

SUSTAINABLE LAND DEVELOPMENT CODE

150A Attachment 2

**Appendix A: Rules of Interpretation, Definitions and Acronyms**

**PART 1: RULES OF INTERPRETATION**

The following are definitions of specialized terms and phrases used in the Sustainable Land Development Code (SLDC).

**1.1.** Words, phrases, and terms defined in the SLDC shall be given the meanings set forth in Part 2 below. Words, phrases, and terms not defined shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

**1.2.** The text shall control captions, titles, and maps.

**1.3.** The word “shall” is mandatory and not permissive; the word “may” is permissive and not mandatory.

**1.4.** Words used in the singular include the plural; words used in the plural include the singular. Words used in the present tense include the future tense; words used in the future tense include the present tense.

**1.5.** Within the SLDC, sections prefaced “purpose” and “findings” are included. Each purpose statement is intended as an official statement of legislative purpose or findings. The “purpose” and “findings” statements are legislatively adopted, together with the formal text of the SLDC. They are intended to be the legal guide to the administration and interpretation of the SLDC and shall be treated in the same manner as other aspects of legislative history, intent, purpose, findings and intent. In interpretation and application, the provisions of this document are considered minimal in nature.

**1.6.** Whenever the provisions, standards, or requirements of any other applicable chapter or section of the SLDC are greater, or any other County Ordinance more restrictive, the latter shall control.

**1.7.** In computing any period of time prescribed or allowed by this Appendix, the day of the notice or final application, after which the designated period of time begins to run, is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day.

(Ordinance 2016-9 adopted 12/13/16)

**PART 2: DEFINITIONS**

Words, terms and phrases in this Section shall be defined as follows:

100-year Flood: see Base Flood.

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100-year Floodplain: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, and the area designated as a Federal Emergency Management Agency Zone A, AE, AH, or AO on the Flood Insurance Rate Maps.

Abandonment of an application: occurs when an Applicant takes actions inconsistent with or fails to take actions that are consistent with, obtaining review of his/her application by the Administrator including but not limited to, failing to submit a completed application, failing to pay the application fee, failing to submit follow-up documentation or reports (e.g., SRAs) after 60 days have elapsed from a request by the Administrator, failing to amend documentation, or failing to address how the adequacy of public facilities and services associated with the proposed development will be met where the proposed development is to be located in a sustainable development area other than SDA-1.

Abut, Abuts or Abutting: having property lines in common, or meeting at a point.

Access Easement: a designated area on which legal access to property exists.

Accessory: a use, activity, structure, building, or a part of a structure or building that is subordinate and incidental to the main activity or use of the structure or building.

Accessory Apartment: a second residential unit attached to an existing single-family detached dwelling for use as a complete, independent living facility with provision for cooking, eating, sanitation and sleeping.

Accessory Dwelling: an accessory detached dwelling unit or attached dwelling unit such as an accessory apartment.

Accessory Structure: a subordinate structure or building, excluding fences and walls, customarily found in connection with the principal use, clearly incidental to the principal use, and located on the same lot as the main use or building. An accessory structure may not be utilized as a dwelling or designed such that it could be converted into a dwelling.

Accessory Use: a use incidental and subordinate to, and customarily associated with, a specific principal use located on the same lot, tract or parcel.

Acequia: a community-operated watercourse used for irrigation. Acequias are historically engineered canals that carry snow runoff or river water to distant fields.

Acid Mine Drainage: water that is discharged from an area affected by mining exploration, mining, or reclamation, with a pH of less than 5.5 and in which total acidity exceeds total alkalinity as defined by the latest edition of standard methods for the examination of water and wastewater.

Addition (to a structure): a completely new structure or new component attached to an existing building or structure.

Adequate Public Facilities and Services: means public facilities or a system of facilities, including but not limited to: roads and streets, sewer and water systems; public and private

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utilities; stormwater management, parks and recreation facilities; schools and libraries; fire, police, and emergency service and preparedness; open space; parking; bicycle, equestrian and pedestrian trails and administrative offices, together with the public services for operation, maintenance and repair of facility or system of facilities, that has sufficient available capacity to service the physical area and designated intensity.

*Adjacent*: two or more properties, lots, or parcels are “adjacent” where they abut or touch at a point, even if separated by a road right-of-way, railroad line, trail, public lands, arroyo, stream, river, canal, lake, or other body of water.

*Administrator*: the County official assigned or delegated by the County Manager to perform the numerous administrative functions detailed in the SLDC.

*Adopted Level of Service*: an indicator adopted by this Code of the extent or degree of service provided by, or proposed to be provided by, a facility or public service. Also see Level of Service, Adopted.

*Adult*: a person 18 years or older or a person adjudged by the New Mexico District Court to be an emancipated minor.

*Adult Arcade*: any place to which the public is permitted or invited, wherein electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting “specified sexual activities” or “specified anatomical areas.”

*Adult Bookstore, Adult Novelty Store or Adult Video Store*: a commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following: books, magazines, periodicals or other printed matter; or photographs, films, motion pictures, video cassettes, slides, compact discs, DVDs (digital video discs or digital versatile discs), slides, or other visual representations, which are characterized by their emphasis upon the exhibition or display of “specified sexual activities” or “specified anatomical areas”; including also instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

*Adult Cabaret*: a nightclub, bar, restaurant, or similar commercial establishment which regularly features: persons who appear nude, semi-nude; live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or films, motion pictures, video cassettes, DVDs (digital video discs or digital versatile discs), slides or other photographic reproductions which are characterized by the exhibition or display of “specified sexual activities” or “specified anatomical areas.”

*Adult Motel*: a hotel, motel, or similar commercial establishment, which: offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television

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transmissions, films, motion pictures, video cassettes, DVDs (digital video discs or digital versatile discs), slides, or other photographic reproductions which are characterized by the exhibition or display of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either (a) offers a sleeping room to rent for a period of time that is less than ten (10) hours, or (b) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

*Adult Motion Picture Theater*: a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, DVDs (digital video discs or digital versatile discs), slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities” or “specified anatomical areas.”

*Adult Theater*: a theater, concert hall, auditorium, or similar commercial establishment which regularly shows films, motion pictures, video cassettes, DVDs, slides or photographic reproductions, or which regularly features live performances, of persons who appear in a state of nudity or semi-nudity, which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

*Adverse Impact or Effect*: a negative change in the quality of the County, communities, affected areas or adjacent land, originating from a use of land, buildings or structures upon the enjoyment of property, aesthetic values, environmentally sensitive lands, floodplains, floodways, streams, wetlands, hillsides and steep slopes, wildlife or vegetation habitats and habitat corridors, air and water quality, public facilities and services, transportation capacity, health and safety, historical, architectural, archaeological, or cultural significance of a resource and effecting global warming, overutilization of nonrenewable energy and lack of sustainability.

*Advisory Committee*: a five-member committee appointed by the Board pursuant to NMSA 1978, § 5-8-37 of the Development Fees Act, of which 40% shall be representative of the real estate, development or building industries, and whose function it is to advise the Board in adopting land use assumptions, to review, monitor and evaluate CIPs, and to file annual reports on the progress of CIPs.

*Affordable Dwelling*: means a dwelling that is sold to an eligible buyer at or below the maximum target housing price or leased for the maximum target monthly rent and that otherwise meets the requirements of Chapter 13 of the SLDC and the affordable housing regulations.

*Affordable Housing*: means single-family dwellings provided pursuant to Chapter 13 of the SLDC that meet the requirements of the affordable housing regulations.

*Affordable Housing Administrator*: means the County employee charged with administering Chapter 13 of the SLDC, making recommendations and taking other actions as set forth in this Chapter 13.

*Affordable Housing Agreement*: means a recorded, enforceable contract between the County and a subdivider that specifies how the subdivider will comply with Chapter 13 of the SLDC and the affordable housing regulations.

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Affordable Housing Plan: means a written conceptual plan that generally describes how a subdivider will comply with the affordable housing requirements of Chapter 13 of the SLDC.

Affordable Housing Regulations: refers to regulations developed and updated periodically by the Board of County Commissioners to govern implementation and administration of Chapter 13 of the SLDC.

Agent: a person who represents, or acts for or on behalf of, an owner or developer for the purpose of submitting an application for development approval; or represents an owner in selling, leasing, or developing, or offering to sell, lease, or develop, an interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney at law whose representation of another person consists solely of rendering legal services. See also Registered Agent.

Agricultural: property currently used or suitable for use for ranching or farming.

Agricultural Operation: the plowing, tilling or preparation of soil at an agricultural facility; the planting, growing, fertilizing or harvesting of crops; the application of pesticides, herbicides, or other chemicals, compounds or substances to crops, weeds or soil in the connection with production of crops, livestock, animals or poultry; the breeding, hatching, raising, producing, feeding, keeping, slaughtering or other fowl [sic] normally raised for food, mules, cattle, sheep, goats, rabbits or similar farm animals for commercial purposes; the production and keeping of honey bees, production of honey bee products and honey bee processing facilities; the production, processing or packaging of eggs or egg products; the manufacturing of feed for poultry or livestock; the rotation of crops; commercial agriculture; the application of existing, changed or new technology, practices, processes or products to an agricultural operation; or the operation of a roadside market.

Agricultural Use: use of land for the production of plants, crops, trees, forest products, orchard crops, forage, grains, fruits, vegetables, ornamental stock, livestock, pasture, poultry, captive deer or elk, or fish. The term also includes the use of land that meets the requirements for payment or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

Agricultural Zoning: see Ag/Ranch and Rural Zoning Districts.

Airport: an area of land whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes.

Alley: a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other road.

Allow: to permit.

Alteration: as applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. As applied to a sign: any change of color, construction, copy, illumination, location, position, shape, face, size or supporting structure of an existing sign.

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*Ancillary Appurtenances*: equipment associated with a wireless communications facility, including, but not limited to, antennas, attaching devices, transmission lines, and all other equipment mounted on or associated with a wireless communications facility. An ancillary appurtenance does not include structure or building enclosing or partially enclosing appurtenances or equipment.

*Ancillary Media Special Needs Structures*: are buildings incidental to and customarily associated with a media special needs structures. Additionally, ancillary media special needs structures are structures that support uses customary or incidental to the production or distribution of motion pictures and other forms of audio/visual products, including, education and entertainment media and mobile living and dressing quarters.

*Animated or Moving Sign*: a sign that used [uses] movement, lighting, or special materials to depict action or create a special effect to imitate movements. Also see Sign, Animated or Moving.

*Annexation*: the addition of unincorporated territory of the County to an incorporated city.

*Antenna*: apparatus designed for the transmitting and/or receiving of electromagnetic waves for telephonic, radio, or television communications. This includes omni-directional (whip) antennas, sectorized (panel) antennas, microwave dish antennas, multi-bay or single bay (frequency modulation and television), yagie, or parabolic (dish) antennas. It also includes all on-site equipment associated with the antenna such as transceivers, cables, wiring, converters, power supplies, equipment cabinets and shelters, and other comparable equipment. It does not include satellite earth stations.

*Antenna and Radio Facilities, Amateur*: a facility designed solely and specifically for amateur (ham) radio, citizens band radio or other private, noncommercial communications systems.

*Antenna Array*: more than one antenna. The antenna array does not include the support structure, defined below, or existing vertical infrastructure to which it is attached.

*Antenna, Combined*: an antenna designed and utilized to provide services by more than one provider.

*Antenna, Dish*: a parabolic, spherical, or elliptical antenna intended to receive wireless communications.

*Antenna, Flush-Mounted*: an antenna that is attached flush to an antenna supporting structure, without the use of side-arms or other extension devices.

*Antenna, Panel*: a directional antenna designed to transmit and/or receive signals in a directional pattern that is less than 360 degrees and is not a flush-mounted or dish antenna.

*Antenna, Surface-Mounted*: an antenna that is attached to the surface or facade of a building or structure other than an antenna supporting structure.

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Antenna Structure, Lattice: a steel lattice, self-supporting structure with no guy-wire support, so designed to support fixtures that hold one or more antennas and related equipment for wireless communications transmission.

Antenna Structure, Monopole: a self-supporting, pole-type structure with no guy-wire support, tapering from base to top, and so designed to support fixtures that hold one or more antennas and related equipment for wireless telecommunications transmission.

Antenna Supporting Structure: a vertical projection, including a foundation, designed and primarily used to support one or more antennae or that constitutes an antenna itself. This does not include stealth wireless communications facilities, but does include roof-mounted, antenna supporting structures. An antenna supporting structure does not include utility equipment.

Antenna Supporting Structure, Broadcast: an antenna supporting structure, including replacements, that contains antennae that transmit signals for radio and television communications.

Antenna Supporting Structure, Replacement: construction of an antenna supporting structure intended to replace an antenna supporting structure in existence at the time of application.

Antenna Supporting Structure, Roof-Mounted: an antenna supporting structure mounted on the roof of a building or structure.

Antiquated Subdivision. Reserved.

