

# SANTA FE COUNTY

## *Ordinance No. 2008-5*

**AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 12, POJOAQUE VALLEY TRADITIONAL COMMUNITY DISTRICT.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS (AS AMENDED), IS HEREBY AMENDED TO ADD A NEW SECTION 12, AS FOLLOWS:**

### **Sec. 12. POJOAQUE VALLEY TRADITIONAL COMMUNITY DISTRICT**

#### **12.1 Applicability**

- A. This Ordinance applies to the territory on the Pojoaque Valley Traditional Community ("PVTC") District Map (Attachment A) within the PVTC District Boundary. Attachment B describes the PVTC District Boundary.
- B. The foregoing notwithstanding, should any Pueblo within whose exterior boundary the territory lies assert jurisdiction to zone the territory, that assertion may limit applicability of this Ordinance.
- C. Development within the PVTC District shall be governed by the provisions of this Ordinance and the Land Development Code.

#### **12.2 Purpose**

This Ordinance is intended to implement the land use goals, strategies and intent of the Pojoaque Valley Community Strategic Plan, Resolution 2007-120, and the planning policies of the Growth Management Plan's "Community and District Planning" and "Traditional and Contemporary Communities" sections.

#### **12.3 PVTC Zoning Sub-Districts Established**

The following PVTC Zoning Sub-Districts are hereby established and in the PVTC District.

Pojoaque Valley Traditional Residential (PVTR)
Pojoaque Valley Traditional Mixed-Use (PVTMU)

## 12.4 PUTC District Use Table

### A. Principal Uses

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

### P - Permitted Uses

A Permitted Use ("P") indicates that a use is permitted in the zoning district, in accordance with an approved Development Permit. For a Non-Residential or Multi-Family Use, an approved Development Plan is required. A Development Plan for a Permitted Use may be approved administratively.

### C - Conditional Uses

A Conditional Use ("C") indicates that a use is permitted in the zoning district so long as a Development Plan is approved by the County Development Review Committee ("CDRC") or applicable Local Development Review Committee ("LDRC").

### S - Special Uses

A Special Use ("S") indicates that a use is permitted in the zoning district so long as a Development Plan is reviewed by the CDRC or applicable LDRC and approved by the Board of County Commissioners.

### Uses Not Allowed

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

### Uses Not Listed

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

### B. Use Categories (Section Reserved)

#### C. Accessory Uses

Accessory uses are subject to applicable provisions of the Code.

#### D. Temporary Uses

Temporary uses are subject to applicable provisions of the Code.

**Commentary:** Use Standards must meet requirements outlined in the Santa Fe County Local Development Code, as amended. The Use Table, below, is organized into 5 major use groups: Residential Use, Public, Civic and Institutional Use, Retail, Service and Commercial Use, Industrial Use, and Open Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

All household living not listed below	
Single-family dwellings and manufactured homes	P
Two-family dwellings (duplexes)	P
Multi-family dwellings	C
Manufactured home communities and subdivisions	S
Mobile homes	P
Upper floor residential	P
All group living not listed below	S
Community residential homes	P
Family compounds	
All places of worship	C
All day care not listed below (Accessory Home-based)	C
Day care (6 or more adults or children)	C
All community service not listed below	S
Community facilities	P
Libraries	P
Museums	P
Philanthropic institutions	P
Senior centers	P
All educational facilities not listed below	C
Elementary school	C
Middle or high school	C
Colleges or universities	C
Business and vocational schools	C
All government facilities not listed below	C
Emergency services	P
Jail or prison	
Post Office	P
All parks and open space not listed below	C
Cemetery, columbaria, mausoleum, memorial park	C
Public parks	C
All passenger terminals not listed below	S
Airports	
Airports or heliport, private	
All social service institutions	S

