SANTA FE COUNTY

Ordinance No. 2007 - 2

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 10, VILLAGE OF AGUA FRIA ZONING 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 10, AS FOLLOWS:

Sec. 10. VILLAGE OF AGUA FRIA ZONING DISTRICT

10.1 Applicability of Ordinance

A. This Ordinance applies within the territory identified in Section 10.2 herein. The Santa Fe County Land Development Code, Ordinance 1996-10,(as amended) (herein referred to as "the Code") shall be applicable to all property within the Village of Agua Fria Zoning District, except those specifically set forth in this Ordinance.

B. This Ordinance shall apply to an existing approved master plan and shall apply to an application for approval of a master plan, preliminary development plan or preliminary plat.

10.2 Location of Zoning District Boundaries

A. The Village of Agua Fria Zoning District consists of all property within the area described on the Village of Agua Fria Zoning District Map (Attachment A).

10.3 Purpose

A. The Village of Agua Fria Zoning District is intended to implement the planned land use goals, strategies and overall intent of the Village of Agua Fria Community Plan, Resolution 2006 - 116, adopted and approved by the Board of County Commissioners on June 11, 2006.

B. The Village of Agua Fria Zoning District is intended, in part, to implement the planning policies of the Growth Management Plan's "Traditional and Contemporary Communities" land use designation.

C. The Village of Agua Fria Zoning District Ordinance will be formally reviewed by a committee established by Santa Fe County Land Use Department at least once every five years. Santa Fe County Planning Division staff will provide support and help to coordinate the committee formation process. The review by the Agua Fria Committee may include recommendations to amend the plan and ordinance.

10.4 Village of Agua Fria Zoning Subdistricts Established

The following Village of Agua Fria Zoning Subdistricts are hereby established and approved for use in the Village of Agua Fria Zoning District:

Village of Agua Fria Zoning Subdistricts
Agua Fria Low-Density Urban Zone (AFLDUZ)
Agua Fria Traditional Community Zoning District (AFTCZD)

10.5 Village of Agua Fria Zoning District Use Table

A. Principal Uses

P Permitted Uses

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code. Application for a development permit is not required for agricultural, grazing and ranching uses as set forth in Article III, Section 1, Agriculture, Grazing and Ranching Uses.

C Conditional Uses

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), County Development Review Committee (CDRC) or applicable Local Development Review Committee (LDRC), in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

S Special Uses

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

Uses Not Allowed

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

Uses Not Listed

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 Land 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.