Apartment: a structure or portion of a structure that is designed, occupied or intended to be occupied, or has been previously used, as living quarters for a family and includes facilities for cooking, sleeping and sanitation; but not including recreational vehicles, travel trailers, hotels, motels, boardinghouses. Dwelling or dwelling unit includes single-family, two-family, and multifamily dwellings; manufactured homes and mobile homes.

Appeal: an appeal is an administrative challenge, where permitted by Chapter Four or elsewhere in this Code, to the Board or Planning Commission, that alleges there is an error of law or erroneous finding of fact in any development order, or final determination on an application made by the Administrator, Hearing Officer or Planning Commission. (Note: this definition should not be interpreted as creating nor does it create a right of appeal.)

Applicant: a property owner or any person or entity with express written authority acting as an agent on behalf of the property owner in an application for a development approval or permit.

Application: a written request for a development order granting a discretionary or ministerial development approval.

Appropriation: action by the Board to dedicate funding for capital improvement projects. An appropriation is also a bill enacted by the New Mexico Legislature that, if signed by the Governor, appropriates funds to be spent for a particular purpose by the recipient of those funds.

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Appurtenance: an accessory or ancillary building, object, structure, fence, road[,] furniture, fixture, vending machine, fountain, public artwork, or bicycle rack located on the grounds of an historic landmark, in an historic district, on public property, or in the public right-of-way.

Archaeological Features: portable or non-portable remains including but not limited to hearths, storage pits, fire pits, burial places, architecture, or undisturbed layers of deposited materials.

Archaeological Site: a concentration of cultural property inferred to be the location of the past life and culture of specific human activities and which may contain cultural, archaeological, historic or prehistoric structures, ruins, sites or objects and which are of scientific, educational, informational, or economic interest or value. A significant archaeological site typically is 50 or more years old. Examples of archaeological sites include without limitation: campsites, pueblos, homesteads, artifact scatters, resource procurement or processing areas, agricultural fields, locales with one or more features in association with other cultural materials, and locales that have the potential for subsurface features or cultural deposits.

Architect: a professional architect holding a valid license issued by the State of New Mexico Board of Examiners for Architecture, or holding a valid registration from another state or country who acts under the direction of a New Mexico licensed architect.

Area Median Income: means the median income of Santa Fe County, adjusted for various household sizes, published by the United States Department of Housing and Urban Development and amended annually pursuant to data published by the United States Department of Housing and Urban Development.

Areas of Shallow Flooding: a Federal Emergency Management Agency designated AO, AH, or VO zone on a community's Flood insurance Rate Map with a 1% chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: a FEMA identified high-risk flood area where flood insurance is mandatory for properties. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as Zone A, AE, AH, AO, A1-30, A99, AR, AR/A, AR/AE, AR/AH, AR/AP, AR/A1-A30, VO, V1-30, VE, or V. See Flood, Flooding, Floodplain, and 100-year Floodplain, See Flood, Flooding, Floodplain, Special Flood Hazard Area, and 100-year Floodplain.

Area Plan: a plan encompassing a specific defined geographic area of the County, which is prepared for the purpose of specifically implementing the General plan by refining the policies of the General plan to a specific geographic area.

Arterial: see Road, Major or Minor Arterial.

Artifact: cultural, archaeological or historic remains that exhibit evidence of human use or human alteration.

Average Daily Traffic: a projection of daily traffic occasioned by development. See Chapter 6.

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*Awning*: a roof-like cover made of fabric or canvas that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

*Banner or Pennant*: a cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle.

*Base Flood*: a flood having a 1% chance of being equaled or exceeded in any given year (also called “100-year frequency flood”).

*Base flood elevation*: the elevation for which there is a 1% chance in a given year that flood levels will equal or exceed it.

*Base station*: includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time an application to the County is filed; this term also encompasses the relevant equipment in any technological configuration.

*Base Zoning District*: an area within the County delineated on the Zoning Map for which uniform regulations and requirements governing uses, lot dimensions and density of buildings and structures within any of the zoning districts are established pursuant to Chapter 8 of this Code.

*Basement*: an area of a building or structure having its floor subgrade (below ground level) on all sides.

*Berm*: a mound of earth.

*Bicycle Path*: a designated paved travel way intended for bicycle use, to the exclusion of motor vehicle use. A bicycle path may be used by two-way bicycle traffic.

*Block*: a tract of land, frequently consisting of multiple lots, created by a subdivision, site plan, family transfer or parcel division, bounded by highways, roads, roads or by public parks, cemeteries, railroad rights-of-way, bicycle, equestrian and pedestrian trails, open space, walls, arroyos, sewer, water, acequia or irrigation ditches, pipes or culverts, streams, waterways, or the boundary lines of an adjacent city or other county.

*Block Length*: the distance measured along a road between intersecting roads or the distance from the centerline of a road to the most distant property line of the most distant lot served by the road.

*Board*: the Board of County Commissioners of Santa Fe County, State of New Mexico.

*Bond*: a form of surety instrument.

*Borrow*: the excavation of dirt at a project site that is removed to be used as fill on-site or at a different site or location.

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*Buildable Area*: the portion of land upon which buildings, structures, wells or equipment may be placed, limited by floodplain, slope or other terrain constraints, required buffer zones and setbacks.

*Building*: an enclosed structure designed, built, or occupied for industrial, commercial, residential, public, recreational, community, religious, fraternal or civic use.

*Building Footprint*: the horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

*Building Site*: the lot or portion of a lot that is designated on the development approval application, subdivision plat or site plan, including existing buildings and appurtenant parking.

*Business*: a lawful commercial or industrial activity licensed to engage in the manufacturing, wholesale or retail purchase, sale, exchange or lease of goods, products or the provision of services, or the training or education of students conducted for compensation or profit.

*Caliper*: the minimum diameter of a tree measured six inches above the ground for trees up to and including four inches in diameter, and 12 inches above the ground for trees having a larger diameter.

*Cannabis*:

- (1) means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and
- (2) does not include:
  - (a) the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or
  - (b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.

*Cannabis Consumption Area*: an area where cannabis products may be served and consumed.

*Cannabis Courier*: a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

*Cannabis Establishment*:

- (1) a cannabis testing laboratory;

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- (2) a cannabis manufacturer;
- (3) a cannabis producer;
- (4) a cannabis retailer;
- (5) a cannabis research laboratory;
- (6) a vertically integrated cannabis establishment;
- (7) a cannabis producer microbusiness; or
- (8) an integrated cannabis microbusiness.

### Cannabis Extract:

- (1) means a product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by extraction methods approved by the division; and
- (2) does not include the weight of any other ingredient combined with cannabis extract to prepare topical or oral administrations, food, drink or another product.

Cannabis Flowers: only the flowers of a cannabis plant.

Cannabis Manufacturer: a person that:

- (1) manufactures cannabis products;
- (2) packages cannabis products;
- (3) has cannabis products tested by a cannabis testing laboratory; or
- (4) purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.

Cannabis Producer: a person that:

- (1) cultivates cannabis plants;
- (2) has unprocessed cannabis products tested by a cannabis testing laboratory;
- (3) transports unprocessed cannabis products only to other cannabis establishments; or
- (4) sells cannabis products wholesale.

Cannabis Producer Microbusiness: a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.

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*Cannabis Product*: a product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients.

*Cannabis Research Laboratory*: a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.

*Cannabis Retailer*: a person that sells cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

*Cannabis Testing Laboratory*: a person that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing.

*Capacity*: the maximum demand that can be accommodated by a public facility or service without exceeding the adopted level of service (LOS) in the SLDC. For example, for roads and highways, “capacity” shall be measured by the maximum number of vehicles that can be accommodated by an intersection or road link, during a specified time period, under prevailing traffic and control conditions at that road’s adopted LOS.

*Capital Improvement*: a public facility with a life expectancy of three or more years, owned and operated by or on behalf of the County, a public or private utility, or a PID, which shall also include equipment for the operation, repair, maintenance or improvement of the facility. A capital improvement includes but is not limited to: utility facilities, electrical renewable energy transmission lines, sewer lines and facilities, water lines and facilities, water wells, roads, highways, fire, law enforcement, jails, emergency service response, stormwater management, drainage, liquid material detention, schools, libraries, trails, open space, scenic vistas, parks, or recreation facilities, for purposes of the Development Fees Act, a “capital improvement” means any of the following facilities that have a life expectancy of ten or more years and are owned and operated by or on behalf of the County: water supply, treatment and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage and flood control facilities; roadway facilities located within the service area, including roads, bridges, bike and pedestrian trails, bus bays, rights-of-way, traffic signals, landscaping and any local components of state and federal highways; buildings for fire, law enforcement and correctional facilities, emergency rescue and essential equipment costing Ten Thousand Dollars (\$10,000) or more and having a life expectancy of ten years or more; and parks, recreational areas, open space, trails, electrical renewable energy transmission lines and related areas and facilities.

*Capital Improvements Plan (“CIP”)*: a document that identifies capital improvements for which development fees or any other revenue streams may be used as a funding source.

*Carrying Capacity*: a measure to determine environmental infrastructure or fiscal criteria upon which to ground discretionary development approval. Refers to the extent to which land in its natural or current state can be developed without degrading the environment’s infrastructure, level of service, or fiscal impact.

*Carwash, Automatic*: a structure where chairs, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

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Carwash, Self-Service: a structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

Cemetery: a site containing at least one grave or tomb, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual-care cemeteries.

Centerline: the center line of a road right-of-way or a stream, river or waterway. If not readily discernible, the centerline shall be determined by the centerline at the lowest elevation.

Certificate of Completion/Occupancy: a certificate indicating that the premises comply with a specific provision of the SLDC.

Certify: whenever the SLDC requires that an agency or official certify the existence of some fact or circumstance, such certification shall be made in a written document.

CIP: see Capital Improvements Plan

Cluster Development: a development or subdivision that concentrates lots and structures on a portion of a parcel so as to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of environmentally sensitive areas.

Code: the Santa Fe County Sustainable Land Development Code (“SLDC”) and any subsequent amendments.

Collector Road: a road that serves as a connection between local roads and one or more arterial roads. Also see Road, Collector.

Collocation (Telecommunications): means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Combined Antenna: an antenna designed and utilized to provide services by more than one provider. Also see Antenna, Combined.

Commercial Cannabis Activity:

- (1) means the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriating, purchase for resale, sale or consignment of cannabis products; and
- (2) does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

Commercial Solar Energy Production Facility: is a renewable energy production facility that uses sunlight to generate, and may store, energy for sale or profit.

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Common Area: a parcel or parcels of land and/or developed facilities and complementary structures and improvements, including, but not limited to, areas for vehicular and pedestrian access, parks, trails, open space, civic and community buildings, plazas, environmentally sensitive lands and mitigation areas and recreational facilities within the site.

Common Element: the portion of condominium property that lies outside all owners' units and is owned, maintained, and operated by the condominium association.

Common Ownership: ownership by the same person, corporation, business, sole proprietorship, firm, trust, entity, partnership, or unincorporated association, or ownership by different persons, corporations, businesses, sole proprietorships, firms, trusts, partnerships, entities, or unincorporated associations, in which a person, stockholder, partner, associate, beneficiary, trustee, or a member of the family owns an interest in each corporation, business, sole proprietorship, firm, trust, partnership, entity, or unincorporated association that has an interest in the land, buildings or structures.

Community Facility: is a facility which provides service to a local community organization. Such facilities may include governmental services such as police and fire stations; elementary and secondary day care centers; schools and community centers; and churches and other places of worship.

Community Garden: places where neighbors and/or community members gather to grow food and plants together in a common community space.

Community Plan: means a future land use and development plan that provides detailed planning, design and implementation guidelines for a community pursuant to the SGMP. A Community Plan should be consistent with the SGMP while addressing the communities' desired future land use goals. An adopted Community Plan is an amendment to the SGMP and may be implemented through a Planning District Ordinance.

Community Solar Facility: is a facility governed by the 2021 New Mexico Community Solar Act (as may be amended) that generates, and may store, electricity by means of a solar photovoltaic device; subscribers to the facility receive a bill credit for the electricity generated in proportion to the subscriber's share of the facility's kilowatt-hour output.

Community Swimming Pool: a pool that is regularly used by more than the members of a single household and invited guests, and may be open to the public or private.

Community Water System: a water supply system or community well that is under central or common ownership and/or management, and that uses water rights other than water rights from domestic wells permitted by the State Engineer under NMSA 1978, § 72-12-1 or § 72-12-1.1.

Compatible or Compatibility: characteristics of different uses, activities, or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture.

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Compatibility does not mean “the same as”; rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development. The fact that development is not within the same zoning district, or has different area and use characteristics does not make it incompatible.

Complete Application: an application for development approval that has been submitted to the Administrator in required format and has been deemed complete by the Administrator.

Comprehensive Plan: the long-range general plan, authorized by NMSA 1978, § 5-11-3 consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County. Also see Sustainable Growth Management Plan.

Conceptual plan: a scaled drawing of a project that shows general layout of the project including existing development on the parcel, location, adjacent properties, acreage, phasing, lot coverage, density, square footage of nonresidential uses, access, roads, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures.

