

Sustainable Land Development Code Preview/Overview

Chapter 1 - General Provisions

This chapter outlines the purpose and intent of the Sustainable Land Development Code. The SLDC is designed to be consistent with the goals, policies and strategies of the Sustainable Growth Management Plan (SGMP). The SLDC establishes growth management techniques and land use regulations that together implements the SGMP including requirements for adequate public facilities and levels of services pertaining to roads, open space, utilities law enforcement emergency services and affordable housing. The SLDC will replace the existing Land Development Code, including amendments to the code with the exception of existing community planning ordinances, the Santa Fe Community College District Ordinance and the Oil and Gas Ordinance.

The General Provisions state that no new development shall be granted approval unless there is adequate on and off-site provision of capital facilities and services available to the development. Applications for discretionary development approval will be required to demonstrate consistency with the SGMP and may be required to submit certain Studies, Reports and Assessments (SRAs), depending upon the scope of the development proposed in the application.

Chapter 2 - Planning

This chapter establishes requirements and procedures for community participation and planning including adopting and amending certain County land use plans, including the SGMP and Area, District or Community Plans.

- Area Plan- An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP.
- District Plan- A District Plan provides specific planning and design for single use and mixed use development specialized around a predominant activity.
- Community Plan- A Community Plan provides specific planning, design and implementation for an identified community in accordance with the community planning process outlined in this chapter.

Community Participation- The community participation provisions of the SLDC are in accordance with the SGMP and are designed to maximize public input in important decisions that affect the County, a community or neighborhood. This will include the creation of Community Organizations and Registered Organizations consistent with the SGMP.

Chapter 3 – Decision-Making Bodies

The purpose of this chapter is to establish the authority and responsibilities of the Board, Planning Commission, Administrator and Hearing Officer. The Hearing Officer is identified for the purpose of assisting in the adjudication of quasi-judicial applications for discretionary development approval.

Chapter 4 – Development Approval Procedures

The purpose of this chapter is to designate the procedures for filing and processing applications. It is formatted to allow the public to quickly and efficiently determine the various steps involved in processing applications, from the initiation and filing of an application, review for completeness, through public hearings, determination and appeal. The chapter establishes the standards and procedures common to processing most application requests.

Chapter 5 – Subdivisions and Land Divisions

This Chapter establishes the general rules and regulations governing the preparation, review, and recordation of plats that divide land within Santa Fe County. This Chapter includes exempt land divisions in accordance with State Law; subdivision classification procedures and timing of subdivision approvals, summary review, preliminary plats, final plats, subdivision improvements and special procedures.

Chapter 6 – Studies, Reports and Assessments (SRAs)

This Chapter establishes the requirements for standards and review processes by which development applications shall be evaluated, including consistency and the preparation of studies, reports and assessments on environmental and fiscal impacts, traffic, water availability, emergency service and response, adequate public facilities and archaeological, historic, cultural sites and landmarks.

Chapter 7 – Sustainable Design Standards

This Chapter establishes development design standards for roads, easements, building design standards, utilities including water and liquid waste, water conservation, parking, signs, stormwater management, solid waste, terrain management, landscaping, energy efficiency, open space and lighting.

Chapter 8 - Zoning

This chapter will implement and provide for consistency with the SGMP through the establishment of orderly zoning regulation of land uses throughout the unincorporated areas of the County. The specific purposes of this chapter include the following:

- Establishes Base Zoning Districts, Planned Development Districts and Overlay Zones and describes use and design requirements that apply to each.
 - Base Zoning Districts divide the County into agricultural, residential, commercial, industrial and mixed use zones with established boundaries, densities and specified development uses as well as dimensional standards for each base zoning district which includes lot width, height, setback requirements and minimum and maximum building size for nonresidential development.
 - A Planned Development District is a flexible zoning tool intended to provide for efficient land uses, buildings, circulation systems, and infrastructure in order to: promote a sense of place and aesthetic design; increase walkability; allow for a mixing of uses; reduce the cost of infrastructure and services; reduce vehicle miles traveled; and reduce air pollution and greenhouse gas emissions.
 - Overlay Zones address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern. Overlay zones include the following:
 - Rural Commercial Overlay
 - Community Overlay Districts
 - Environmental and Resource Protection Overlay District
 - Historic Preservation Overlay District.

This chapter includes a Use Matrix and Use regulations for zoning districts. Uses permitted in the base zones and planned development zoning districts are shown in the use matrix and are designated as permitted, accessory, conditional or prohibited. Permitted Use indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC. Accessory use indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses must be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use. Conditional Use indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit. Prohibited Use indicates that the use is not permitted within the district.

Chapter 9 – Community Districts

The Community District is a zoning tool intended to preserve and protect unique communities and areas through the implementation of an adopted Community Plan that is consistent with the SGMP. As a matter of public policy, Santa Fe County aims to preserve, protect, enhance, and perpetuate the value of these areas through the establishment of Community Districts. Chapter 8 sets forth the standards and procedures for establishment of a Community District Overlay Zone (O- CD) to implement the zoning-related provisions of an adopted Community Plan. This chapter incorporates existing community districts which were previously established by ordinance, and these individual community district ordinances shall remain in effect until such time as new community plans are adopted in accordance with Chapter 2 and a corresponding O-CD.