Utilities not listed below	C
Major utilities	S
Minor utilities	C
Telecommunications facilities	C
All major entertainment events, not listed below	S
Fairgrounds	S
All medical services not listed below	S
Hospitals	S
Medical and dental offices/clinics	P
Emergency medical offices	P
All offices not listed below	C
Banks and other financial institutions	C
Offices (<5,000 square feet)	P
Offices (>5,000 to 20,000 square feet)	P
Office uses (>20,000 square feet)	
All commercial parking lots and garages	S
All transient accommodations not listed below	
Inns and bed and breakfasts (<7 units)	P
Inns and bed and breakfasts (7-12 dwelling units)	C
Hotels, motels, and inns (>12 dwelling units)	S
Resorts (with or without conference centers)	S
All indoor recreation not listed below	C
Adult entertainment	
Convention or conference center	S
Private clubs and lodges (not-for-profit)	C
Entertainment and recreation, indoor	C
All outdoor recreation not listed below	
Golf courses	S
Recreational uses, outdoor	C
Outfitter and guide services	C
Racetracks and stadiums	
Recreational vehicle park/campground	S
Riding academies and public stables	C
All restaurants and bars not listed below	
Restaurants (See also Home Restaurants)	P
Restaurant, serving beer, wine, or liquor	S

Taverns and bars	S
All indoor retail sales and services not listed below	S
Art galleries or dealers	P
Appliance, bicycle, jewelry, shoe or watch repair	C
Convenience stores	C
Exercise or dance studios	P
Gasoline and fuel sales	S
Liquor stores	S
Outdoor markets	C
Personal service establishments	P
Retail establishments, indoor <5,000sf	P
Retail establishments, indoor >5,000sf to 20,000 sf	C
Retail establishments, indoor >20,000 sf	
Vehicle parts and accessories	C
Video and DVD rental establishments	P
Vehicle sales and service not listed below	S
Vehicle service, general	C
Vehicle service, intensive	
Vehicle sales and leasing	
Storage not listed below	
Mini-storage units	S
Industrial sales and service not listed below	S
Arts and crafts	C
Manufactured home sales and service	
Manufacturing or assembly of equipment	
Plumbing and electrical contractors	C
Research, testing and development laboratory	S
Woodworking, including cabinet makers and furniture manufacturing	C
Warehouse and freight movement not listed below	
Transport and shipping	
Truck stops	
Outdoor storage yards	
Waste-related services not listed below	
Landfills	
Recycling facilities	
Wholesale trade not listed below	S

Equipment rental	C
Mail-order houses	C
All heavy industrial	
All resource extraction not listed below	
Mining and extractive uses	
Sand and gravel operations	
All agriculture not listed below	C
Agriculture, grazing and ranching	C
All agricultural business not listed below	
Animal boarding or training (large animals)	S
Animal boarding, kennels, shelters (small animals)	S
Animal breeding (commercial) and development	S
Animal hospital or veterinarian (large animal)	S
Animal hospital or veterinarian (small animal)	S
Animal raising (commercial)	S
Animal processing, packing, treating, and storage	
Dairy farm or milk processing plant, commercial	
Greenhouse or nursery	S
Feed lot, commercial	
Livestock auctions or stock yards	
Livestock or poultry slaughtering or dressing	
Processing of food and related products	
Packing house for fruits or vegetables	S
Retail sales of farm equipment and supplies	C
Tree or sod farm, retail or wholesale	S

## 12.5 Density and Dimensional Standards

The following density and dimensional standards apply in the PVTC District.

**Commentary:** The density and dimensional standards set forth in this section are not a guarantee that a certain level of development can be attained. Other factors—water and other public facility availability, infrastructure capacity, building footprint, parking configuration to name a few—may have the effect of limiting development intensity more than the stated standards.

Residential	75	75			75	75	33		40	24	24

**Note:**

(1) Setbacks shall be measured from the property line, unless the property line is within a road easement, in which case the setback shall be measured from the interior edge of the road easement.

## 12.6 Supplemental Use Standards

### A. Non-Residential Standards

1. New Non-Residential structures shall not exceed 20,000 square feet or the maximum lot coverage specified in Section 12.5, whichever is less.

