback standards.

1 a. Commercial and industrial non-
2 residential zones or districts: the maximum allowable
3 height of pole mounted or permanent masonry free standing
4 signs at the front property line shall not exceed five (5)
5 feet. Sign height may be increased a maximum of five (5)
6 feet in height for each twenty-five (25) feet the sign is
7 set back from the front property line. Maximum allowable
8 sign height shall not exceed twenty-five (25) feet.

9 b. No sign may be located closer than ten
10 (10) feet of any side property line.

11 c. No sign may be located in such a way so
12 as to limit the visibility triangle at intersection
13 locations, or locate in any public right-of-way.

14 d. The minimum set back for ground mounted
15 masonry or pedestal signs is five (5) feet.

16 Note: Please refer to Appendix 8-A for sign design
17 guidelines.

18 7.3 Sign Illumination

19 Sign illumination shall be either indirect
20 with the source of light concealed from public view, direct
21 through translucent materials, or electrically activated gas
22 tubing such as neon. Indirect or reflected illumination
23 shall not exceed ten (10) vertical footcandles in mixed use
24 or traditional community districts and twenty five (25)
25 vertical footcandles in non-residential districts. Direct

1 or (interior) illumination shall not exceed one hundred and
2 fifty (150) footlamberts in mixed use or traditional
3 community districts and [two hundred and fifty (250)
4 footlamberts in non-residential districts.

5 7.4 Sign Design

6 Signs shall be designed in manner both
7 complimentary and compatible with the building or premises,
8 and shall be clearly readable through the use of simple
9 lettering styles and subdued colors. A general rule for
10 readability is to use no more than two simple lettering
11 styles, a simple shape, two colors, less than eight words
12 and three lines, light letters on a darker ground, and
13 mounted on the building that the sign relates to. The use
14 of pole mounted plastic internally illuminated, free
15 standing signs is discouraged. Signs shall conform to and
16 reflect local cultural traditions and decorative styles.

17 7.5 Sign Materials

18 a. Signs shall be constructed in
19 accordance with the uniform building code requirements.

20 b. No sign or part thereof shall contain
21 reflective or shining metal.

22 c. Pole mounted free standing signs may be
23 trimmed with a material such as wood, simulated wood, or
24 wrought iron, to create an edge to the sign. Such trim
25 shall be in proportion to the sign, not to exceed six (6)
inches in width.

1 7.6 Sign Area

2 a. The gross geometric area of the face of
3 the sign shall be the sign area, including trim, wall area,
4 or pedestal area.

5 b. The area of double faced signs shall be
6 computed for one face only.

7 c. The supports, uprights or structure on
8 which any sign is supported shall not be included in
9 determining the sign area unless such supports, uprights or
10 structure area is designed in such a manner as to form an
11 integral part of the background of the display.

12 7.7 Free Standing Signs: Base

13 All free standing signs shall have a base
14 area equal in length of the sign and not less than two (2)
15 feet in width and sixteen (16) inches in height to be
16 installed and maintained by the owner using one or combining
17 the use both of the following:

18 a. A banco, planter or low a wall
19 compatible and complimentary to the building or premises;

20 b. Shrubs, flowers or a groundcover.

21 7.8 Wall Signs

22 a. A wall or building mounted sign shall
23 not project more than one foot from the wall on which it is
24 displayed and shall not project over public property except
25 where the building wall is less than one foot from the

1 property line. In this case, the sign may project up to one
2 (1) foot from the building wall, provided that it does not
3 impede or endanger pedestrian or vehicular traffic; and

4 b. Shall, in no case, exceed ten (10)
5 percent of the area of the wall on which they are displayed
6 or seventy (70) square feet in sign area, whichever is less;

7 c. The sign area of wall signs shall be
8 counted toward total sign area except as otherwise provided
9 for non-residential districts where there are multiple
10 occupants of a premises;

11 d. The bracing for building and wall
12 mounted signs must be installed below the parapet walls or
13 otherwise screened from public view.

14 7.9 Canopy, Marquee and Projecting Signs

15 a. The area of a canopy or marquee sign
16 shall be counted as a part of the total allowable sign area;

17 b. All canopy, marquee and projecting
18 signs shall be at least seven (7) feet above grade.