Chapter 10 – Supplementary Zoning Regulations

The purpose of this chapter is to establish standards for specific uses which require special design considerations in order to: protect surrounding property values and uses; protect the public health, safety, and general welfare; and implement the SGMP. These regulations are set forth to achieve compatibility with the principal uses permitted in a zoning district. These regulations shall apply to all zoning districts in which the particular use being regulated is permitted. It is the intent of the County that, where these uses are permitted, they strictly comply with the standards that have been created to address their particular impacts and characteristics.

The establishment of these standards streamlines the permitting process by permitting the use as of right in certain districts subject to the supplemental regulations rather than a case-by-case consideration for a conditional use permit (CUP) in some cases. In other instances, the supplemental regulations do not streamline the process but address the unique development challenges of certain uses and structures whether permitted as of right or as a conditional use.

Chapter 11 – Developments of Countywide Impact (DCIs)

This Chapter is reserved in the SLDC. DCI's are identified in the SGMP as having major impacts on the County such as Oil and Gas, and significant mining. The existing Oil and Gas Ordinance will remain in effect.

Chapter 12 – Growth Management

Capital Improvement Plan: This section implements the County's Capital Improvement Plan (“CIP”), approved and as amended by resolution of the Board from time to time. The CIP is the mechanism by which the County provides for new public facilities and expansion of the capacity of existing public facilities which are needed to accommodate existing and anticipated future population and employment. Through the CIP, the County intends to use reasonable means to provide public facilities and services needed to accommodate new growth consistent with a positive County fiscal impact. Funds to implement the CIP will come from County general revenue, general obligation and revenue bonds, contributions and advances of capital improvements, public improvement districts (“PIDs”), County Improvement Districts, fees, impact fees, public utility rates, and state and federal grants.

The CIP prioritizes the need for public facilities, estimates the cost of public facilities; analyzes the fiscal capability of the County to finance and construct the facilities; determines which facilities are needed to address present deficiencies and which facilities are needed to support future growth; establishes financial policies to fund improvements; and provides a schedule for construction of improvements that ensures that facilities are available when needed.

Adequate Public Facilities Regulations (APFR): APFRs are regulatory measures that are used in the SLDC to evaluate applications for development approval for adequate infrastructure or public services at the time of application, and to time or phase development approval if infrastructure or public services are not adequate at the time of discretionary development approval. The adequacy of infrastructure and services are measured against the County’s adopted, funded, and prioritized CIP and the adopted LOS set forth in this Chapter. Data and information for implementation of the APFRs is the Adequate Public Facilities Assessment (APFA) and the remaining SRAs described in Chapter 6.

The purpose of the APFRs is to ensure sustainable County growth by ensuring that infrastructure and services that are necessary to support the proposed development are adequate and available at the time an application for discretionary development approval is made.

Adequate public facilities and services will be evaluated at the time of application for discretionary development approval using the SRAs described in Chapter 6 of the SLDC. Facilities evaluated through the APFR process include water, sewer, storm water, emergency services, parks, open space and trails, and transportation.

Chapter 13 – Housing and Affordable Housing

The purpose of this Chapter is to incorporate the County’s Inclusionary Zoning ordinance into the SLDC. The County adopted Ordinance 2006-2 to require that an affordable housing component be included in projects in the central and northern areas of the County. This ordinance and its implementing regulations set forth the percentages of affordable housing that are required to serve four separate income ranges, from very low income households to moderate income households. Maximum base home prices were established for each of the income ranges, along with two mechanisms to insure long term affordability of the affordable units. One of these mechanisms was a note and mortgage in the amount of the subsidy provided, which equals the difference between the actual sales price and the maximum base price, after subsidy. The other long term affordability control is a shared appreciation measure, based on the ratio of the County subsidy to the initial appraised value. For those developers that do not wish to build the affordable units within the subject development, provisions for alternate means of compliance were included; these alternatives included cash-in-lieu payments, land donations and construction of affordable units in a separate development.

Through the passage of Ordinance 2012-1, the overall affordability requirement was reduced from a minimum of 30% of total units to a minimum of 15%, with the requirement distributed equally throughout the four income ranges. The provision of rental units in addition to homeownership units, as was the intent to align the formula for forgiveness of the shared appreciation lien with a formula for forgiveness of the standard Affordability Mortgage and Lien.

Even with the new ordinance, it is important to note that developments that were approved under the old Community College District affordable housing ordinance and regulations and have executed Affordable Housing Agreements that reference the old ordinance and regulations still operate under the guidelines set forth in the Community College District affordable housing ordinance and regulations.

Chapter 14 – Inspection, Penalties and Enforcement

The purpose of this chapter is to delineate procedures for inspections, penalties, and enforcement of violations of the SLDC. This chapter also includes a certificate of completion which will be required for each development permit issued under the SLDC.