### B. Home Business

Home businesses are allowed, in addition to Home Occupations, throughout the PVTC District. Home businesses include, but are not limited to, retail shops, galleries, offices or restaurants. They are a Conditional Use, and may be allowed as accessory uses to single-family dwellings provided they comply with the following:

1. A Site Development Plan is required.
2. The home business shall be clearly incidental and secondary to the residential use of the property.
3. No more than 2,500 square feet shall be used for the home business.
4. The owner of the business shall reside on-site.
5. No more than six (6) persons not members of the family residing on the premises shall regularly work at the home business.
6. The business shall not be disruptive of the residential character of the neighborhood.
7. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business.
8. The home businesses may have a maximum of one sign, provided it complies with other applicable provisions of the Code.
9. No equipment or process shall be used that significantly interferes with existing uses of property in the adjacent area.
10. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
11. The home business shall not create traffic or parking problems.
12. Off-street, on-site parking shall be required for employees, customers, and clients of the home business, in addition to parking required by other applicable provisions of the Code.

### C. Rural Community Character

In order to protect the rural community character including the scenic, habitat, natural, or historic landmarks and features, encourage preservation of agricultural practices, and preserve traditional development patterns, the following is applicable:

1. Structures may be clustered to preserve natural open areas and allow landowners to maintain a property's agricultural practices to protect the character, values, and utility of the land.
2. In the placement of new developments or the subdividing of any land, due regard shall be shown to the preservation of existing landforms and natural features, including but not limited to the following:
  - a. Development shall be designed to preserve and enhance natural features and resources such as, but not limited to, Significant Trees, natural Watercourses, acequias, rock outcroppings, and historical and cultural community assets as outlined in the Historic and Cultural Sites, Landmarks, and Archaeological Districts section of the Code.



**Commentary:** Undesirable/invasive species of trees are not considered Significant trees. These include Siberian Elm, Olive (Elaeagnus angustifolia), and Salt Cedar (Tamarix spp.).

- b. Any property that contains an acequia or an acequia easement shall identify this traditional irrigation structure both on the plat and on the development plan. Prior to any land disturbance activity on a parcel, tract, or lot bisected by, or directly adjacent to an acequia, the affected acequia association and/or the Pojoaque Valley Irrigation District shall be contacted for review of the proposed activity before any development permits are issued.
3. Added landscape elements should observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.

#### D. Wastewater/Water

1. A copy of any required liquid waste disposal permit issued by the New Mexico Environment Department and a copy of any permit issued by the Office of the State Engineer pursuant to NMSA 1978, § 72-12-1 shall be presented at the time of an application for Development.

**Commentary:** Amendment of provisions of this section of the Ordinance may be required to comply with future rules expected to be enacted as a result of the settlement in the Jaconda water adjudication.

## 12.7 Mixed-Use Zoning Sub-Districts

### A. Performance Standards

1. The Mixed-Use Zoning Sub-Districts allow for an integration of residential, commercial, institutional and agricultural uses.
2. All non-residential development in the Mixed-Use Zoning Sub-Districts shall be compatible with existing land use patterns, existing residential areas, land ownership characteristics, and geographic features near the property.

### B. Location

1. Boundaries of the Mixed-Use Zoning Sub-Districts are shown on the PVTC District Map (Attachment A).
2. The Mixed-Use Sub-District boundaries in Jacona are located on NM 502 and consist of:
  - a. Those areas that lie 500 feet from the right of way, into the properties adjacent to N.M. 502.
  - b. Two parcels south of NM 502 and north of the Pojoaque Valley School District at the Jacona Campus, and one parcel north of NM 502.
3. The Mixed-Use Sub-District boundary in Pojoaque follows property lines of specific parcels east and west of U.S. 84-285 between NM 503 intersection and CR 109 (North Shining Sun Road).
  - a. Properties included in this Sub-District are those parcels with direct access to U.S. 84-285 from Old Pueblito Road, and the parcels located off the frontage road access on Grazing Elk Drive.

