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# SANTA FE COUNTY

## *Ordinance No. 2002 - 2*

2060674

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AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE TO ADD A NEW SECTION 5, SAN PEDRO CONTEMPORARY COMMUNITY ZONING DISTRICT

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, IS AMENDED TO ADD A NEW SECTION 5 AS FOLLOWS:

**Section 5 – SAN PEDRO CONTEMPORARY COMMUNITY ZONING DISTRICT**

**5.1 Applicability of Ordinances and the Land Development Code**

All regulations, policies and conditions established via the Santa Fe County Land Development Code (herein referred to as the "Code") shall be applicable to property within the San Pedro Contemporary Community Zoning District, which is interchangeably referred to as the San Pedro Contemporary Community Planning Area, except those specifically documented by this Ordinance.

**5.2 Location of Planning Area and Boundaries**

5.2.1 The San Pedro Contemporary Community Zoning District consists of all lands designated by County Resolution 2001-51. The following maps are hereby adopted and incorporated into this section.

- a. San Pedro Contemporary Community Zoning District and Planning Area Map and San Pedro Contemporary Community Boundary Description
- b. Ridgetops in San Pedro Contemporary Community (Note: This map is included for informational purposes only and ridgetops shall be determined based on the Ridgetop definition included with this ordinance).

**5.3 Intent of the San Pedro Contemporary Community Plan:**

5.3.1 The standards and regulations set forth for this Planning Area are intended to implement the purposes, intent, planned land use goals and strategies of the San Pedro Community Plan, Resolution 2001-51, adopted and approved by the Board of County Commissioners on April 10<sup>th</sup>, 2001 pursuant to the Community Planning Process set forth in Article XIII of the Code (Ordinance 1998-5). This Ordinance shall apply to all development arising after the adoption thereof and development not legally in existence at the time of adoption of this Ordinance. Any proposed development that does not have master plan approval at the time of adoption of this Ordinance shall comply with this ordinance. This ordinance and standards may be amended from time to time.

1           5.4 Zoning

2           5.4.1 Maximum density in the Homestead Zone shall be one hundred and sixty acres per one  
3 dwelling unit (160 acres). With proof of 100 year water supply and application of water  
4 use covenants, the maximum density may be lowered to one dwelling unit per 40 acres.  
5 If an on-site geohydrological well test demonstrates an adequate 100 year supply of  
6 water for additional lots smaller than 40 acres per dwelling unit, land may be further  
7 divided to a minimum of 2.5 acres per dwelling unit. Density adjustments below one  
8 dwelling unit per 160 acres must follow requirements as outlined in Article III, Section  
9 10 and Article VII, Section 6 of the Code along with all requirements outlined in this  
10 ordinance. Lots may be divided below 40 acres as per the Code requirements cited above  
11 with the following conditions:

12           5.4.1.1 Applications for division of parcels below 40 acres must include a full  
13 geohydrological report with a 48 hour aquifer pumping test to demonstrate  
14 availability of a 100 year supply of water. Geohydrological reconnaissance  
15 reports will not be accepted as proof of water supply.

16           5.4.1.2 All geohydrological studies shall be reviewed and approved by the County  
17 Hydrologist and shall meet all standards as applied by the New Mexico  
18 Office of the State Engineer.

19           5.4.1.3 All hydrogeological reports shall assess the impact of the new well on  
20 neighboring wells. Applicant shall provide a summary of findings of the  
21 hydrogeological report to all adjacent property owners within 100 feet of the  
22 property line by certified mail. A letter by the applicant stating that the  
23 report has been sent to adjacent landowners shall be submitted to the Land  
24 Use Department. Those interested in reading the entire report may review a  
25 copy at the County Land Use Department office or make other arrangements  
26 to receive a copy.

27           5.4.1.4 All other county code requirements including without limit, roads, drainage,  
28 fire protection, liquid waste, terrain management, shall be met as part of the  
29 land division and/or subdivision application.

30  
31           5.5 Residential Uses

32           5.5.1 Residential uses shall be permitted in the entire Planning Area.  
33

34           5.6 Mining Restrictions

35           5.6.1 No mining of any type shall be allowed, including but not limited to gravel mining and  
36 other types of mining.  
37

38           5.7 Commercial Uses

39           5.7.1 No commercial districts shall be allowed in the Planning Area. All commercial uses must  
40 meet the requirements for home occupations and home businesses as stated in Section  
41 5.9 of this Ordinance.  
42

1        5.8 Home Businesses:

2        The Home Business category shall replace Article III, Section 3 of the Code. Home Business  
3        shall be defined as small-scale commercial uses that are conducted from one's place of residence.  
4        All Home Businesses shall meet the criteria established in this ordinance. Home businesses shall  
5        be allowed anywhere within the Planning Area.