19 However, when such signs are erected over a driveway, the
20 minimum height above the grade shall be fifteen (15) feet.

21 7.10 Clocks and Thermometers, when constructed
22 within or as a part of sign or when displayed as a separate
23 sign, shall, in addition to other regulations herein for
24 signs, conform to the following special regulations and
25 exceptions;

1 a. The hands of the clock and the motive
2 mechanism shall not be classed as moving parts;

3 b. Illuminated numerals will not be
4 classified as blinking or flashing lights;

5 c. Clocks and thermometers shall not
6 exceed sixteen (16) square feet. If no advertising is
7 present, the area of such public service signs shall not be
8 computed as part of the sign area;

9 d. All clock signs shall keep accurate
10 time and all thermometer signs shall accurately record the
11 temperature. If these conditions are not complied with, the
12 instruments shall be promptly repaired or removed.

13 7.11 No directional or information sign or
14 historic marker shall exceed four (4) square feet.

15 7.12 Sign area in residential areas

16 Signs in mixed use or traditional community
17 districts for special uses; or large scale residential uses
18 are allowed as follows:

19 a. One (1) sign for the permanent
20 identification of the entrance to the site of a special use
21 shall be permitted, provided it is mounted on a permanent
22 masonry or similar structure and does not exceed twenty (20)
23 square feet.

24 b. If the special use has an entrance on
25 another street, a second sign not to exceed twenty (20)
square feet will be permitted.

1 7.13 Sign Area Size: Commercial or Industrial
2 Non-residential Districts:

3 The allowable sign area that may be
4 displayed by any business professional or industrial use
5 shall be calculated by the following method for each type of
6 location:

7 a. Free standing buildings with a single
8 occupying business or office shall be allowed two (2)
9 identification signs.

10 b. Each single sign on the premises shall
11 not exceed seventy (70) square feet in sign area.

12 c. Business offices or other uses located
13 in commercial or industrial buildings combined by a common
14 wall, or a premises where shopping centers or commercial or
15 other businesses with multiple occupants shall calculate
16 permitable sign area based on the front footage of the space
17 being occupied. The rate of calculation shall be one (1)
18 square foot of signage for each linear foot of occupied
19 frontage. The maximum allowable sign area per use shall not
20 exceed seventy square feet.

21 d. Business offices or other uses located
22 in industrial or commercial building combined by a common
23 wall or premises where a shopping center or multiple
24 occupancy commercial or other businesses shall not be
25 allowed to utilize individual free standing signs. The one

1 (1) directory sign or other free standing sign to identify
2 the premises size of which is calculated by one square foot
3 for each linear foot of frontage not to exceed one hundred
4 and fifty (150) square feet.

5 e. For buildings with two (2) front
6 facades having intersecting arterials, an additional sign is
7 allowed. The maximum sign size for one (1) facade is one
8 hundred (100) percent of the allowed sign and for the second
9 facade the maximum sign size is fifty (50) percent of the
10 allowed sign size.

11 7.14 Prohibited Signs

12 a. Off-site advertising or billboards.
13 The advertising on any sign shall pertain only to a
14 business, industry or pursuit conducted on or within the
15 premises on which such sign is erected or maintained.

16 b. It is unlawful for any reason to
17 display on any sign or other advertising structures any
18 obscene, indecent or immoral matter.

19 c. No sign shall flash, blink, vary in
20 intensity, revolve or otherwise appear to be in motion.

21 d. No sign shall have audible devices.

22 e. No sign shall have movable parts;
23 except that those signs or marquees having design features
24 for changing of legend or inscription.
25

1 f. Pennants, tinsel or fringe are not
2 allowed.

3 g. No portable sign as defined by 8.2
4 supra is allowed.

5 h. Inflatable signs or oversized flags are
6 not allowed.

7 7.15 Prohibited Locations for Signs

8 a. No sign or other advertising regulated
9 by the Code shall be erected at the intersection of any
10 street in a manner which obstructs free and clear vision; at
11 any location where by reason of position, shape or color it
12 may interfere with, obstruct the view of, or be confused
13 with any authorized sign, signal, or devise; or which make
14 use of the words "STOP", "LOOK", "DANGER" or any other
15 words, phrases, symbol or character in such manner as to
16 interfere with, mislead or confuse traffic.