Conditional Use: a use that is permitted upon the acquisition of a Conditional Use Permit in accordance with Section 14.9.6.

Conditional Use Permit: a quasi-judicial discretionary approval of a Conditional Use that meets all of the conditions of the Code.

Conditions of Approval: conditions, requirements and standards that shall be satisfied in conjunction as a condition of discretionary approval.

Condominium: real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Conservation Easement: a non-possessory, incorporeal, interest of a holder in real property that imposes limitations or affirmative obligations designed to: retain or protect natural, scenic, or open space values of real property or assure its availability for agricultural, forest, recreational, or open space use; protect natural resources; maintain or enhance air or water quality; or preserve the historical, architectural, archeological, or cultural aspects of real property.

Conserve: to protect from loss or harm.

Consolidation Plat: a plat graphically representing and legally describing a merger, incorporation or consolidation of two or more parcels, lots, or tracts of land. Also see Plat, Consolidation.

Construction: the act of adding an addition to an existing building or structure; the erection of a new principal or accessory building or structure on a lot or property; the addition of walks,

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driveways, or parking lots; or the addition of appurtenances to a building or structure. This also includes grading, excavation or construction of roads.

Construction Industries Division: means the Construction Industries Division of the State of New Mexico Regulation and Licensing Department.

Construction Plan: the maps or drawings accompanying a subdivision plat or site plan showing the specific location and design of improvements to be installed.

Consumer: a person twenty-one years of age or older who purchases, acquires, owns, possesses or uses a cannabis product for a purpose other than resale.

Contiguous: lots, tracts or parcels are contiguous when at least one boundary line of one property touches a boundary line or lines of another property. Contiguity includes touching at a point.

Contractor: a person doing work for his own or another's property, whether or not within the building trades or construction professions, or whether licensed or unlicensed.

Copy: when related to a sign, words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

County: Santa Fe County, New Mexico.

County Assessor: the County Assessor of Santa Fe County, State of New Mexico.

County Attorney: the County Attorney of Santa Fe County, State of New Mexico.

County Clerk: the County Clerk of Santa Fe County, State of New Mexico.

County Manager: the County Manager of Santa Fe County, State of New Mexico.

Credit: the amount of the reduction of a development fee, fees, rates, assessments, charges, or other monetary exaction for the same type of capital improvement for which the monetary exaction has been required.

Crest: highest point on a hill or the highest line along a ridge. See also ridgetop.

Critical Root Zone: a circular region measured outward from a tree trunk, representing the essential area of the roots that shall be maintained for the tree's survival.

Cross Access Easement: vehicular connections via easement between adjacent parking lots serving nonresidential uses.

Cul-de-sac: a local street with only one outlet that terminates in a vehicular turnaround.

Cultivation: any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

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*Cultural Property*: a cultural property means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance. A cultural property is not human remains.

*Cultural Resources*: resources that possess qualities of significance in American, state, or County history, architecture, archaeology, and culture present in districts, sites, structures, and objects that possess integrity of location, design, setting, materials, workmanship, congruency, and association. It also means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.

*Cultural Site*: a location or structure with cultural, historic, scientific, architectural, archaeological significance or other importance to the residents of Santa Fe County.

*Cumulative Impact*: the impact of a series of development projects taken together to measure the joint and several impacts on the level of service and capacity of a public facility, or environmental impact.

*Cut-Off*: the point at which all light rays from the light source or luminaire is completely eliminated at a specific angle above the ground.

*Cut-Off Luminaire or Fixture*: a luminaire with shield, reflectors, reflector panels or other housing which directs and cuts off light rays from direct view.

*DCI Permit Area*: the permit area defined in the Board's DCI CUP approval order. Except on federal lands, the DCI permit area shall be co-extensive with the DCI Overlay Zoning District Boundaries.

*Debt Service*: a payment representing the principal of, interest on and premium if any on bonds; the fees and costs of registrars, trustees, paying agents or other agents necessary to handle the bonds; and the costs of credit enhancement or liquidity support.

*Deciduous*: plants that lose their leaves annually.

*Deciduous Tree*: also see Tree, Deciduous.

*Deck*: a platform extending horizontally from the rear or side yard of the structure, located to the rear of the front building line of the lot and not within the front yard.

*Dedication*: transfer of title to, or grant of an easement over, lands and improvements to the County.

*Demolition*: an act or process that destroys or razes in whole or in part, or permanently impairs the structural integrity, or allows deterioration by neglect of a building or structure or land, wherever located, or a building, object, site, or structure, including interior spaces, of cultural, archeological or historic artifacts, or external sites.

*Density*: the number of dwelling units allowed per gross acre.

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Density Transfer: the transfer of density or development rights (TDRs).

Design Standards: the standards for development as established in this Code. Also see Development Standards.

Design Storm: a storm of 100-year recurrence interval and 24-hour duration.

Detention: temporary storage of stormwater runoff which is used to control the peak discharge rates and which provides gravity settling of pollutants and sediments.

Developed: A lot with at least one existing structure.

Developer: a person, corporation, partnership, trust, business, sole proprietorship, organization, association, or other entity of any kind, including any successors or assigns, who owns property, or has common ownership of property, or who finances, manages, designs, administers, or invests in the development or redevelopment of property, that proposes any development.

Development: any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposit or extraction of materials, public or private sewage disposal systems or water supply facilities; any change of use; the division, reconfiguration or platting of a parcel of land.

Development Agreement: a voluntary agreement between the County and a developer, owner or applicant establishing the obligations and rights of each in connection with the granting of a development approval.

Development Approval: authorized action by the Board, Planning Commission or Administrator that grants, or grants with conditions, an application for approval of development.

Development Fee: a fee calculated to mitigate the cost of providing capital facilities imposed on new development as a condition of approval of such development.

Development of Countywide Impact ("DCI"): an activity regulated by Chapter 11 of this SLDC.

Development Order: the written decision of the Board, Planning Commission or Administrator with respect to the granting, granting with conditions, or denial of an application for development approval.

Development Permit: any development order granting development approval of an application. A development permit is NOT a building permit, which is issued by the State of New Mexico and not the County.

Development site: a parcel of land upon which development is proposed.

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Development Standards: the standards for development as established in the SLDC. These standards include sustainable design and technical specifications for improvements to land required for development approval.

Disabled Person: means a person with a physical or mental impairment which substantially limits one or more of such person's major life activities but does not include current illegal use of, or addiction to, a controlled substance and which includes a person who is HIV-positive. Also see Handicapped Person.

Disclosure Certificate: a statement complying with the requirements of Sections 11 and 12 of the Homeowner Association Act (being the Laws of 2013, Chapter 122 (SB 497)), that is required to be provided by persons selling a lot to persons purchasing that lot, which discloses some eleven items of detailed information about HOA assessments and fees due on the lot together with financial and other business information about the HOA.

Disclosure Statement: a statement required to be given to persons acquiring an interest in subdivided land complying with the requirements of NMSA 1978, § 47-6-17 of the "New Mexico Subdivision Act."

Discretionary Approval: see Discretionary Development Approval.

Discretionary Development Approval or Development Order: a development approval or development order that arises out of a required hearing held before a hearing officer, the Planning Commission or the BCC. Examples of such approvals include a plan amendment, a major or minor subdivision, a conditional use permit, a variance, a beneficial use and value determination, a land use alteration, a DCI, a supplemental use, and a major or minor site plan.

Distribution Lines: lines that interconnect the service line to a station, substation, or other parts of a distribution system or network.

District: see Base Zoning District, Overlay Zoning District and Planned Development Zoning District described in Chapter 8 of this Code; and see Zoning District.

DNL: (day-night average sound level) means the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m. and midnight, local time. The symbol for DNL is Ldn.

Domestic Use or Purposes: means the use of water for household purposes or for the irrigation of not to exceed one acre of noncommercial trees, lawn, garden, or landscaping. Drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or nonprofit facility are included in this definition. This definition does not include the use of underground water from a well used primarily for livestock watering as provided for under NMSA 1978, section 72-12-1.2. Nor does this definition include use of agricultural water rights or permits to appropriate water for agricultural purposes, so long as such use is consistent with the permit issued by the OSE or order adjudicating the amount, purpose, and place of use of such rights.

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Double-Faced Sign: a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes. Also see Sign, Double-Faced.

Double Frontage Lot: a parcel with frontage on two roads. Also see Lot, Double Frontage.

Drainage System: all roads, gutters, inlets, swales, storm sewers, channels, streams, or other pathways, either naturally occurring or man-made, which carry and convey stormwater during rainfall events.

Drainage Way: a channel formed by the existing surface topography of the earth or a man-made drainage network having a defined channel for the removal of water from the land, including both the natural elements of arroyos, streams, marshes, swales, and ponds, whether of an intermittent or continuous nature and man-made elements such as acequias, ditches, channels, retention facilities, and stormwater systems.

Driveway: a roadway providing access to a road or highway from a building, structure, or a shared driveway, and which is not open for vehicular traffic except by permission of the owner of such private property.

Driveway Approach: a way or place, including paving and curb returns, between roadway travel lanes and private property, which provides vehicular access between the roadway and such private property.

Dry Weight Basis: when used in the context of regulation of commercial cannabis activity, means a process by which delta-9-tetrahydrocannabinol concentration is measured relative to the aggregate weight of all parts of the plant genus Cannabis, whether growing or not, including the leaves of the plant, the flowers and buds of the plant, the seeds of the plant, the resin of the plant and the stalks of the plant at the point of harvest by a licensee and with no moisture added to the harvested plant.

Duplex: a detached house designed for and occupied exclusively as the residence of not more than two families, each living as an independent housekeeping unit. Also see Dwelling, Two-Family (Duplex).

Dwelling or Dwelling Unit: a structure or portion of a structure that is designed, occupied or intended to be occupied, or has been previously used, as living quarters for a family and includes facilities for cooking, sleeping and sanitation; but not including recreational vehicles, travel trailers, hotels, motels, boardinghouses. Dwelling or dwelling unit includes single-family, two-family, and multifamily dwellings; manufactured homes, mobile homes, and tiny houses.

Dwelling, Attached: two or more dwelling units with common walls.

Dwelling, Multifamily: a dwelling or group of dwellings on one lot containing separate living units for five (5) or more families, which may have joint services or facilities.

Dwelling, Single-Family: a single structure occupied exclusively by not more than one family.

Dwelling, Single-Family Attached: two or more dwelling units with common walls.

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*Dwelling, Single-Family Detached*: a single-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

*Dwelling, Two-Family (Duplex)*: a detached house designed for and occupied exclusively as the residence of not more than two families, each living as an independent housekeeping unit.

*Dwelling Unit*: See Dwelling.

*E-cigarette*: a product containing or delivering nicotine or another substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product, including a device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah or vape pen or under another product name or descriptor.

*Easement*: authorization by a property owner for an adjacent property, or for a person to use the owner's property for a non-possessory specified use.

*Easement, Utility*: an easement granted for installing and maintaining utilities across, over, or under land, together with the right to enter the land.

*Eligible Buyer*: means a person who is eligible to by an affordable dwelling under Chapter 13 and the affordable housing regulations.

*Eligible Renter*: means a person who is eligible to rent an affordable dwelling under Chapter 13 and the affordable housing regulations Unit whose annual gross income is one hundred percent (100%) or less than the Area Median Income.

*Eligible Support Structure*: means any tower or base station that is existing at the time an application relative to Section 10.17 of this SLDC is filed with the County.

*Employee, Employ, and Employment*: as used in Section 10.20 any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the person is identified as an employee, independent contractor, agent, or by another status. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

*Enforcement Officer*: the Administrator including any designee of the Administrator.

*Engineer*: a person who is licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors to practice the profession of engineering in New Mexico. Also see Professional Engineer.

*Enhanced Services*: public services provided by the County pursuant to the Public Improvement District Act, NMSA 1978, §§ 5-11-1 to 5-11-27.

*Environmental Impact Report*: an assessment examining environmental effects or impacts of a development project.

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Equipment Enclosure: an enclosed structure, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communications signals, but not primarily to store equipment or to use as a habitable space.

Escrow: a deposit of cash, letter of credit or surety bond with an escrow agent to secure the promise to perform some act.

Establish or Establishment: as used in Section 10.20, means and includes any of the following: the opening or commencement of any sexually oriented business as a new business; the conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business; the addition of any sexually oriented business to an existing sexually oriented business; or the relocation of a sexually oriented business.

Excavation: the process of altering the natural grade elevation by any activity by which soil, rock, minerals, ores, sand, limestone, gravel or other material is dug, removed, displaced, beneficiated, quarried or relocated.

Existing Domestic Well: a domestic well in existence as of the effective date of this Ordinance.

Existing Manufactured Home Park (i.e., Manufactured Housing Community Development) or Subdivisions: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing Tower or Base Station: means a constructed tower or base station that has been reviewed and approved under this SLDC or the prior Land Development Code, or under another State regulatory review process, and includes a tower that has not been reviewed and approved because it was not zoned in a zoned area when it was built, but was lawfully constructed.