6        5.8.1 Permitted Home Business Activities and Uses:

7            5.8.1.1 Activities that will be permitted as home businesses shall include:

- 8            a) Retail establishments including bakeries, camera shops, florist shops, gift shops,  
9            stationary shops, apparel shops, shoe stores, jewelry stores, toy stores;  
10          b) Bed and Breakfast establishments, up to 5 rooms;  
11          c) Personal service establishments including barber shops, beauty shops, shoe  
12          repair shops, exercise or dance studios;  
13          d) Small offices and studios, medical offices and/or clinics, massage studios;  
14          e) Private day care, elder care and hospices;  
15          f) Small scale automotive repair garages;  
16          g) Galleries;  
17          h) Veterinary establishments and small scale equestrian facilities with no more than  
18          6 horses other than resident's private horses;  
19          i) Outdoor stands for locally produced agricultural products, with one stand per lot;  
20          j) Small manufacturing establishments for wood working and carpentry, metal  
21          work and welding, jewelry, arts and crafts.  
22

23        5.8.2 Home Business Use and Residential Use:

24            5.8.2.1 The use of the dwelling for the home business shall be clearly incidental and  
25            subordinate to its use for residential purposes by its occupants. There shall be no  
26            substantial change in the outside appearance of the building or premises nor  
27            other substantial visible evidence of the conduct of home business other than  
28            permitted signs and screened areas.  
29

30        5.8.3 Home Businesses and Neighboring Property:

31            5.8.3.1 No equipment or process shall be used in the home business which significantly  
32            interferes with the existing use of property in the adjacent area.  
33

34        5.8.4 Home Business Proprietor:

35            5.8.4.1 The proprietor of a home business must reside on site.  
36

37        5.8.5 Home Business Employees:

38            5.8.5.1 A maximum of three (3) persons, other than family members residing on the  
39            premises, shall be regularly engaged in the work at the site of the home business.  
40  
41

1           5.8.6 Home Business Square Footage:

2           5.8.6.1 The total area used for a home business and related activities shall not exceed  
3           one thousand and five hundred (1500) square feet of the residence and/or  
4           accessory structures. Outdoor storage areas shall not be included in the  
5           calculation of square footage.

6  
7           5.8.7 Home Business Parking:

8           5.8.7.1 Adequate parking for employees and customers must be provided on site. One  
9           parking space must be provided per employee. Home Business parking shall not  
10          be allowed along roadways. Home business parking shall not be permitted on  
11          adjacent properties unless through a written agreement between the home  
12          business owner(s) and the owner(s) of the adjacent property(s).

13  
14          5.8.8 Home Business Screening:

15          5.8.8.1 A minimum of fifty percent (50%) screening is required to screen parking areas  
16          and outdoor storage facilities from all adjacent properties. Screening shall be  
17          evenly dispersed to provide a minimum of fifty percent (50%) coverage of areas  
18          visible to adjacent properties. Screening may consist of landscaping, a solid wall  
19          such as stone or stucco, and/or a fence such as coyote fence (wooden pole fence)  
20          or a cedar fence (board fence). If natural landscaping is used for screening  
21          purposes, it must be trees and shrubs native to the area. All screening shall  
22          comply with Code requirements.

23  
24          5.8.9 Home Business Signs:

25          5.8.9.1 A maximum of one unlit sign measuring 6 square feet shall be permitted per  
26          home business. The sign may not be more than six feet (6') above the ground  
27          and must be affixed to residence or a fence or other structure that is adjacent to  
28          the driveway and visible from the road.

29  
30          5.8.10 Water Consumption Restrictions for Home Businesses

31          5.8.10.1 Home businesses may use up to one-quarter (.25) acre foot of water per year  
32          (approximately 81,400 gallons) for business related activities. Business water  
33          uses shall be calculated separately from residential uses, unless the property on  
34          which a home business is located has existing water use covenants applied. In  
35          such cases, the home business will not be allowed to use more than the amount  
36          of water restricted by such covenants.

37  
38          5.8.11 Home Business Lighting:

39          5.8.11.1 All outdoor lighting requirements described in *Section 5.10.5 Lighting*, of this  
40          ordinance shall apply to home businesses.

1           5.8.12 Home Business Noticing:

2           5.8.12.1 Notice of home business applications shall be posted prominently on the most  
3           visible and accessible part of the property from a public roadway, building or  
4           other structure, which is the subject of the application. If no part of the  
5           property or structure is visible from a public roadway, the notice shall be  
6           posted on the nearest visible site on a public roadway such as a common  
7           driveway or mailboxes along the public road. A laminated copy of the site  
8           plan showing existing and proposed development shall be firmly attached to  
9           the poster. Upon final decision on the application, the applicant shall remove  
10          the sign within seven (7) days.