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Residential Use Categories				
Household Living	All household living not listed below	P	P	
	Single-family dwellings and manufactured homes	P	P	
	Two-family dwellings (duplexes)	P	P	
	Multi-family dwellings	C	S	
	Manufactured home communities and subdivisions	C	S	
	Mobile homes	P	P	
	Upper floor residential	P	P	
Group Living	All group living not listed below	C	S	
	Community residential homes (6 or fewer residents)	P	P	
	Community residential homes (7-14 residents)			
	Community residential homes (>14 residents)			
	Family compounds	P	P	
Public, Civic, and Institutional Use Categories				
Place of Worship	All places of worship	C	C	
Day Care	All day care not listed below (See also Sec. Accessory Home-based)	C	C	
	Day care (13 or more adults or children)	C	C	
Community Service	All community services not listed below	C	C	
	Community facilities	C	C	
	Libraries	C	C	
	Museums	C	C	
	Philanthropic institutions	C	C	
	Senior centers	C	C	
Educational Facilities	All educational facilities not listed below	C	C	
	Elementary schools	C	C	
	Middle or high schools	C	C	
	Colleges or universities	S	S	
	Business and vocational schools	S	S	
Government Facilities	All government facilities not listed below	C	C	
	Emergency services	P	P	
	Jail or prison	S		
	Post office	C	C	
Parks and Open Spaces	All parks and open space not listed below	C	C	
	Cemeteries, columbaria, mausoleums, memorial parks	C	C	
	Public parks	P	P	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Passenger Terminal	All passenger terminals not listed below	S	S	
	Airports			
	Airports or heliports, private			
Social Service Institutions	All social service institutions	S	S	
Utilities	Utilities not listed below	C	C	
	Major utilities	S	S	
	Minor utilities	C	C	
	Telecommunications facilities	C	C	
Retail, Service and Commercial Use Categories				
Entertainment Events, Major	All major entertainment events, not listed below			
	Fairgrounds	S	S	
Medical Services	All medical services not listed below	C	C	
	Hospitals	S	S	
	Medical and dental offices/clinics	C	C	
	Emergency medical offices	C	C	
Office	All offices not listed below			
	Offices (<5,000 square feet)	C	C	
	Offices (>5,000 to 50,000 square feet)			
	Office uses (>50,000 square feet)			
Parking, Commercial	All commercial parking lots and garages		S	
Transient Accommodations	All transient accommodations not listed below			
	Inns and bed and breakfasts (<7 units)	C	C	
	Inns and bed and breakfasts (7-12 units)	C	C	
	Hotels and motels (>12 units)			
	Resorts (with or without conference centers)	S	S	
Indoor Recreation	All indoor recreation not listed below	S	S	
	Adult entertainment			
	Convention or conference center	S	S	
	Private clubs and lodges (not-for-profit)	S	S	
	Entertainment and recreation, indoor		S	
Outdoor Recreation	All outdoor recreation not listed below			
	Golf courses	S	S	
	Recreational uses, outdoor	C	C	
	Outfitter and guide services	S	C	
	Racetracks, animal			
	Racetracks, motorized			
	Recreational vehicle park/campground	C	C	
	Riding academies and public stables	S	C	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Stadiums			
Restaurants and Bars	All restaurants and bars not listed below			
	Restaurants (See also Home Restaurants)		C	
	Restaurant, serving beer, wine, or liquor		S	
	Taverns and bars			
Retail Sales and Service	All indoor retail sales and services not listed below			
	Art galleries or dealers	C	C	
	Appliance, bicycle, jewelry, shoe or watch repair		S	
	Convenience stores		S	
	Exercise or dance studios		C	
	Farmers Markets	C	C	
	Gasoline and fuel sales			
	Greenhouses or nursery, retail	C	C	
	Liquor stores			
	Outdoor markets			
	Personal service establishments	C	S	
	Retail establishments, indoor <5,000sf		S	
	Retail establishments, indoor >5,000sf to 50,000sf			
	Retail establishments, indoor >50,000			
	Vehicle parts and accessories			
	Video and DVD rental establishments	C	C	
Vehicle Sales and Service	Vehicle sales and service not listed below			
	Vehicle service, general		C	
	Vehicle service, intensive			
	Vehicle sales and leasing			
Storage	Storage not listed below			
	Mini-storage units		C	
Industrial Use Categories				
Industrial Sales and Service	Industrial sales and service not listed below		S	
	Arts and Crafts			
	Manufactured home sales and service			
	Building and Landscaping	S	C	
	Woodworking, including cabinet makers and furniture manufacturing	S	C	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		S	
	Transport and shipping			
	Truck stops			

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Outdoor storage yards			
Waste-related Services	Waste-related services not listed below			
	Landfills			
	Recycling facilities			
Wholesale Trade	Wholesale trade not listed below		C	
	Equipment rental			
	Mail-order houses	C	C	
Heavy Industrial	All heavy industrial			
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	S		
Open Use Categories				
Agriculture	All agriculture not listed below	P	P	
	Agriculture, grazing and ranching	P	P	
Agricultural Business	All agricultural business not listed below			
	Animal boarding or training (large animals)		C	
	Animal boarding, kennels, shelters (small animals)		S	
	Animal breeding (commercial) and development			
	Animal hospital or veterinarian (large animal)		S	
	Animal hospital or veterinarian (small animal)			
	Animal processing, packing, treating, and storage			
	Animal raising (commercial)		S	
	Dairy farm or milk processing plant, commercial			
	Greenhouse or nursery (wholesale)	C	S	
	Feed lot, commercial			
	Livestock auctions or stock yards			
	Livestock or poultry slaughtering or dressing			
	Processing of food and related products		C	
	Retail Sales of farm equipment and supplies			
	Packing house for fruits or vegetables		C	
	Tree or sod farm, retail or wholesale	C	S	

10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

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

Village of Agua Fria Zoning District

Sub districts	Minimum Lot Area/Principal Use (acres) *(1)*							Max. Coverage (%)		Max. Height (ft)			Min. Setbacks (ft) *(2)*		
	Base Density/ Intensity				Community Services										
	Res Uses	Non Res Uses	Water Cons.	Long Term Water	Water	Sewer	Both W&S	Residential Uses	Non-residential Uses	Residential Uses		Non Res Uses	Front & Street Side	Interior Side	Rear
										SF	MF				
AFTCZD	.75	.75			.75	.75	0.33		40	24	24	24	0	5	5
AFLDUZ	2.5	2.5			1	1	0.5		20	24	24	24	0	20	20

Notes:

(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.