Exploration: The act of searching for or investigating a mineral deposit, including sinking shafts, tunneling, drilling core and bore holes, digging pits, making cuts and other works for the purpose of extracting samples prior to commencement of development or extraction operations and the building of roads, access ways and other facilities related to such work, but excluding activities that cause no, or very little, surface disturbance, such as airborne surveys and photographs, use of instruments or devices that are hand carried or otherwise transported over the surface to perform magnetic, radioactive or other tests and measurements, boundary or claim surveying, location work, or other work that causes no greater disturbance than is caused by ordinary lawful use of the area by persons not engaged in exploration.

Extraction: the removal of minerals, oil, gas, water, subsurface hydrocarbons, rocks, sand, gravel and limestone from subsurface areas.

Fabrication: manufacturing, assembling, stamping, cutting, or otherwise shaping processed materials into useful objects.

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Facade: the exterior wall of a building exposed to public view.

Facility: a building, space or grounds licensed for the production, possession, testing, manufacturing or distribution of cannabis, cannabis extracts or cannabis products.

Family Transfer: division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception is limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member.

Final Plat: an approved, recorded plat which authorizes immediate development of a parcel or parcels. Also see Plat, Final.

Financial Guaranty: a guaranty of performance, in cash, letter of credit or surety bond that is required to be deposited pursuant to the SLDC.

Fiscal Impact Assessment: a study required under Chapter 6 to determine the effects and impacts of the project upon County revenue and costs necessitated by additional public facilities and services generated by the development project and the feasibility for financing such facility and service costs.

Fixture: personal property permanently attached to real property.

Fixture (light): a complete lighting luminaire consisting of a light source and all necessary mechanical electrical and decorative parts. (see also, Lighting Fixture)

Flag: a cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, line, or framing.

Flag Lot: a single lot that has access to a public right-of-way by means of a narrow strip of land.

Flood or Flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area: the area within a floodway or floodplain.

Flood Insurance Rate Map (FIRM): a map of the County on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

Flood Insurance Study (FIS): the official report provided by the Federal Emergency Management Agency, which contains flood profiles, water surface elevation, or [of] the base flood, as well as the Flood Boundary Map.

Floodplain or Floodprone Area: a land area susceptible to being inundated by water from any source. See area of special flood hazard, flood or flooding, and 100-year floodplain.

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*Floodplain, 100-year*: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, and the area designated as a Federal Emergency Management Agency Zone A, AE, AH, or AO on the Flood insurance Rate Maps. Also see 100-year floodplain.

*Floodproofing*: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway*: the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without causing any cumulative increase in the water surface elevation. The floodway is intended to carry the dangerous and fast-moving water.

*Floor Area*: the sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. Floor area includes the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

*Footcandle*: a unit of illumination produced on or reflected by a surface, measured with a footcandle meter or sensitive photometer, which measures the candle power distribution of a source of light.

*Frontage*: where a property line is common with a street right-of-way line.

*General Plan*: the long-range general plan, authorized by NMSA 1978, § 5-11-3 consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County. Also see Sustainable Growth Management Plan.

*Geographic Search Area*: an area in which the proposed antenna shall be located in order to provide the designed coverage or capacity based on radio frequency engineering considerations, grids, frequency coordination, propagation analyses, and levels of service consistent with accepted engineering standards and practices.

*Glare*: a bright source of light, the intensity of which is sufficiently greater than the level to which the eyes are adapted to cause annoyance or discomfort or loss in visual performance and visibility.

*Grade*: the slope of an improvement or natural feature.

*Grey Water*: untreated household wastewater that has not come into contact with toilet waste, including wastewater from bathtubs, showers, wash basins, clothes washing machines and laundry tubs.

*Gross Floor Area*: the aggregate floor area of an entire building or structure enclosed by and including the surrounding exterior walls.

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Ground Cover: a plant growing less than two feet in height at maturity that is used for ornamental purposes, alternatives to grasses, and/or erosion control on slopes.

Groundwater: subsurface water as distinct from surface water.

Group Home: is a private residence designed to serve children or adults with disabilities in a traditional family structure and atmosphere. Typically there are no more than six residents in a group home.

Habitable Structure: a structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

Handicapped Person or a "Disabled Person": means a person with a physical or mental impairment which substantially limits one or more of such person's major life activities but does not include current illegal use of, or addiction to, a controlled substance and which includes a person who is HIV-positive.

Hazardous Materials: or "hazardous substance" is any hazardous chemical, hazardous waste or substance as defined and listed in the federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. section 9601 and in 42 CFR sections 261, 302.4, et al.

Hearing Officer: the person appointed by the Board for a term not exceed four (4) years to conduct certain public hearings as assigned by Chapter 4 of the SLDC.

Heavy equipment/vehicles: a vehicle designed to carry freight, goods, construction materials or heavy articles; or a vehicle designed for heavy work, construction work or towing.

Height:

Structures: the vertical dimension measured from any point on the upper surface of a structure to the natural grade or finished cut grade on any building elevation, whichever is lower, directly below that point. The vertical depth of fill material from the natural grade, with or without retaining walls, shall be considered as a component of the structure; this depth shall be included in determining the structure height. Chimneys and solar panels may extend three feet (3') beyond the height limitation.

Antennas and Support Structures: Antenna and support structure height means the vertical distance, as measured from the lowest point of intersection with the natural grade around the perimeter of the base of the antenna or structure to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon other structures.

Signs and Other Structures: Sign and other structures height shall be measured from the adjacent grade to the highest point of the sign or structure.

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Height Limit: for purposes of the “O-AN” (Airport Noise Overlay) district, the elevation in feet above mean sea level, the projection above which a proposed structure or tree is not permitted, except as otherwise provided in the SLDC.

Highest Adjacent Grade: the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home Occupation: a business activity carried on by a person in the resident’s dwelling unit.

Homeowners’ Association: an incorporated or unincorporated entity organized and existing under the laws of the State of New Mexico and a declaration that owns and maintains in perpetuity the physical facilities, structures, signs, roads, systems, areas or grounds held in common and other improvements within a subdivision.

Hospital: an institution providing health services, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel: a commercial for-profit transient lodging building containing guest rooms or suites intended or designed to be used or are used, rented, or hired out for compensation, to be occupied or are occupied for sleeping purposes by guests on a daily basis.

Household: a person or number of persons who reside or intend to reside in the same housing unit.

Immediate Family: a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step-grandson, granddaughter, step-granddaughter, nephew and niece, whether related by natural birth, adoption or a domestic partner relationship.

Impact Area: the area within which a proposed development is presumed to create a demand for public services and/or facilities.

Impoundment: any structure designed and used for storage or containment of mine process water, or impacted stormwater, or used for solids settling, excluding a tailings impoundment. A process water or stormwater transfer sump or a tank, below-grade tank, drum or pit bottom is not an impoundment.

Income Range: means the income range used to determine who qualifies as an eligible buyer or eligible renter and the maximum target housing price or maximum target monthly rent that an affordable dwelling may be sold or leased to an eligible buyer or renter, respectively using the following definitions: Income Range 1: 0% to 65% of Area Median Income; Income Range 2: 66% to 80% of Area Median Income; Income Range 3: 81% to 100% of Area Median Income; Income Range 4: 101% to 120% of Area Median Income.

Infrastructure: any physical system or facility that provides services, including but not limited to: sanitary sewage; stormwater drainage and detention; flood control; water systems; schools and libraries; roads, streets, collectors, arterials and highways; areas for motor vehicle and bicycle use for road access, egress, ingress, rest areas and parking; trails and areas for pedestrian, equestrian,

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bicycle or non-motor vehicle use for access, egress, ingress and rest areas; public transit; fire; law enforcement; emergency response; parks, recreational facilities, open space; scenic vista sites; landscaping; electrical and natural gas transmission and distribution; lighting; cable or telecommunication lines; traffic control; heating, air conditioning, weatherization and energy efficiency facilities, including solar and wind turbines, and related costs and expenses for inspection, operation, maintenance, repair, replacement and construction management of such facilities and systems.

*Integrated Cannabis Microbusiness*: a person that is authorized to conduct one or more of the following:

- (1) production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
- (2) manufacture of cannabis products at a single licensed premises;
- (3) sales and transportation of only cannabis products produced or manufactured by that person;
- (4) operation of only one retail establishment; and
- (5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

*Itinerant vendor*: Any person, firm, or corporation, whether as owner, agent, consignee, or employee, who engages in a temporary or transient business in the County, either in one locality or by traveling from place to place, selling goods, wares, food, and merchandise and who may conduct business from a vehicle or other conveyance.

*Junkyard*: A place where scrap materials, including automobile bodies and parts, construction debris or metal, are stored or stockpiled for reuse, parts salvage or destruction, and generally, but not always, associated with a junk or scrap business.

*Lamp*: the component of a luminaire that produces the actual light (e.g., incandescent light bulb).

*Land Development Code or (Code)*: means this Ordinance, together with any amendments. Also see Sustainable Land Development Code.

*Land Division*: any division of land including, but not limited to, an exempt land division as defined in Chapter 5.

*Land Use Assumptions*: the analysis and projections of future growth and development prepared as the basis for planning future capital improvements, the need for which is generated by new development. The land use assumptions include a description of service areas and the CIP projects within each service area over a seven (7) year period required for the calculation of development fees pursuant to the Development Fees Act.

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Landfill: a solid waste facility that receives solid waste for disposal as defined in Environmental Improvement Board's (EIB) regulation 20.9.2 New Mexico Administrative Code (NMAC) and as further regulated by regulations of the EIB.

Landscape Architect: a person who is licensed as a landscape architect by the State Board of Landscape Architects.

Landscape Planting Area: an area that accommodates the planting of trees, shrubs, and ground cover consistent with the sustainable design standards in Chapter 7.

Leach Stockpile: stockpiles of ore and all other rock piles associated with mining disturbances that have been leached, are currently being leached or have been placed in a pile for the purpose of being leached.

Legal Lot of Record: a lot that was either legally created prior to January 1, 1981, or that was part of a subdivision or land division approved by the Administrator or the Board after January 1, 1981. Also see Lot of Record, Legal.

Level of Service (LOS): an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility or public service. Level of service is also a measure of the relationship between service capacity and service demand for public facilities.

Licensed Premises: a location that includes:

- (1) all enclosed public and private areas at the location that are used in the business and includes offices, kitchens, restrooms and storerooms;
- (2) all areas outside of a building that are specifically included in the license for the production, manufacturing, wholesale sale or retail sale of cannabis products; and
- (3) with respect to a location that is specifically licensed for the production of cannabis outside of a building, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases or has a right to occupy.

Licensee: as used in Section 10.20, a person or business entity in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for that license.

Light Reflective Value (LRV): a measurement of the percentage of total visible light reflected from a surface.

Lighting Fixture: the assembly that houses a lamp or lamps, which may include mounting brackets, a ballast, a lamp socket, a reflector, a mirror, a refractor, a lens, and/or a shield.

Liquid Waste: domestic, commercial or industrial wastewater.

Liquid Waste Disposal System: a liquid waste collection, treatment and disposal system.

## SUSTAINABLE LAND DEVELOPMENT CODE

Lot: a tract, parcel of land, or portion of a subdivision plat or other parcel of land created by land division or family transfer, intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession or for development.

Lot, Corner: a lot or parcel located at the intersection of and abutting upon two or more roads at their juncture

Lot Coverage: lot coverage shall be calculated as follows:

Residential Uses: Lot coverage for residential uses includes that portion of a lot covered by the roofs of principal and accessory buildings and structures. Lot coverage for residential uses is calculated dividing the total area of all roofs (based on measurement around outside roof perimeter) on the lot by the gross lot area. Residential Lot Coverage = Roofed Area Footprint ÷ Gross Lot Area.

Nonresidential and Mixed Uses: Lot coverage for nonresidential uses and for mixed use (nonresidential and residential) includes all impervious areas; i.e., hard-surfaced, human-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, swimming pools, sidewalks and paved recreation areas. Lot coverage for nonresidential uses is calculated by dividing the total area of all impervious surfaces on the site by the gross lot area. Nonresidential Lot Coverage = Impervious Area ÷ Gross Lot Area.

Lot, Double Frontage: a parcel with frontage on two roads. Such lots are prohibited except in commercial or industrial districts[.]

Lot Line, Side: any lot line other than a street or rear lot line.

Lot Line, Street: in the case of a lot abutting only one street, the lot line separating a lot from the street; in the case of a corner lot, each lot line separating the lot from a street; in the case of a double frontage lot, each lot line separating the lot from a street shall be considered to be a street lot line.

Lot Line Adjustment: a lot line adjustment is an alteration of parcel boundaries where parcels are altered for the purpose of increasing or decreasing the size of contiguous parcels and where the number of parcels is not increased.

Lot of Record, Legal: a lot that was either legally created prior to January 1, 1981, or that was part of a subdivision or land division approved by the Administrator or the Board after January 1, 1981. Also see Legal Lot of Record.

Lowest Floor: the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built in order to render the structure in violation of the applicable non-elevation design requirement of § 60.3 of the National Flood Insurance Program regulations (44 Code of Federal Regulations § 60.3).