11  
12          5.8.13 Home Business Submittals:

13          5.8.13.1 The application for a home business shall be submitted to the Land Use  
14          Department on a form provided by the Land Use Department and will include  
15          a description of the following:

- 16                   a) Activities involved;  
17                   b) Materials and equipment used;  
18                   c) Methods of operation  
19                   d) Number of employees;  
20                   e) Type of product to be produced, serviced or repaired;  
21                   f) Mechanical and electrical equipment necessary to the conduct of the  
22                   home business use;  
23                   g) Amount, location, and method of storage of supplies and or equipment;  
24                   h) Location of parking  
25                   i) Type and amount of traffic generated.

26  
27          5.8.14 Home Business Applications:

28          5.8.14.1 Applications for home businesses shall meet all criteria established in this  
29          ordinance. Applications shall be administratively reviewed.

30  
31          5.9 Performance Standards for the San Pedro Contemporary Community Zoning District:

32          5.9.1 Residential Building Height:

33          5.9.1.1 Residential structures, windmills and wind turbines shall not exceed 24 feet  
34          in height. Residential structures on 15% or greater slopes cannot exceed 15  
35          feet in height.

36  
37          5.9.2 Building Colors:

38          5.9.2.1 All structures including non-residential, residential and accessory structures  
39          shall be a neutral or a darker shade of color that blends into the natural  
40          surroundings such as the natural foliage or natural earth tones of the soils.



1 5.9.5.3 In order to preserve the unobstructed horizons in San Pedro, no portion of a  
 2 structure shall be visible above the ridgetop when viewed from the centerline  
 3 of the nearest public road at the spot on the road nearest to the proposed  
 4 structure.

5 a) Ridgetop Definition:

6 A ridge or ridgetop shall be defined as a long, narrow land form with  
 7 slope less than fifteen percent (15%) that includes the prominently  
 8 visible portion of a hill or mountain that sits above an area having an  
 9 average slope greater than twenty percent (20%) on one or more  
 10 sides. Where a ridgetop measures more than three hundred feet  
 11 (300') from shoulder to shoulder (a mesa), the ridge top standards  
 12 and requirements for architecture and buffers shall apply within one  
 13 hundred and fifty feet (150') of the shoulder of the ridge. A ridge  
 14 formation which does not contain a buildable area of at least one  
 15 thousand and two hundred (1,200) square feet will not be classed as  
 16 part of the buildable area for purposes of construction of a primary  
 17 residential structure. County standards to be applied include but are  
 18 not limited to Article III, Section 2.3.8 – *Architectural Appearance*  
 19 *Standards* and Article III, Section 2.3.10 b) – *Preservation and*  
 20 *Revegetation of Native Vegetation* and Article III, Section 2.3.10 c) –  
 21 *Buffering and Revegetation for Ridgetops with Development Sites*  
 22 *with a Natural Slope of 15% or greater.*

23  
 24 5.9.6 Signs

25 5.9.6.1 No illuminated signs shall be permitted.

26  
 27 5.9.7 Roads and Driveways

28 5.9.7.1 All roads in the Community Planning Area, including private roads, shall be  
 29 designed, contoured, and maintained to prevent erosion.

30 5.9.7.2 All new roads with an easement of fifty foot (50') or greater shall incorporate  
 31 meandering in their design in order to follow existing topographical features  
 32 and preserve existing vegetation.

33 5.9.7.3 All roads must be designed and built to Code standards including density tests,  
 34 verifying depth of base course and drainage bar ditches.

35  
 36 5.9.8 Noise

37 5.9.8.1 Overall noise levels shall not exceed general neighborhood noise levels or  
 38 interfere with residential peace and quiet.

1     5.10 Wastewater Restrictions

2             5.10.1 All new liquid waste treatment systems shall be set back a minimum of two-hundred feet  
3                     (200') from any existing or planned water supply or well. This will not apply to existing,  
4                     legally recognized lots that are smaller than 2.5 acres.

5             5.10.2 Septic systems that utilize alternative wastewater treatment techniques such as but not  
6                     limited to wetlands, composting toilets, and gray water reuse "split-system" ("gray  
7                     water-black water") technology shall be permitted, providing that they meet all New  
8                     Mexico Environment Department (NMED) regulations.

9             5.10.3 All septic systems shall be pumped and filled with sand, earth or similar non-hazardous  
10                    fill material when abandoned or vacated.