- b. Also included are those parcels located east of the U.S. 84-285 frontage road adjacent to Camino Trujillo.
- 4. The Mixed-Use Sub-District boundary in Cuyamungue is located off the frontage road on the west side of U.S. 84-285 in the northern area of Cuyamungue.
- C. Other
  - 1. Properties that were previously eligible for Non-Residential zoning pursuant to the former Community Center District, encompassing the intersection of U.S. 84-285 and NM 503 and emanating outward 1750 feet from this qualifying intersection, shall retain their zoning. Properties that were eligible for Non-Residential zoning and had not been rezoned shall not be eligible to use the former Community Center District for the purpose of rezoning.

## 12.8 Community Notice and Procedural Requirements

In addition to the notice and public hearings standards in Article II, Section 2.4 of the Code, the following standards shall apply:

### A. Posting

Notice of pending applications for land divisions, family transfers, subdivisions, rezoning, home businesses, non-residential uses, or other applications requiring committee review, shall be prominently displayed at a site or sites that will afford maximum visibility to parties potentially impacted by the subject of the application.

### B. Pre-application Review

- 1. Applicants for any residential development of five (5) or more lots, as well as non-residential development projects with large-scale impacts, shall publicize and hold a pre-application community-wide meeting to present the proposed development concept and gather public comments and concerns. Large scale impacts include, but are not limited to, large or high structures; potential for smoke, dust, particulate emissions or noxious fumes or odors; loud noise; bright light pollution; and modification of community infrastructure such as roads, waterways, and trails.
- 2. The applicant shall publish notice of the time, place and purpose of the meeting in the weekly Pojoaque section of the *Santa Fe New Mexican* and in the *Albuquerque Journal North* newspapers and shall mail notice to neighborhood organizations and associations in the Pojoaque Valley.
- 3. The applicant shall submit a written comprehensive summary of the public comments and concerns expressed at the meeting about the proposed development to the County with the application for development.

## 12.9 Local Development Review

- A. The Pojoaque Valley Local Development Review Committee for the PVTC District shall be formed pursuant to applicable requirements as set forth in Article II, Section 1.3 of the Code.
- B. The Committee shall have the same authority as the County Development Review Committee with respect to development within the geographic boundaries of the PVTC District, including without limitation, planning, zoning, platting, and subdivision regulation.
- C. The Committee shall assist in implementing and monitoring the Pojoaque Valley Traditional Community District Ordinance.

PASSED, ADOPTED AND APPROVED this 13<sup>th</sup> day of May, 2008, by the Santa Fe County Board of County Commissioners.

Jack Sullivan  
Jack Sullivan, Chairperson

ATTEST:

Valerie Espinoza  
Valerie Espinoza, County Clerk



APPROVED AS TO LEGAL FORM:

Stephen C. Ross  
Stephen C. Ross, County Attorney

**CERTIFICATE OF FILING**

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2008 - 5, was filed in my office on the 15 day of MAY, 2008, in Instrument No. 1525704.