## SANTA FE COUNTY CODE

Lumen: a measure of brightness of illumination used to measure the amount of light emitted by lamps. As an example, a basic 60-watt incandescent bulb and a 15-watt compact florescent bulb both emit approximately 900 lumens when new. In this Code, lumen output shall be the initial lumen output of a lamp as rated by the manufacturer.

Luminaire: a complete lighting unit consisting of a light source and all necessary mechanical electrical and decorative parts.

Maintenance, Sign: the painting of signs and/or the replacement of sign parts of a nonstructural nature (e.g., lights, trim pieces, panels, etc.). Also see Sign Maintenance.

Major Subdivision: for a Type 1 Subdivision 500 or more parcels where any parcel is less than 10 acres; for a Type 2 Subdivision 25-499 parcels where any parcel is less than 10 acres; for a Type 3 Major subdivision 6-24 parcels where any parcel is less than 10 acres; and for a Type 4 Subdivision 25 or more parcels where each parcel is greater than 10 acres. A Major Subdivision includes any subdivision requiring any new road or extension of County facilities or the creation of any public improvements, including re-subdivision, amendment or modification of a major subdivision, or series of related minor subdivisions on contiguous land that cumulatively amount to the creation of 6-24 parcels [or] lots where any parcel is less than 10 acres. Also see Subdivision, Major and Section 5.5 of this Code.

Manufacture: to compound, blend, extract, infuse, package or otherwise prepare a cannabis product.

Manufactured Home: a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet, constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation.

Manufactured Home Park or “Manufactured Housing Community Development”: is a parcel of land used for the continuous accommodation of twelve or more occupied manufactured homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees or assignees. The management of a new manufactured home park may require as a condition of leasing a manufactured home site for the first time such site is offered for lease that the prospective lessee has purchased a manufactured home from a particular seller or from any one of a particular group of sellers. “Manufactured home park” does not include either manufactured or mobile home subdivisions or property zoned for manufactured home subdivisions.

Manufacturing: the mechanical, biological, or chemical transformation of materials or substances into new products, including the assembling of component parts; the manufacture of products; and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Manufacturing covers all mechanical, biological, or chemical transformations, whether the new product is finished or semi-finished as raw materials in some other process.

Mass: the size, height, symmetry, and overall proportion of a structure.

Mass grading: any grading of more than 1 acre.

## SUSTAINABLE LAND DEVELOPMENT CODE

Maximum Annual Water Requirements: the total annual diversion required from any source to meet the water use requirements of the proposed development.

Maximum Target Housing Price: means the highest price at which an affordable dwelling may be sold to an eligible buyer in the appropriate income range, as set forth in the affordable housing regulations.

Maximum Target Monthly Rent: means the highest rent at which an affordable dwelling may be rented to an eligible renter in the appropriate income range, as set forth in the affordable housing regulations.

Medical Cannabis: cannabis products used by a qualified patient or reciprocal participant in accordance with the Lynn and Erin Compassionate Use Act, NMSA 1978, Chapter 26, Article 2B.

Medical Cannabis Program: the program created pursuant to the Lynn and Erin Compassionate Use Act, NMSA 1978, Chapter 26, Article 2B.

Mean Sea Level: for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Media Special Needs Structure: a facility that houses or supports a media use that requires additional height to accomplish the use based on industry standards. Media special needs structures include sound stages, recording studios, and broadcasting studios.

Mine Closure: the cessation of commercial mining activities and final decommissioning of a mine prior to final reclamation.

Mine Unit: a component of a mining operation including but not limited to processing, leaching, excavation, open pit, storage, stockpile or waste units.

Mineral: a non-living commodity that is extracted from the earth for use or conversion into a saleable or usable product, but does not include surface water or subsurface water, geo-thermal resources, oil and natural gas together with other chemicals recovered with them.

Mineral Resource Extraction and Processing: the process of obtaining a mineral from the earth's crust or from previously disposed or abandoned mining waste, including open-cut mining and surface operations, the disposal of refuse from underground and in situ mining, mineral transportation, concentrating, milling, evaporation, leaching and other processing, but excluding Sand and Gravel Mining as defined herein., the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipes, the extraction of geothermal resources.

Mining: see "Mineral Resource Extraction and Processing."

Ministerial Decision: an administrative decision such as a development approval on an application that does not require legislative or quasi-judicial discretion and is not subject to a public hearing.

## SANTA FE COUNTY CODE

Ministerial Development Order: a development order entered as the result of a ministerial decision.

Minor Subdivision: for a Type 3 Minor subdivision 2–5 parcels where any parcel is less than 10 acres; for a Type 5 Subdivision 2-24 parcels where each parcel is greater than 10 acres. A Minor Subdivision includes any subdivision requiring any new road or extension of County facilities or the creation of any public improvements, including re-subdivision, amendment or modification of a major subdivision, or series of related minor subdivisions on contiguous land that cumulatively amount to the creation of 2-5 parcels lots [sic] where any parcel is less than 10 acres, [or] 2-24 parcels where each parcel is greater than 10 acres. Also see Subdivision, Minor and Section 5.5 of this Code.

Mitigation: a requirement that an adverse impact caused by a development be counterbalanced by creating an equivalent benefit through dedication, payments, offsets, and alternative construction of self-imposed restrictions.

Mixed-use: a land use development that includes the integration of residential and nonresidential uses on the same development site.

Mixed-use Building: a building that contains mixed use types such as residential, office or retail.

Mixed Use Zoning District: a district that provides for areas of compact development with primarily residential and some commercial uses. For further details see Section 8.9 of this Code.

Mobile Home: a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code. "Mobile home" does not include a recreational travel trailer or a recreational vehicle, as those terms are defined in NMSA 1978, § 66-1-4.15.

Mobile Home Park or "Trailer Park": a parcel of land used for the continuous accommodation of twelve or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees or assignees. "Mobile home park" does not include mobile home subdivisions or property zoned for manufactured home subdivisions.

Model Home: a dwelling unit used initially for display purposes, which typifies the type of units that will be constructed in a development and which will not be permanently occupied during its use as a model.

Monument Sign: a permanent freestanding sign where the entire supporting base of the sign is affixed to the ground and is not attached to or supported by a building or structure. Also see Sign, Monument.

## SUSTAINABLE LAND DEVELOPMENT CODE

*Motel*: a building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate inside or outside entrance leading directly to rooms, with a garage or parking space conveniently located, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. Motels may include bed-and-breakfast inns or boarding houses if they meet the above-defined criteria.

*Movie Ranch*: is primarily a facility for sets and scenery for the production of motion pictures, but with a secondary use which may include commercial photography, film and photography classes and workshops, public and private special events, music events and tours. Movie ranch support structures may include movie sets, sound stages, recording studios, distribution facilities, set construction facilities, studio backlots, temporary special effects facilities, dining facilities, mobile living and dressing quarters. Movie ranches are most appropriate for large parcels where the activities and uses of the movie ranch will not impact neighboring residential areas. All standards of the underlying zoning district where the movie ranch is located shall apply.

*Multi-Tenant Center*: one or more buildings, located on a single property, containing two or more separate and distinct businesses or activities which occupy separate portions of the building with separate points of entrance, and which are physically separated from each other by walls, partitions, floors or ceilings.

*Native Vegetation*: plant species with a geographic distribution indigenous to the applicable life zone in Santa Fe County. Plant species which have been introduced by man are not native vegetation.

*Natural Slope*: percent of slope as calculated prior to development from the elevation difference between adjacent contour lines divided by the perpendicular horizontal distance between them. The difference in elevation divided by the distance.

*Neighborhood parks*: a park that serves a smaller geographic area like a neighborhood, generally characterized by playgrounds, community gardens, or plazas.

*New Construction*: means, for the purpose of Section 7.18 (“Flood Prevention and Flood Control”), structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structure.

*New Manufactured Home Park or Subdivision*: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*New Mexico Department of Transportation or NMDOT*: the duly authorized agency of the State of New Mexico that has authority over the construction and maintenance of all State highways.

*New Mexico Environment Department or NMED*: the duly authorized agency of the state of New Mexico that has authority over water quality, water delivery systems, liquid waste disposal system(s) and solid waste systems.

## SANTA FE COUNTY CODE

*New Statutory Domestic Well*: a well permitted by the New Mexico Office of the State Engineer under NMSA 1978, Section 72-12-1.1 after the effective date of this Ordinance.

*No Build Areas*: land area or areas on a lot or parcel which are restricted for development pursuant to the sustainable design and improvement standards of Section 7.17 of this Code.

*Nonconforming Lot, Parcel, Structure or Use*: a lot, parcel, structure or use that was lawfully established or commenced prior to the adoption or amendment of the SLDC that fails to meet the current requirements established by this Code. See Existing Tower and Base Station.

*Nonconforming Sign*: a sign that was lawfully constructed or installed prior to the adoption or amendment of the SLDC, which was in compliance with any land development requirements or regulations then in effect but which does not presently comply with the land development requirements established by this Code. Also see Sign, Nonconforming.

*Non-Disturbance Easement*: an easement or covenant to avoid and protect significant historic, cultural or archaeological sites as an alternative to treatment.

*Nonresidential Use*: any use which does not involve or include the use of a structure as a dwelling.

*Notice of Homeowner Association*: a notice required by the Homeowner Association Act to be recorded with the County Clerk by HOAs organized after July 1, 2013 that contains the name and address of the HOA, the management company if any responsible for preparing a disclosure certificate, the recording data for the subdivision plat and the declaration governing the lots in the development, and the Public Regulation Commission number of the HOA if any.

*Nude, Nudity or a State of Nudity*: as applied in Section 10.20, means the appearance or showing of the human male or female genitals, pubic area, vulva, anus or a state of dress that shows the anal cleft with less than a fully opaque covering, the male or female genitals or pubic area with less than a fully opaque covering, the female breast with less than a fully opaque covering of any part of the nipple, or the covered male genitals in a visibly swollen state.

*Office*: A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, which may include ancillary services for office workers, such as a restaurant, coffee shop, supply, print or copy shop, newspaper and candy stand.

*Official Map*: the map adopted by the Board that represents the location, width and extent of public roads and highways, stormwater and drainage basins and ways, floodway control basins or areas, parks, trails and recreation areas, whether or not such roads, highways, stormwater and drainage basins and ways, floodway control basins and areas, parks, trails and recreation areas are improved or unimproved, in actual physical existence in the County or proposed for future establishment.

*Opaque*: incapable of transmitting light.

*Open Pit*: the area within which ore and waste rock are exposed and removed by surface mining.

## SUSTAINABLE LAND DEVELOPMENT CODE

Operate or Cause to Be Operated: for purposes of Section 10.20 (“Sexually Oriented Businesses”), to cause to function or to put or keep in a state of doing business. Operator means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

Outdoor Storage: keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

Overlay Zone or Overlay Zoning District: a classification that is superimposed over one or more base zoning districts or parts of districts, imposing specified requirements in Chapter 8 (“Zoning”).

Owner: a legal or equitable owner holding a fee simple, life estate, future interest, lease, easement, profit, or irrevocable license of land, including but not limited to air rights, surface, water or subsurface rights, whether a person, corporation, trust, partnership, business, sole proprietorship, association or any other legal entity of all lands, including all lands in common ownership with the owner.

Parcel: a tract, lot, parcel of land, or portion of a subdivision plat or other parcel of land created by land division or family transfer, intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession or for development. Also see Lot.

Parking Lot: an off-street area for the temporary storage of motor vehicles.

Parking Standards: see Chapter 7 (e.g., Tables 7-1, 7-6 through 7-10, Sections 7.6.8 and 7.10).

Parking Structure: a building or structure used exclusively for the parking of vehicles.

Peak Flow: design capacity of a channel to handle the volume of water generated by the design storm. Q is measured in cubic feet per second (cfs). The Manning or Chezy formulas shall apply.

Peak-Hour Trips: the number of traffic units generated by and attracted to a proposed development during its heaviest hour of use, dependent on type of use.

Pennant: a cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle. Also see Banner.

Percent of Slope: vertical change in a land surface calculated as follows:  $(H - L)/D \times 100 = \%$  slope, where H is the highest elevation of the area for which slope is being determined; L is the lowest elevation of the area for which slope is being determined; and D is the horizontal distance between H and L measured perpendicular to the contour lines.

Perimeter Service Roads: means private roads that serve areas secured by a main gate and are accessible only by special permission.

## SANTA FE COUNTY CODE

*Permanent Foundation*: a system of supports for a structure that supports its maximum design load, is constructed of concrete or masonry materials, and is placed at a sufficient depth below grade adequate to prevent frost damage.

*Permeability*: capacity of a material to transmit a liquid, which is expressed in terms of hydraulic conductivity of water in centimeters-per-second units of measurement.

*Permit*: a Development Order that grants, or grants with conditions, an application for approval of development[,], see Development Approval, or Development Permit.

*Permitted Use*: a use that is permitted by right within a given zoning district[.].

*Permitted Water Rights*: the right to appropriate water to beneficial use as authorized by a permit issued by the New Mexico State Engineer other than a permit issued under the provisions of NMSA 1978 section 72-12-1, as amended.