11  
12     5.11 Notice

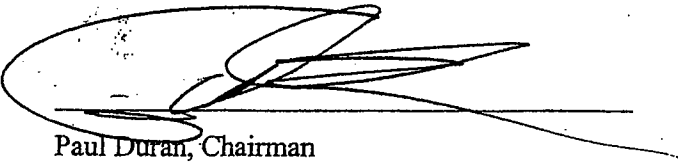
13             5.11.1 Notice of subdivision or land division shall be posted prominently on the most visible  
14                     and accessible part of the property from a public roadway, building or other structure,  
15                     which is the subject of the application. If no part of the property or structure is visible  
16                     from a public roadway, the notice shall be posted on the nearest visible site on a public  
17                     roadway such as a common driveway or mailboxes along the public road. A laminated  
18                     copy of the site plan showing existing and proposed development shall be firmly  
19                     attached to the poster. Upon final decision on the application, the applicant shall remove  
20                     the sign within seven (7) days.

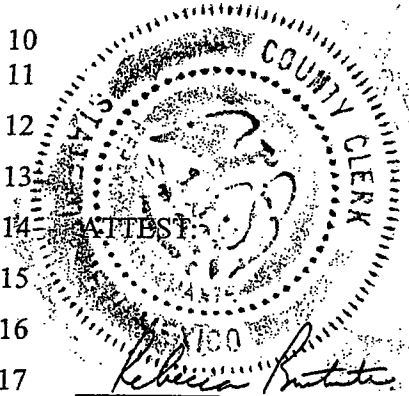
21             5.11.2 As the San Pedro area is geographically removed from both the Santa Fe and  
22                     Albuquerque metropolitan areas, all notices required by the County, including the Land  
23                     Use Department and the Planning Division, shall be published in the regional newspaper  
24                     of general circulation in the San Pedro area along with newspapers of general circulation  
25                     throughout the County.

1 Severability

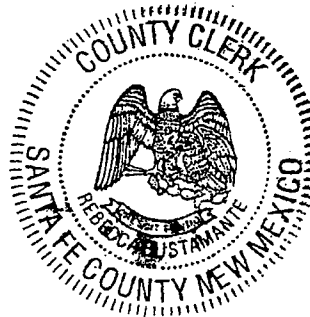
2 If any part of this Ordinance or the application thereof to any person or circumstance is held  
3 invalid, the remainder of the Ordinance and its application to other persons or circumstances  
4 shall not be affected thereby.  
5  
6

7 **PASSED, ADOPTED AND APPROVED** this 8<sup>th</sup> day of January, 2002, by the Santa Fe County Board  
8 of County Commissioners.

9  
10   
11  
12 Paul Duran, Chairman

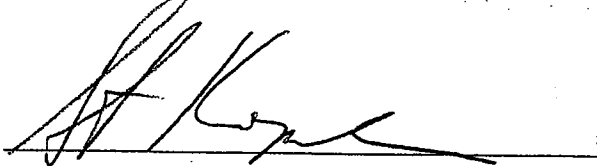


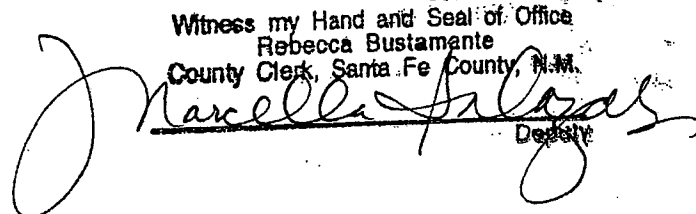
18 Rebecca Bustamante  
19 REBECCA BUSTAMANTE  
20 COUNTY CLERK



22 1191.181 ) SS  
23 COUNTY OF SANTA FE  
24 STATE OF NEW MEXICO  
25 I hereby certify that this instrument was filed  
26 for record on the 30 day of Jan A.D.  
27 20 02 at 8:11 o'clock a.m  
28 and was duly recorded in book 2060  
29 page 674-683 of the records of  
30 Santa Fe County

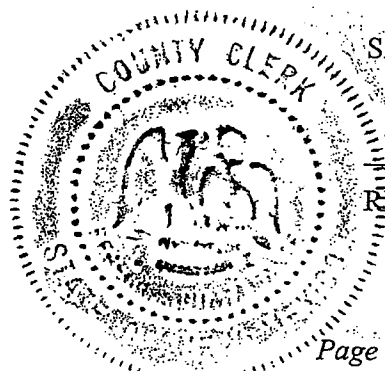
31 APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

32   
33 COUNTY ATTORNEY

34 Witness my Hand and Seal of Office  
35 Rebecca Bustamante  
36 County Clerk, Santa Fe County, N.M.  
37   
38 Deputy

39 **CERTIFICATE OF FILING**

40 I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as  
41 Ordinance, No. 2002-2, was filed in my office on the 30 day of Jan, 2002, in book  
42 Number 2060 at Page 674-683.



46 SANTA FE COUNTY CLERK  
47 Rebecca Bustamante  
48 REBECCA BUSTAMANTE