(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.

10.7 Supplemental Use Regulations

The following standards shall apply to all new development in the Village of Agua Fria Zoning District:

A. Preservation of Community Character

1. Clustering of structures is encouraged to preserve natural open areas; and
2. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.

B. Non-Residential Standards

1. Maximum Square Footage - Non-residential development may not exceed 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.
2. Setbacks - Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.
3. Parking - No parking may be provided within 5 feet of property lines.

C. Home Business

Home businesses, including but not limited to, retail shops, galleries, offices or restaurants, may be allowed as accessory uses to single-family dwellings and are a conditional use subject to the approval of a conditional use permit. A home business shall comply with the following:

1. A Site Development Plan is required.
2. Not more than 2,500 square feet shall be dedicated to the home business use.
3. The owner of the business shall reside on-site.
4. No more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business.
5. The business shall not be disruptive of the residential character of the neighborhood.
6. 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.
7. Home businesses may have a maximum of one sign.
8. No equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area.
9. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
10. The home business shall not create a traffic or parking problem.
11. Off-street parking shall be required for employees, customers, and clients of the home business.

D. Home Restaurants

Home Restaurants shall be permitted but shall comply with the requirements outlined in this Ordinance in addition to the following:

1. Drive up or drive through shall not be allowed.
2. Liquor sales are prohibited.
3. Beer and wine sales are allowed provided that all applicable State requirements are met.

E. Nonconforming Uses

Notwithstanding the provisions of Article II, Section 4 or Article III, Section 4.2.4 of the Code, as amended, nonconforming legal uses which have previously been expanded under the Code shall not be allowed further expansion.

F. Additional requirements for all development

Requests for development shall be evaluated for compliance with all applicable provisions of the Code. Any conflicts between development requirements set forth in this ordinance and the Code shall be resolved in favor of the requirements of this ordinance.

10.8 District Standards

A. Water

1. All new residential land divisions and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre-feet of water per year per dwelling unit and appropriate restrictions to this effect shall be imposed during the approval process.

B. Wastewater

1. Existing residential or non-residential uses whose parcel boundary is within 200 feet of a public sanitary sewer line that can be accessed by gravity flow shall connect to that line.
2. When property in the planning area is divided, whether by rezoning, variance, family transfer or otherwise, the applicant shall furnish complete and accurate documentation to the County that demonstrates that facilities are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained.

10.9 Special Community Notice and Procedural Requirements

A. Posting

In addition to County Code requirements, 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 posted and maintained in a manner most visible to community and adjacent neighbors.

B. Pre-application Review

In addition to County Code requirements, applicants for any subdivision with 5 or more lots, or non-residential development shall hold a pre-application meeting in the community to present the development concept and gather public comments and concerns about the development.

1. The applicant shall publish notice of the time, place and purpose of the meeting in a newspaper of general circulation in the community and shall mail notice to neighborhood organizations within the Village of Agua Fria that are on the list of neighborhood associations maintained by the Santa Fe County Land Use Department, and to all property owners within 100 feet (excluding rights-of-way) of the subject property. The property shall be posted as set forth above.
2. The applicant shall record the meeting proceedings and submit a written record to the County along with the application for development.

PASSED, ADOPTED AND APPROVED this 13 day of March, 2007, by the Santa Fe County Board of County Commissioners.

Virginia Vigil, Chairwoman

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO LEGAL FORM:

for SCR

Stephen C. Ross, County Attorney

CERTIFICATE OF FILING

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2007 - 2, was filed in my office on the 5TH day of March, 2007, in Instrument No. 1477602.