*Person*: a natural person, corporation, partnership, trust, entity, organization, joint venture, association (including homeowners' or neighborhood associations), nonprofit organization, trust, or any other entity recognized by law.

*Personal Services*: establishments primarily engaged in providing services involving the care of a person or his/her apparel, such as laundry cleaning and garment services, linen supply, coin-operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, funeral services, and health clubs, and clothing rental.

*Personal Wireless Service*: commercial mobile services (including cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

*Pervious Pavement*: a pavement system with traditional strength characteristics but which allows rainfall to percolate through it rather than running off.

*Phased Subdivision or Development*: subdivision or other development whereby a portion of the property is developed in one or more individual sections over a period of time.

*Pitch*: the slope of a roof as determined by the vertical rise in inches for every horizontal 12-inch length (called the "run"). Expressed with the rise mentioned first and the run mentioned second (e.g., a roof with a 4-inch rise for every horizontal foot has a 4:12 pitch).

*Plan, Area*: see Area Plan.

*Plan, Community*: a plan that guides the extension of the boundaries, platting, development or redevelopment of an historical traditional neighborhood or other community in order to make reasonable use of all land, correlate street patterns, and achieve the best possible land-use relationships. A Community Plan constitutes a part of the SLDC. Also see Community Plan.

## SUSTAINABLE LAND DEVELOPMENT CODE

Plan, Comprehensive: the long-range general plan, authorized by NMSA 1978, § 5-11-3 consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County.

Plan, General: see Sustainable Growth Management Plan.

Plan, Site Development: a scaled drawing for a project that shows the proposed development of the lots, parcels, or tracts, including elevations, sections, architectural, landscape, engineering, and ecological drawings as required for development approval. Also see Site Development Plan.

Plan Amendment: an amendment of the SGMP, Area or a Community Plan.

Planned Capital Improvement: a capital improvement included within the CIP that is prioritized, funded, constructed, or otherwise made available within the prescribed CIP time period.

Planned Development: a development under single ownership, planned and developed as an integral unit and consisting of a combination of residential, mixed or nonresidential uses on the land within a Planned Development District.

Planning Commission: the County's Planning Commission, established in the SLDC, Chapter 2, in accordance with law.

Plat: a complete and exact map representing a tract or tracts of land, showing the boundaries and location of individual lots, easements, and/or streets, which has been approved in the office of the Administrator and recorded in the office of the County Clerk.

Plat, Consolidation: a plat graphically representing and legally describing a merger, incorporation or consolidation of two or more parcels, lots, or tracts of land.

Plat, Final: an approved, recorded plat which authorizes immediate development of a parcel or parcels.

Plat, Preliminary: a plat which shall be approved before seeking final plat approval.

Plat, Subdivision: a plat on which a subdivider's plan of subdivision is shown.

Plat, Vacation: a plat executed by owners of lots in a recorded subdivision vacating all, or portions of, a previously approved and recorded plat.

Police Power: those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants as set forth in law at NMSA 1978, § 4-37-1.

Porch: a roofed area projecting from and structurally connected to a building, which may be glazed or screened, attached to or part of and with direct access to or from a structure.

## SANTA FE COUNTY CODE

Preliminary Plat: a plat which must be approved before seeking final plat approval. Also see Plat, Preliminary.

Principal Use: the primary or main use of land or structures, as distinguished from a secondary or accessory use.

Private Water System: means a water system that is privately owned.

Processing and Warehousing: the storage of materials in a warehouse or terminal and where such materials may be combined, broken down, or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed.

Professional Engineer: a person who is licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors to practice the profession of engineering in New Mexico.

Projected Traffic: traffic that is projected to develop in the future on an existing or proposed road.

Projecting Sign: a sign, other than a wall sign, that is suspended from or supported by a structure attached to a building and projecting outward beyond the facade of the building. Also see Sign, Projecting.

Property or Road Frontage: the side of a lot or development site abutting on a public road.

Property Owner: a person, entity, corporation or partnership holding title to property.

Proportionate Share: the portion of the cost of capital improvements which reasonably relates to the service demands and needs of the development project and bears a reasonable relationship to the capital facility and service demands imposed by the development project to provide public capital improvements and services to a development.

Public Hearing: A proceeding at which certain persons, including the applicant, may present oral comments or documentation to a fact-finder. In a quasi-judicial or administrative hearing, witnesses are sworn and subject to examination and cross-examination.

Public Improvement District: a public improvement district (PID) formed pursuant to the Public Improvement District Act (NMSA 1978, §§ 5-11-1 through 5-11-27), after presentation of a petition for approval to the Board signed by the owners of at least 25% of the real property to be included in the district which would give the PID's governing body the power to levy taxes and to impose special levies, fees, charges, or assessments for the construction, maintenance, repair and operation of public improvements and enhanced services for public safety, fire protection, street or sidewalk cleaning and landscape maintenance in public areas.

Public Meeting: a meeting of the Board, Planning Commission, Hearing Officer or other administrative agency or County official, preceded by notice, that is open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.

Public Property: property that is owned by the County, a municipality, a County utility, PID or other special district, or any agency of the state or federal government.

## SUSTAINABLE LAND DEVELOPMENT CODE

Public Right-Of-Way: a strip of land acquired by reservation, dedication, prescription, or condemnation, and used or intended to be used, wholly or in part, as a public street, alley, walkway, drain, park, trail, recreation area, open space, stormwater conveyance system or for a public utility line.

Public Road: a road accessible to the public that is maintained by a private entity, the County, the State of New Mexico or any municipality. A public road is owned by either the County, the State of New Mexico or any municipality[.]

Public or Publicly-Regulated Water and Wastewater System, Public Water System, Public Wastewater System: means a water or wastewater system that includes all of the following: (a) a mutual domestic water association, (b) a water and sanitation district, (c) a municipal water or wastewater utility, (d) a water or wastewater system, public or private, that is regulated by the Public Regulation Commission or (e) a cooperative.

Qualified Patient: a resident of New Mexico who holds a registry identification card pursuant to the Lynn and Erin Compassionate Use Act, NMSA 1978, Chapter 26, Article 2B.

Qualified Professional: means a professional engineer, surveyor, financial analyst or planner providing services within the scope of his license, education or experience.

Radio Frequency Emissions: an electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

Rear Yard: an area extending the full width of a lot between the rear lot line and the nearest principal structure. Also see Yard.

Receiving Area: an area appropriate for receiving development rights through a transfer of development rights.

Receiving Parcel: a tract, lot or parcel of land that is the recipient of a transfer of development rights.

Reciprocal Participant: a person who is not a resident of New Mexico and who holds proof of enrollment by a governmental regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a governmental regulatory authority of a New Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program.

Reclamation: the employment during and after a mining or other DCI operation of measures designed to mitigate the disturbance of affected areas and permit areas and provide for the stabilization and revegetation of a permit area following closure that will minimize future impact to the environment from the operation and protect air, water and biological resources.

Reconnaissance Report: A hydrological report that uses adjoining wells instead of a geo-hydrological report to establish the capacity of a domestic water well to serve development.

## SANTA FE COUNTY CODE

Reconnaissance Survey: a visual examination of land surfaces that are to be disturbed.

Recreational Vehicle: a vehicle with a camping body that has its own mode of power, is affixed to or is drawn by another vehicle, and includes motor homes, travel trailers and truck campers and is designed for recreational, camping, travel or seasonal use.

Registered Agent: is a person whose name is filed by incorporators with the Public Regulatory Commission and who agrees to accept service of legal documents on behalf of the corporation at the registered address.

Registered Land Surveyor: person who is qualified to practice surveying by reason of the person's intensive preparation and knowledge in the use of mathematics, physical and applied sciences and surveying, including the principles and methods of surveying acquired by education and experience, and who is licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors.

Regulatory Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without causing any cumulative increase in the water surface elevation. The floodway is intended to carry the dangerous and fast-moving water. Also see Floodway.

Rehabilitation: the act or process of returning a building, object, site, or structure to a state of utility through repair, remodeling, or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the building, object, site, or structure that is significant to its historical, architectural, and cultural values.

Religious Facilities: a property or facility primarily used for religious worship or practice, including but not limited to, churches, synagogues, temples, and mosques.

Relocation: a change of the location of a building or structure.

Replat: a revision and re-recording of an approved, recorded Plat.

Reservation: designation of a portion of a property for a proposed right-of-way, trail, open space, park, recreation area or environmentally sensitive land without dedication.

Residential: of or relating to a structure which is used as a dwelling.

Residential, Multifamily: a dwelling or group of dwellings on one lot containing separate living units for three or more families, but which may have joint services or facilities. Also see Dwelling, Multifamily.

Residential Development: development devoted primarily to dwellings for residential use.

Restrictive covenant: a covenant creating restrictions on land or property.

## SUSTAINABLE LAND DEVELOPMENT CODE

**Resort:** a building or group of buildings containing guest rooms, with a majority of the property devoted to recreational activities, such as tennis, horseback riding, yoha, a spa, swimming, and/or golf. A resort may or may not provide meals.

**Retail Establishment:** a location at which cannabis products are sold to qualified patients, primary caregivers and reciprocal participants and directly to consumers.

**Retail Use:** property used to engage in retail trade.

**Retaining Wall:** a wall for holding in place a mass of earth or other material.

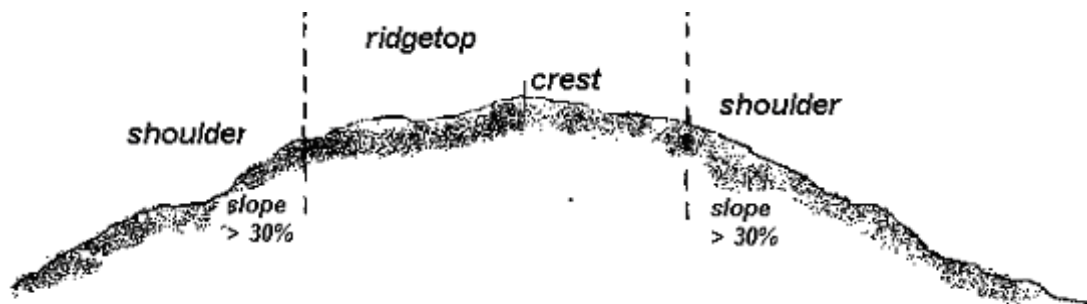
**Retention:** The permanent on-site maintenance of stormwater[.]

**Retreat:** a facility or property used for professional, educational or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. A retreat may not be utilized by the general public for meals or overnight accommodations.

**Rezoning:** The re-designation of an area, lot, or parcel from one zoning classification to another.

**Ridge or Ridgetop:** the uppermost elevations, between the shoulder and crest, of any hill or ridge as shown in Figure A-1 below.

**Figure A-1 Ridgetop Diagram**



**Right-of-Way:** the legal right, established by usage or grant, to pass along a specific route through property belonging to another.

**Riparian Area:** Refers to the habitat and life forms along streams, lakes and wetland.

**Riverine:** relating to, formed by, or resembling a river (including tributaries), stream, wash or arroyo.

**Road:** a right-of-way that provides a channel for vehicular circulation; is the principal means of vehicular access to abutting properties; and may include space for bike lanes, utilities, sidewalks, trails, pedestrian walkways, and drainage. Any such right-of-way is included in this definition, regardless of whether or not it is developed.

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Road, Collector: a road that serves as a connection between local roads and one or more arterial roads.

Road, Local: a road that provides access to a limited number of abutting properties, and that is further classified as a subcollector.

Road, Major Arterial: a road that has two to six driving lanes. A major arterial road may be divided with a median, and may provide additional right-of-way for turning lanes and at major intersections. Also for more detail see Table 7-13 [7-12].

Road, Minor Arterial: a road that has two to four driving lanes. A minor arterial road may be divided with a median, and may provide additional right-of-way for turning lanes and at intersections. Also for more detail see Table 7-12.

Road, Subcollector: a road that provides access to a limited number of abutting properties that is similar characteristically to a local road. For further details see Table 7-13 [7-12].

Roadway: the portion of the road available for vehicular traffic and, where curbs are laid, the portion from back-to-back of curbs.

Rock Outcropping: an area that is part of a rock formation or geologic formation/structure that is exposed or visible at the surface of the earth naturally or artificially and is unobscured by soil, vegetation or water.

Roof Line: the uppermost line of a flat pitched roof of a building; in the case of a parapet, the uppermost height of the parapet.

Safe Sight Triangle: an area required to be free of obstructions to enable visibility between conflicting movements. See Figure 7.5.

Sand and Gravel Mining: mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring loose rocks and materials such as granite, basalt, shale, slate and sandstone. Producing gravel-like materials by blasting and breaking solid rock shall be included in this definition.

Sanitary Landfill: an area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by the State of New Mexico.

Satellite Dish Antenna: a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, cone, or horn; and is to be used to transmit and/or receive electromagnetic waves between terrestrially and/or orbitally based uses.