17 b. A triangle sight area, at all
18 intersections, which shall include that portion of public
19 right of way and any portion of a corner lot within a
20 triangle formed by a diagonal line extending through points
21 on the two property lines thirty (30) feet from the street
22 corner intersection of the property lines (or the point of
23 intersection of the property lines extended) and
24 intersecting the curb lines. In no event shall such
25 measurement be less than twenty-five (25) feet from the back
of the curb at the corner apex.

1 c. No sign shall be erected or maintained
2 on or over public property. However, wall signs may project
3 over a front property line where the building wall is less
4 than one foot from the property line, providing that such a
5 sign shall not impede or endanger pedestrian or vehicular
6 traffic and the sign projects no more than one foot from the
7 building wall.

8 d. No sign or part thereof may be erected
9 or constructed and/or maintained upon the roof of any
10 building or top of any structure.

11 e. No signs shall be erected, relocated or
12 maintained so as to prevent free ingress to or egress from
13 any door, window or fire escape; no sign of any kind shall
14 be attached to standpipe or fire escape.

15 7.16 Sign Removal and Non-conforming Signs

16 a. Any sign now or hereafter existing
17 which no longer advertises a bona fide business conducted or
18 a product sold on a premises shall be taken down and removed
19 by the owner, agent or person having the beneficial use of
20 the building, lot or structure upon which sign may be found;

21 b. Whenever a sign is removed from a
22 building or structure, the building or structure shall be
23 cleaned, painted or otherwise altered, and all sign
24 supports, brackets, mounts, utilities or other connecting
25 devices shall be removed so that there is no visible tract

1 of the removed sign or the supports, brackets, mounts,
2 utilities or other connecting devices; and

3 c. Upon failure to comply with the sign
4 regulations as set forth in the Code, the code enforcement
5 officer is authorized to cause immediate removal of such
6 sign, as follows:

7 1) For temporary signs in the public
8 right-of-way, verbal notification of the owner shall be
9 given requesting removal within fifteen (15) days. If after
10 this time, the sign is not removed, then the officer shall
11 remove the sign at the owner's expense;

12 2) For non-complying temporary signs
13 on private property, written notification of the owner shall
14 be given requesting compliance or removal within thirty (30)
15 days. If after this time the sign is not removed, the Code
16 Enforcement Officer shall remove the sign at the owner's
17 expense in an amount to be determined by the Land Use
18 Administrator;

19 3) For non-complying temporary signs
20 creating a threat to health, safety, and welfare, in a
21 visibility triangle, on a sidewalk or for other reasons, the
22 Code Enforcement Officer shall immediately remove the sign
23 at the owners expense and shall notify the owner by
24 certified mail;
25

1 4) For non-complying temporary signs
2 for which no permit is required, the Code Enforcement
3 Officer shall immediately remove the sign at the owners
4 expense and shall notify the owner by certified mail; and

5 5) For non-complying permanent signs,
6 the regular procedure for the violation of the Code shall be
7 followed.

8 6) Billboards or other non-conforming
9 signs: existing signs affected by this Code shall five
10 years from the effective date of the Code to conform to the
11 applicable sign provisions.

12 Section 5.

13 Article X: DEFINITIONS is amended to include the following:

14 Reconnaissance hydrology report: means an abbreviated
15 geohydrology report submitted according to the requirements
16 of Article VII, Section 6.

17 Standard density means lot size considering the proposed
18 water usage. For example, the standard lot size for the
19 Basin Zone where water usage is proposed to be 1.0 acre feet
20 is ten acres.

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF July,
1990, AS AN AMENDMENT TO ORDINANCE NUMBER 1980-6.

SANTA FE BOARD OF COUNTY COMMISSIONERS

Linda Grill
LINDA GRILL, CHAIRWOMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Terry Brennan
TERRY BRENNAN, COUNTY ATTORNEY

Jona G. Armijo
JONA G. ARMILLO, COUNTY CLERK

This Ordinance was recorded in the Santa Fe County Ordinance
Book on this 27 day of July, 1990, in Book
Number 689, Pages 097-166.

713,311
COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

I hereby certify that this instrument was filed to
record on the 27 day of July A.D.
1990 at 9:21 o'clock A.m.
and was duly recorded in book 689
page 097-166 of the records of Santa Fe County.

Dorinda Garcia
Deputy