SANTA FE COUNTY CLERK

Valerie Espinoza  
VALERIE ESPINOZA



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

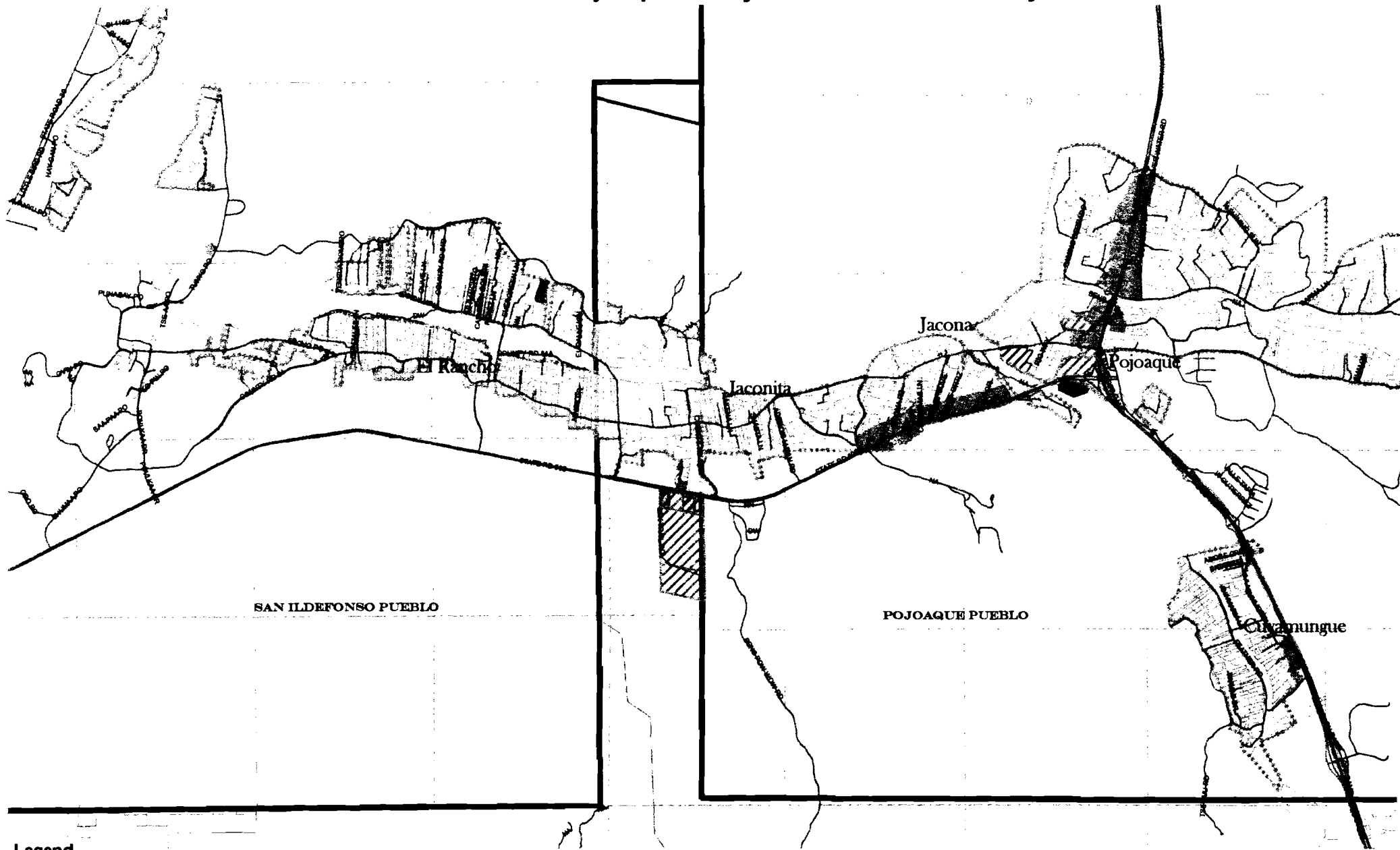
BCC ORDINANCE  
PAGES: 17

I Hereby Certify That This Instrument Was Filed for Record On The 15TH Day Of May, A.D., 2008 at 13:10 And Was Duly Recorded as Instrument # **1525704** Of The Records Of Santa Fe County

Deputy Marcella Lopez Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM



# Attachment A: Pojoaque Valley Traditional Community District



## Legend

- Roads
- BLM
- State Land
- Pueblo Land

- Pojoaque Valley Traditional District Boundary
- Pojoaque Valley Traditional Residential
- Parcels
- Forest Land

- Pojoaque Valley Traditional Mixed-Use
- ▨ Institutional
- ▨ Community Open Space
- SEC Open Space



1:36,000

**Attachment B:**

**Legal Description of the Pojoaque Valley  
Traditional Community District Boundary**

The Pojoaque Valley Traditional Community District Boundary is herein described as:

All privately owned lands within the following Public Lands Survey System (PLSS)  
section:

T20N R8E S 32

T19N R8E Sections 3, 4, 5, 6, 8, 9, 11, 12, 14

T19N R9E Sections 3, 4, 5, 6, 7, 8, 9, 10, 17, 20

The foregoing does not include land owned by the Federal Government, the State of  
New Mexico, the Pojoaque Valley School District, and the Pueblos of Nambe,  
Pojoaque, and San Ildefonso, and the Jacona Land Grant Association.