Satellite Earth Station: a device or antenna, including associated mounting devices or antenna supporting structures, used to transmit or receive signals from an orbiting satellite, including television broadcast signals; direct broadcast satellite services; multichannel, multipoint distribution services; fixed wireless communications signals; and any designated operations

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indicated in the Federal Communications Commission's Table of Allocations for satellite services.

Scale: the relationship of a building or structure to its surroundings with regard to its size, height, bulk, and/or intensity.

School: an institution or place for instruction or education of children or adults.

Screen or Screening: vegetation, fence, wall, berm, or a combination of any or all of these that partially or completely blocks the view of and provides spatial separation of a portion or all of a site from, an adjacent property or right-of-way.

Security: a letter of credit, surety bond or cash escrow provided by the applicant to secure conditions imposed in a development order.

Self-Storage Facility: a building or group of buildings that is composed of contiguous individual rooms, which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

Semi-nude or in a Semi-nude Condition: under Section 10.20, means a state of dress that permits the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include the showing of any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Semi-nude and Nude Model Studio: under Section 10.20, means a commercial establishment which regularly features a person (or persons) who appears nude or semi-nude who is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, or photographed by other persons, but shall not include a proprietary school licensed by the New Mexico Higher Education Department ("HED") or any post-secondary educational institution or regionally accredited college or university within the oversight of, or requiring registration by, the HED.

Sending Area or Parcel: an area designated as appropriate for the conveyance of transferable development rights.

Service Area: a defined geographic area in which capital facilities or facility expansions specified in the CIP will provide service to development.

Service Unit: a standardized measure of consumption, use, generation or discharge attributable to the gross floor area of an individual structure or building, calculated in accordance with generally accepted engineering or planning standards, for each functional category of capital improvements or facility expansions.

Setback (Required Setback): the minimum distance from the property line to where a structure may be built, as established by the provisions of Section 7.3.3. Setback establishes the minimum required yard and governs the placement of structures and uses on the lot.

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Setback Line: the line that establishes the required setback; the distance from which a building or structure is separated from a designated reference point, such as a property line.

Sexually Oriented Business: as used in Section 10.20, shall mean a business operated as an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or semi-nude or nude model studio.

Shade Tree: A large tree growing to a height of 40 feet or more at maturity. Also see Tree, Shade.

Shared Well: a common well that provides water to more than one lot. Also see Well, Shared.

Shop: A use devoted primarily to the sale of a service or a product or products.

Shoulder: the line along which the profile of the upper slope of an elevation (hill, ridge, mountain, escarpment, etc.) changes from 30 percent or greater slope to less than 30 percent slope.

Side Yard: an area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure. Also see Yard, Side.

Sidewalk: the portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines, which is improved and designed for or is ordinarily used for pedestrian travel.

Sign: a device, fixture, surface, or structure of any kind, made of any material, displaying letters, numbers, words, text, illustrations, symbols, forms, patterns, colors, textures, shadows, merchandise or lights; or any other illustrative or graphic display designed, constructed, or placed on the ground, on a building, architectural projection, wall, post, or structure of any kind, in a window, or on any other object for the purpose of advertising, identifying or calling visual attention to any place, structure, firm, enterprise, profession, business, service, product, commodity, person, or activity whether located on the site, in any structure on the site or in any other location. The term “placed” includes constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, sculpting, casting, or otherwise fastening, affixing, or making visible in any manner. The term does not include a religious symbol on a place of worship.

Sign, Double-Faced: a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

Sign, Freestanding: a sign that is supported by a base structure that rests on the ground and is not supported by or attached to a building, including pole-mounted and pedestal signs that are permanently affixed to the ground, supported by uprights or braces and are not attached to any building or structure.

Sign, Monument: a permanent freestanding sign where the entire supporting base of the sign is affixed to the ground and is not attached to or supported by a building or structure.

Sign, Nonconforming: a sign that was lawfully constructed or installed prior to the adoption or amendment of the SLDC, which was in compliance with any land development requirements or

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regulations then in effect but which does not presently comply with the land development requirements established by this Code.

*Sign, Projecting*: a sign, other than a wall sign, that is suspended from or supported by a structure attached to a building and projecting outward generally at right angles to a building.

*Sign, Temporary*: A sign not intended or designed for permanent display that relates to an event, function or activity of a specific, limited duration. Signs which are posters, balloons, pennants, banners, or displays constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appear to be intended for a limited period of time. Also, includes ground mounted, which extend from the ground, or has a support that places the bottom of the sign less than two (2) feet from the ground.

*Sign, Vehicle*: a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on a property.

*Sign, Wall*: a sign attached to, painted on, or incised into the wall of a building or structure in such a manner that the wall is the supporting structure for, or forms the background surface of, the sign and which does not project more than one foot from the wall on which it is/are mounted.

*Sign, Window*: a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

*Sign Area*: the net geometric area of a sign, as calculated in accordance with Section 7.9.11 [7.9.15] which relates to signs and their measurement.

*Sign Height*: see Height, signs and other structures.

*Sign Maintenance*: the painting of signs and/or the replacement of sign parts of a nonstructural nature (e.g., lights, trim pieces, panels, etc.).

*Significant Tree*: an existing native trunk-type tree in good health and form which is eight inches or more in diameter as measured 4-1/2 feet above natural grade; any existing native bush-form or character tree (e.g., piñon) which is eight feet high and has a spread of eight feet. Also see Tree, Significant.

*Single-Family Dwelling*: a single structure occupied exclusively by not more than one family. Also see Dwelling, Single-Family.

*Site*: location of a lot or parcel or a structure thereon.

*Site Development Plan*: a report and scaled drawing for a project that identifies the proposed development of the lots, parcels, or tracts, including elevations, sections, architectural, landscape, engineering, ecological drawings and compliance with all code requirements as required for development approval.

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Site-Generated Traffic: vehicular trips attracted to, or produced by the proposed development site.

Slope: the ratio of elevation change to horizontal distance, expressed as a percentage, computed by dividing the vertical distance by the horizontal distance and multiplying the ratio by 100. For purposes of this appendix, a “slope” shall include only those areas with a horizontal distance of at least 50 feet.

Smoking:

- (1) inhaling from, exhaling from, burning, carrying or holding:
  - (a) a lighted or heated cigar, cigarette, hookah or pipe; or
  - (b) any other lighted or heated tobacco or plant product intended for inhalation, including cannabis, whether natural or synthetic; or
- (2) any use of an e-cigarette that creates an aerosol or vapor.

Solid Waste: any solid or semi-solid garbage, refuse, garbage or other discarded material which results from household, commercial, industrial or other operations, including manure, but does not include water-carried waste in sewage systems. See also Hazardous Waste.

Special Flood Hazard Area: a FEMA identified high-risk flood area where flood insurance is mandatory for properties. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as Zone A, AE, AH, AO, A1-30, A99, AR, AR/A, AR/AE, AR/AH, AR/AP, AR/A1-A30, VO, V1-30, VE, or V. See Flood, Flooding, Floodplain, and 100-year Floodplain. Also see Area of Special Flood Hazard.

Specified Anatomical Areas: as used in Section 10.20, means the human male genitals in a visibly swollen state, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks, anus or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity: as used in Section 10.20, consists of any of the following offenses: any sexual offense listed in Article 9 of the New Mexico Criminal Code including but not limited to prostitution, promotion of prostitution, accepting earnings of a prostitute, rape/criminal sexual penetration, criminal sexual contact of a minor or of an adult, indecent dancing, indecent exposure, indecent waiting; any offense listed in Article 37 of the New Mexico Criminal Code including but not limited to the distribution, sale[,] delivery, display or providing of sexually oriented material harmful to minors; any crime against children listed in Article 6 of the New Mexico Criminal Code including but not limited to child abuse, obstruction of reporting/ investigating child abuse, or contributing to the delinquency of a child; the sexual exploitation of children; any offense listed in or a violation of the New Mexico Sex Offender Registration and Notification Act; any violation of the New Mexico Racketeering Act; or any similar offenses to those described above under the criminal or penal code of other states, New Mexico Indian Tribes

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or Pueblos, countries or the United States, for which less than five (5) years have elapsed since the date of conviction (which includes a finding of guilty after a trial, a guilty plea or a plea of nolo contendere) or of the date of completion of the conditions of parole or probation, whichever is the later date. The fact that an appeal is pending on a conviction for specified criminal activity at the time of application shall not negate the effect of that conviction in disqualifying the applicant. A person whose conviction for specified criminal activity has been reversed on appeal by the time of application, or while the application is being considered, shall not be considered as someone with a conviction.

*Specified Sexual Activities*: means the following; the fondling or intentional touching of one's own or another person's genitals, pubic region, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or excretory functions as part of, or in connection with, any of the activities set forth herein.

*Stable*: a structure used for the shelter or care of horses and cattle.

*Standalone Building*: a building whose heating, air conditioning and ventilation system services only that building.

*State*: the State of New Mexico the state of New Mexico [sic] or any of its branches, agencies, departments, boards, instrumentalities or institutions.

*State Engineer*: the State Engineer of New Mexico whose office has authority over certain surface and subsurface water rights.

*Stealth Wireless Communications Facility*: a wireless communications facility, ancillary appurtenance, or equipment enclosure that is not readily identifiable as such, and is designed to be camouflaged and aesthetically compatible with nearby uses. A stealth facility may have a secondary function, including, but not limited to, a church steeple, a bell tower, a spire, a clock tower, a cupola, a light standard, or a flagpole with a flag.

*Steep Slope*: any land having a natural slope of 15 percent or more.

*Store*: a building devoted exclusively to the retail sale of a specified line of goods or services to customers.

*Story*: the part of a building between the surface of a floor and the ceiling immediately above.

*Streetscape*: the general appearance of a block or group of blocks with respect to the structures, setbacks from public rights-of-way, open space, and the number and proportion of trees and other vegetation.

*Structure*: anything constructed or installed or portable, the use of which requires a location on, above or under a parcel of land, including without limitation a dwelling or building usable for residential, nonresidential, storage or agricultural purposes either temporarily or permanently; including; advertising signs, billboards; poles; pipelines, transmission lines and tracks, wireless communications facilities.

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Studio Backlot: means an area that is used by television or motion picture production personnel as an outdoor production area to include distribution facilities, set construction facilities, and temporary special effects facilities.

Subdivide: to divide a surface area of land into tracts, parcels or lots; the act or process of creating a subdivision.

Subdivider: any person who creates or who has created a subdivision individually or as part of a common promotional plan or any person who directly or indirectly engages in the sale, lease or other conveyance of subdivided land; however, “subdivider” does not include any duly licensed real estate broker or salesperson acting on another's account.

Subdivision: the division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future; but “subdivision” does not include:

- (1) the sale, lease or other conveyance of any parcel that is thirty-five acres or larger in size within any twelve-month period; provided that the land has been used primarily and continuously for agricultural purposes, in accordance with NMSA 1978, § 7-36-20 for the preceding three years;
- (2) the sale or lease of apartments, offices, stores or similar space within a building;
- (3) the division of land within the boundaries of a municipality;
- (4) the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- (5) the division of land created by court order where the order creates no more than one parcel per party;
- (6) the division of land for grazing or farming activities; provided the land continues to be used for grazing or farming activities;
- (7) the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
- (8) the division of land to create burial plots in a cemetery;
- (9) the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
- (10) the division of land created to provide security for mortgages, liens or deeds of trust; provided that the division of land is not the result of a seller-financed transaction;

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- (11) the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty acres;
- (12) the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity; or
- (13) the division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the county clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land.

Subdivision, Summary Review: a subdivision that features a streamlined review process as described in Table 4-1 and Section 5.6 of the SLDC.

Subdivision Improvement Agreement: an agreement entered into by the applicant and the County in which the applicant promises to complete the required public improvements within the subdivision within a specified time.

Subdivision Plat: a plat on which a subdivider's plan of subdivision is shown. Also see Plat, Subdivision.

Subject Property: the property for which an application for development approval is filed.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Change or Modification: alteration where the work area exceeds 50 percent of the aggregate area of the building or structure.

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement.

Summary Review Subdivision: with three exceptions, the review of a final plat for a minor subdivision by the Administrator which shall be completed within 30 days of submittal of an application deemed complete by the Administrator. Also see Section 5.6 of the Code, Table 4-1 and Subdivision, Summary Review.

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Support Structure: as used in Section 10.17 (“Wireless Communication Facilities”), a structure designed and constructed primarily to support one or more Antenna Arrays.

Sustainable Design and Improvement Standards: the development standards that are applicable to all development, except as otherwise specified herein. Development approval shall not occur unless the applicant demonstrates compliance with all applicable standards in Chapter 7 of the SLDC. Also see Chapter 7 (“Sustainable Design Standards”) and NMSA 1978, §§ 3-19-1 through 3-19-12.

Sustainable Development Area (SDA): an area that has been designated and mapped based on the existing and intended availability of public facilities and services, and the funding that will be available to provide such facilities and services. Also see Section 8.3 [12.2.4] (“Sustainable Development Areas”).