SANTA FE COUNTY CLERK

VALERIE ESPINOZA

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 11

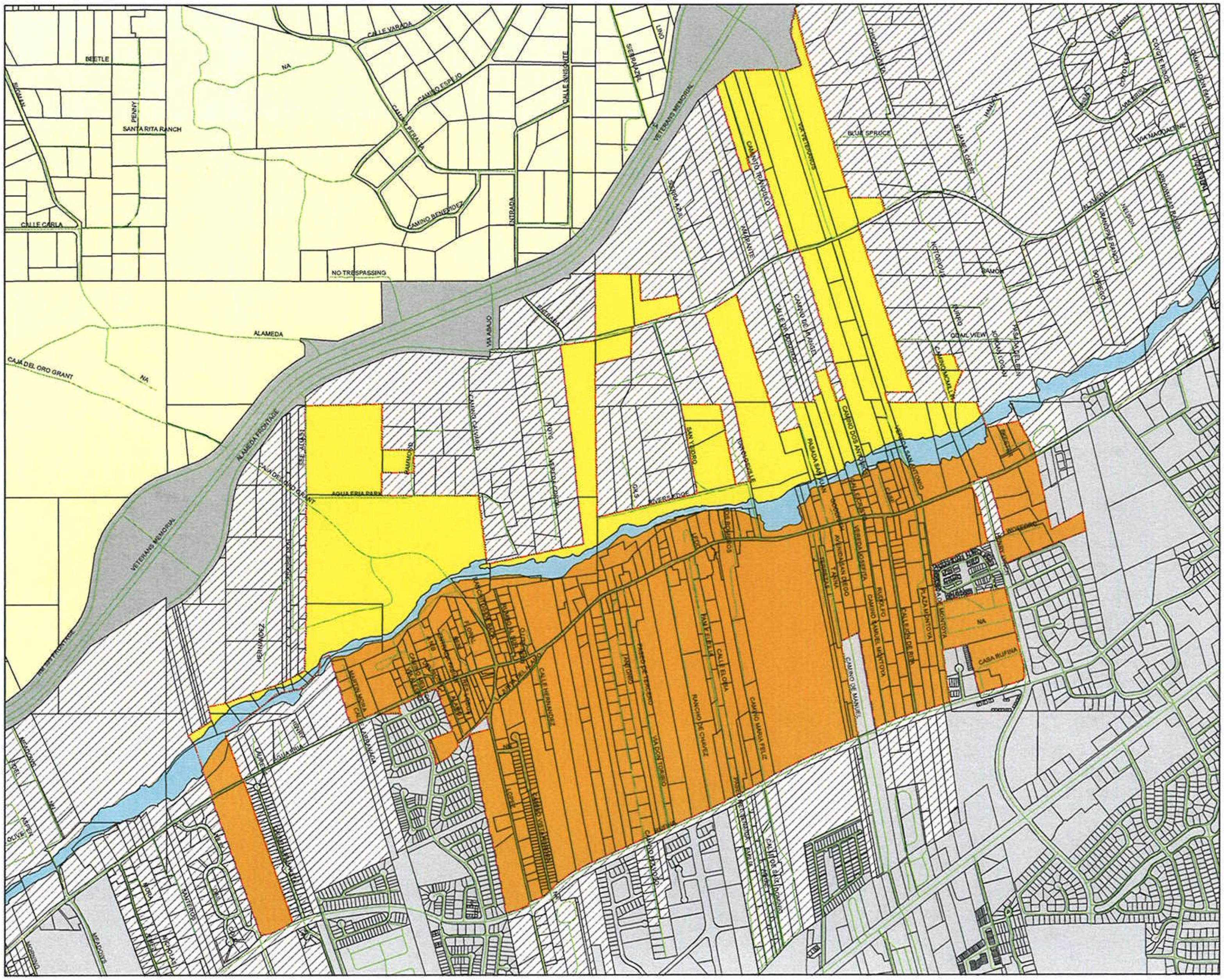
I Hereby Certify That This Instrument Was Filed for Record On The 5TH Day Of April, A D., 2007 at 08:29 And Was Duly Recorded as Instrument # 1477602 Of The Records Of Santa Fe County

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

Deputy

COUNTY CLERK SANTA FE COUNTY NEW MEXICO VALERIE ESPINOZA

Attachment A: Village of Agua Fria Zoning District Ordinance 2007-2



Legend

- Agua Fria Low-Density Urban Zone
- Agua Fria Traditional Community Zoning District
- Village of Agua Fria Traditional Historic Community Boundary Ordinance 2006-12
- Parcels
- Tres Arroyos Zoning District Ordinance 2006-10
- City of Santa Fe Boundary (2006)
- Extraterritorial Zoning Area Boundary 2-Mile
- NM 599 R/W
- Roads
- Santa Fe River 100 Year Flood Zone

N
W E
S

1:13,000

1 inch equals 1,083 feet

0 0.1 0.2 0.4 Miles

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.

SANTA FE COUNTY

March 13, 2007