Sustainable Growth Management Plan (SGMP): the long-range general plan, authorized by NMSA 1978, §§ 3-19-1 through 3-19-12 and §§ 4-57-1 through 4-57-3 consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County.

Sustainable Land Development Code (SLDC) or (Code): means this Ordinance, together with any amendments. Also see Sustainable Growth Management Plan.

Swale: a low-lying or depressed stretch of land without a defined channel or tributaries.

Swimming Pool: is any container filled with water whose surface area is greater than 150 square feet, and that is intended for use for swimming or bathing, whether located indoors or outdoors. A “swimming pool” is not a spa, a hot tub, a reflecting pool, a fish or other decorative pond, a mirror pool or similar container of water whose total depth is six inches or less irrespective of surface area, or an ornamental fountain. The phrase “swimming pool” includes a lap pool whose surface area is more than 150 square feet.

Tailings: finely crushed and ground rock residue and associated fluids discharged from an ore milling, flotation beneficiation and concentrating process.

Tailings Impoundment: an impoundment that is the final repository of tailings.

Taking: an economic burden imposed upon an owner which prevents a realization of all or substantially all reasonable use and value of the property taken as an entirety, including all land in common ownership.

Tap Room or Tasting Room: a place where a business or person who holds a valid Craft Distiller’s License, Winegrower’s License, or Small Brewer’s License issued by the State of New Mexico pursuant to NMSA 1978, §§ 60-6A-6.1, 60-6A-11, and 60-6A-26.1, respectively, may conduct tastings of and sell for onsite consumption and in unbroken packages for consumption off premises, but not for resale, (i) wine and beer produced by or for the license holder and other New Mexico licensed winegrowers or small brewers or (ii) spirituous liquors produced by or for the license holder or another New Mexico craft distiller or manufacturer.

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Technical Advisory Committee (TAC): A committee appointed by the Administrator to assist with the review of development applications. Also see Section 3.4.3 (“Technical Advisory Committee”).

Temporary Sign: A sign not intended or designed for permanent display that relates to an event, function or activity of a specific, limited duration. Also see Sign, Temporary.

Temporary Use: a use that is not permitted within the relevant Zoning District but may nevertheless be permitted within the Zoning District on a temporary basis as provided in the SLDC; or a use that is permitted within the relevant Zoning District but permitted only for temporary use as provided in the SLDC. Also see Section 10.9 (“Temporary Uses”).

Terrain Management: Control of floods, drainage and erosion, and measures necessary to adapt proposed development to existing soil characteristics and topography.

Tower: any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Tract: a lot. The term “tract” is used interchangeably with the term “lot,” particularly in the context or [of] subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, condominium units, tracts, or interests.

Traditional Community: a community where there has been continuous settlement since 1925, a historic pattern of diverse and mixed community land uses which have carried through the present, and presence of historic structures and an existence of a village center. Areas in the County which had already been settled at densities higher than the hydrologic studies and the 1980 General Plan would allow were also designated Traditional Communities. Also see Section 8.7.8 [8.6.8] (“Traditional Community”).

Traditional Neighborhood Development: an approach to land use planning and urban design that promotes the building of pedestrian friendly neighborhoods with a mix of uses, housing types and costs, lot sizes, density, architectural variety, a central meeting place such as a town square, a network of narrow streets and alleys, interconnected streets and defined development edges.

Traffic Impact Report or Assessment: a study performed by professional engineers with expertise in traffic engineering principles and practice which reviews development of a specific property and analyzes how it integrates into the existing and proposed county road network and ongoing traffic study. Also see Chapter 6.

Transfer of Development Rights (TDR): the conveyance of development rights by deed, easement, or other legal instrument, authorized by the SLDC, to another parcel of land and the recording of that conveyance.

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*Transfer of Ownership or Control*: means and includes any of the following: the sale, lease, or sublease of the business; the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Transmission Equipment*: means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Transmission Lines*: lines that interconnect the distribution network(s). Typically, but not always, transmission lines, such as gas and electric power lines, make connections between, connect to, and use substations, stations, and other generating facilities.

*Tree*: a perennial woody plant, with single or multiple trunks, with few if any branches on its lower part, and which at maturity will obtain a minimum 1-1/2 caliper measured 6 inches above ground and 6 feet tall.

*Tree, Deciduous*: a tree that sheds or loses foliage at the end of the growing season.

*Tree, Ornamental*: a small to medium tree, growing to a mature height of 15 to 40 feet.

*Tree, Shade*: a large tree growing to a height of 40 feet or more at maturity. Also see Shade Tree.

*Tree, Significant*: an existing native trunk-type tree in good health and form which is eight inches or more in diameter as measured 4-1/2 feet above natural grade; any existing native bush-form or character tree (e.g., piñon) which is eight feet high and has a spread of eight feet.

*Trip Generation*: the origin, destination and number of trips for the entire day and the a.m. and p.m. peak periods, including the rates and units used to calculate the number of trips.

*Undeveloped*: a lot, parcel or tract with no existing structure thereon.

*Unprocessed*: unaltered from an original, raw or natural state.

*Use*: the purpose for which a land or a structure is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.

*Use Matrix*: the list of uses permitted as of right, prohibited, or permitted as a conditional use as set forth in Appendix B (“Sustainable Land Development Code Use Table”).

*Utility*: all utility lines and any appurtenant hardware, equipment, buildings, etc. A utility is not a telecommunications facility and tower.

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Vacation: the act of rescinding all or part of: a recorded subdivision plat; road; right-of-way or land including revocation of legal fee simple dedications and grants of easements.

Vacation Plat: a plat executed by owners of lots in a subdivision requesting vacation of the plat. Also see Plat, Vacation.

Variance: Permission to depart from this Code when, because of special circumstances applicable to the property, strict application of the provisions of this Code deprives such property of privileges enjoyed by other property in the same vicinity or zone. Also see Section 4.9.7 [14.9.7] (“Variances”).

Vehicle Sign: a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on a property. Also see Sign, Vehicle.

Vertically Integrated Cannabis Establishment: a person that is authorized to act as any of the following:

- (1) a cannabis courier;
- (2) a cannabis manufacturer;
- (3) a cannabis producer; and
- (4) a cannabis retailer.

Vested Rights: the right to complete and operate a development under New Mexico’s vested rights doctrine which generally requires 1) issuance of written approval to the applicant for the development; and 2) a substantial change in position by the applicant in reasonable reliance upon such approval.

Violation: failure of a use, site, building, or structure to comply with the requirements of the SLDC.

Wall Sign: a sign attached to, painted on, or incised into the wall of a building or structure in such a manner that the wall is the supporting structure for, or forms the background surface of, the sign and which does not project more than one foot from the wall on which it is/are mounted. Also see Sign, Wall.

Warehousing: the storage of materials in a warehouse or terminal and where such materials may be combined, broken down, or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed. Also see Processing and Warehousing.

Waste Rock: all material excavated from a mine facility that is not ore or clean top soil.

Wastewater Collection Agreement: an agreement between a wastewater utility and a developer or a user that specifies terms by which the utility will provide wastewater collection services. A

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wastewater collection agreement may include collection locations, quantity, and other terms and conditions.

*Water and Sanitation District*: a water and sanitation district organized and operating in the County of Santa Fe under the authority of the Water and Sanitation District Act, NMSA 1978, section 7-21-1 [73-21-1] et seq. (1943) (as amended).

*Water Allocation*: a reservation of water supply set aside by a water utility for an expressed purpose as approved by the appropriate governing body; the allocation will include necessary water supply components like infrastructure capacity, water rights, and availability of water.

*Water Delivery Agreement*: an agreement between a water utility and a developer or a water user that specifies terms by which the utility will provide water and the terms under which the developer or user will receive water. A water service agreement may include delivery locations, quantity, and other terms and conditions.

*Water Supply System*: system to provide water for domestic use of human consumption.

*Water Surface Elevation*: the height, in relation to the National Geodetic Vertical Datum of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse*: a river, creek, spring, stream, acequia or any other like body having definite banks and evidencing an occasional flow of water.

*Well, Shared*: a common well that provides water to more than one lot. Also see, Shared Well.

*Wetland*: land that has a predominance of hydric soil; is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances supports a prevalence of that vegetation.

*Wholesale Trade*: establishments or places of business primarily engaged in selling merchandise to retailers, industrial, commercial, institutional, or professional business users; to other wholesalers; or to those acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Also see Table 7-6.

*Wildlife Corridor*: a crucial habitat that provides connectivity over different time scales (including seasonal or longer) among areas used by animal and plant species. These corridors can exist within unfragmented landscapes or join naturally or artificially fragmented habitats, and serve to maintain or increase essential genetic and demographic connection of populations.

*Window Sign*: a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs. Also see Sign, Window.

## SUSTAINABLE LAND DEVELOPMENT CODE

Wireless Communications: personal wireless service, radio and television broadcast services, and any other radio frequency signals, including amateur radio. Does not include signals transmitted to or from a satellite earth station. Also see Section 10.17 (“Wireless Communications Facility”).

Wireless Communications Facility (WCF): a staffed or unstaffed structure, facility or location used for the transmission and/or reception of wireless communications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment enclosures, and may include an antenna supporting structure. A WCF is a structure or facility intended for transmitting or receiving radio, television, cellular, specialized mobile radio transmitters, paging services, 911 services, personal communications services, commercial satellite services and microwave services. The following developments will be considered as a wireless communications facility: antenna supporting structures (including replacements and broadcast); collocated antennas; roof-mounted structures; surface-mounted antennas; stealth wireless communications facilities; a base station; a Personal Communications Service cell site; towers of all types and structures including but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or their functional equivalent, and all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site; and amateur radio facilities. Also see Section 10.17 (“Wireless Communications Facility”).

Wireless Communication Facility, Attached (AWCF): an Antenna Array that is attached to Existing Vertical Infrastructure along with any accompanying device for attaching the Antenna Array to the Existing Vertical Infrastructure and Equipment Facility, which may be located either inside or outside of the Existing Vertical Infrastructure.

Xeriscape: landscaping with native plants that utilizes the existing arid environmental conditions to the best advantage, conserving water and protecting the native environment.

Yard: An open space area on a lot, between a lot line and the nearest principal or accessory building or structure, required by the SLDC to be unoccupied and unobstructed either on, above or below ground level. A yard may be a front, side or rear yard.

Zoning District: see Base Zoning District, Overlay Zoning District and Planned Development Zoning District; and see Chapter 8.

Zoning Map: the SLDC map that geographically depicts zoning district boundaries and classifications within the County. Also see Section 8.4 (“Zoning Map”).

(Ordinance 2016-9 adopted 12/13/16; Ordinance 2019-2 adopted 8/27/19; Ordinance 2021-03 adopted 7/30/21; Ordinance 2021-03 adopted 7/30/2021; Ordinance 2023-07 adopted 11/14/2023)

### **PART 3: ACRONYMS AND ABBREVIATIONS**

AASHTO: American Association of State Highway and Transportation Officials

ANSI: Build Green NM Bronze Level ANSI Standard ICC 700 (2008) (for residential projects only), approved by the Build Green NM Advisory Board.

## SANTA FE COUNTY CODE

APF: Adequate public facilities

APFA: Adequate public facilities assessment

ASHRAE: American Society of Heating, Refrigerating and Air-Conditioning Engineers

Board: Board of County Commissioners

BUD: Beneficial Use and Value Determination

CC&Rs: Covenants, conditions, and restrictions

C.F.R.: Code of Federal Regulations

CG: Commercial General (zoning district)

CO: Community Organization

CIP: Capital improvements plan

CUP: Conditional use permit

DCI: Development of Countywide Impact

DNL: Day-night average sound level

EIR: Environmental Impact Report

FAA: Federal Aviation Administration

FCC: Federal Communications Commission

FEMA: Federal Emergency Management Agency

FHA: Fair Housing Act

FIA: Fiscal Impact Assessment

FIRM: Flood insurance rate map

FIS: Flood Insurance Study

HOA: Homeowners' association

HUD: (United States Department of) Housing and Urban Development

ISO: Insurance Services Organization

## SUSTAINABLE LAND DEVELOPMENT CODE

LBCS: Land-based classification standards

LOS: Level of service

LRV: Light Reflective Value

MUTCD: (U.S. Department of Highway Administration's) Manual on Uniform Traffic-control Devices

NAICS: North American Industry Classification System

NFIP: National Flood Insurance Program

NMDOT: New Mexico Department of Transportation

NMED: New Mexico Environmental Department

OSE: Office of the New Mexico State Engineer

PDD: Planned Development District

PID: Public Improvement District

PRC: New Mexico Public Regulations Commission

RO: Registered Organization

SDA: Sustainable Development Area

SGMP: Sustainable Growth Management Plan

SLDC: Sustainable Land Development Code, or "Code"

SFHA: Special Flood Hazard Area

SRAs: Studies, Reports, and Assessments

TAC: Technical Advisory Committee

TDR: Transfer of development rights

TIA: Traffic impact analysis

U.S.C.: United States Code

USGS: United States Geological Survey

SANTA FE COUNTY CODE

WSAR: Water Service Availability Report

(Ordinance 2016-9 adopted 12/13/16)