

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY

ORDINANCE NO. 2013-01

AN AMENDMENT TO THE ORDINANCE ESTABLISHING SUBDDIVISION, PLATTING, PLANNING AND ZONING RULES WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN UNINCORPORATED AREAS OF THE COUNTY THAT ARE SUBJECT TO THE EXTRATERRITORIAL, SUBDIVISION, PLATTING, PLANNING AND ZONING JURISDICTION OF THE CITY OF SANTA FE; ESTABLISHING DEFINITIONS; PROVIDING FOR TRANSITIONAL PROVISIONS; REPEALING ORDINANCE NOS. 1997-4, 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03.

BE IT ORDAINED BY THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY:

Section One. Title. This ordinance may be cited as the Santa Fe Extraterritorial Land Use Authority Subdivision, Platting, Planning and Zoning Ordinance (SPPaZo).

Section Two. Authority. This ordinance is enacted pursuant to NMSA 1978, Sections 3-19-5 (2003), 3-20-5 (1998), 3-21-3 (2001), 3-21-3.1 (1989), 3-21-3.2 (2003) and 3-21-4 (1999), the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008), Ordinance No. 2008-17 of the Board of County Commissioners of Santa Fe County, and Ordinance No. 2008-46 of the Governing Body of the City of Santa Fe.

Section Three. Scope. This ordinance applies within the extraterritorial platting and planning zone set forth in NMSA 1978, Section 3-19-5 (2003), and the extraterritorial zoning area set forth in NMSA 1978, Section 13-21-2 (2003).

Section Four. Repeal. Ordinance Nos. 1997-4 (except for section 9.8 Mountain Special Review District), 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03 of the Extraterritorial Zoning Authority shall be and hereby are repealed.

Section Five. Planning Basis. This ordinance implements the City of Santa Fe 1999 General Plan as amended through 2013. The following other planning documents to the extent they are not inconsistent shall also be considered: Regional Planning Authority Land Use Plan (2004), the Southwest Santa Fe County Community Area Plan (2005), the Santa Fe County Growth Management Plan (General Plan)(1999), the Santa Fe County Community College District Plan (2000), the Santa Fe Metro Area Highway Corridor Plan (2000), the Santa Fe Northwest Community Plan (1999), the Santa Fe Extraterritorial Zoning Authority Comprehensive Plan (1998), the Santa Fe Urban and Extraterritorial Future Roads Plan (1999), the Tres Arroyos del Poinente Plan (2006), and the Hyde Park Plan (1994).

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CITY CLERK RECORDED 1/18/2013

Section Six. Definitions.

A. "ELUA" means the Santa Fe Extraterritorial Land Use Authority established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008) and City Ordinance No. 2008-46 and County Ordinance No. 2008-17.

B. "ELUC" means the Santa Fe Extraterritorial Land Use Commission established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008) and City Ordinance No. 2008-46 and County Ordinance No. 2008-17.

C. "EZA" means the Santa Fe Extraterritorial Zoning Authority established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (1991);

D. "EZC" means the Santa Fe Extraterritorial Zoning Commission established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (1991);

E. "Presumptive City Limits" means the city limits of the City of Santa Fe following the completion of the annexations provided for in the Settlement Agreement and Mutual Release of Claims (2008), by and between the City of Santa Fe, Santa Fe County, and Las Soleras (as shown on Map A, attached), and as modified by the Amendment No. 1 to the Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County;

F. "Areas to be Annexed" means those areas outside of the current city limits of the City of Santa Fe that will be annexed pursuant to the Settlement Agreement and Mutual Release of Claims (2008), by and between the City of Santa Fe, Santa Fe County, and Las Soleras (as shown on Map A, attached), and as modified by the Amendment No. 1 to the Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County.

Section Seven. Zoning and Planning and Platting Within the Areas to be Annexed.

A. Regulation of zoning, subdivision, planning and platting of property within the Areas to be Annexed shall be governed by the City of Santa Fe Land Development Code, Chapter 14. Zoning and future land use for properties within the Areas to be Annexed is hereby established by this Ordinance as set forth in the zoning and future land use map, Map B attached hereto, reflecting City zoning districts selected to match land uses adopted in the planning documents referred to in Section 5 and, where applicable, current zoning granted by the EZA. Pending adoption of escarpment overlay districts within Area 18 on Map A, EZA Ordinance No. 1997-4, Section 9.8 establishing rules for the Mountain Special Review District shall apply. The City of Santa Fe will be responsible for administering zoning districts, prescribing uses within districts, rezoning

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particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for development plans, subdivision of land, and all matters necessary and proper to the foregoing.

B. The City may establish and collect fees for administering zoning, platting and planning and for capital improvements, included but not limited to development review fees, application fees, impact fees, fees for building permit applications, processing, review and inspections and other fees related to development for development within the Areas to Be Annexed.

Section Eight. Zoning and Planning and Platting Outside the Presumptive City Limits.

A. Regulation of zoning and planning and platting of property within the extraterritorial zoning and planning and platting authority outside the Presumptive City Limits shall be governed by the Santa Fe County Land Development Code (1996, as amended), including without limitation establishing zoning districts, prescribing uses within districts, establishing zoning of particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for subdivision of land, establishing and providing code enforcement, processing applications for building permits, and all matters necessary and proper to the foregoing.

B. The County may establish and collect fees for administering zoning, platting and planning and capital improvements included but not limited to impact fees, development review fees, enforcement fees, application for development outside the Presumptive City Limits.

C. The City and County agree that Area 18 shall not be annexed, and is no longer within the Presumptive City Limits.

Section Nine. Transitional Provisions.

A. Pending Applications.

1. Each application pending before the ELUA/ELUC for development of property within the Areas to be Annexed shall be transferred to the City of Santa Fe for further processing.

2. Each application pending before the ELUA/ELUC for development of property outside the Presumptive City Limits shall be transferred to Santa Fe County for further processing.

B. Zoning.

1. Rezoning of properties within the Areas to be Annexed, as deemed desirable by the City or property owners may be accomplished subsequent to the effective date of this ordinance pursuant to Chapter 14, the City Land Development Code.

2. Properties outside the Presumptive City Limits shall be zoned as established by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to the enactment of this Ordinance. Rezoning of such properties, as deemed necessary by the County may be accomplished subsequent to the effective date of this ordinance pursuant to the County Land Development Code.

C. Permits and Approvals Without Vested Rights. Permits and approvals granted by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to the effective date of this ordinance for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the City Land Development Code within the Presumptive City Limits, and by the Santa Fe County Land Development Code outside the Presumptive City Limits.

D. Permits and Approvals With Vested Rights. Permits and approvals granted by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to enactment of this ordinance for which rights have vested (whether or not the permit or approval conforms to City Land Development Code) shall be recognized by the City and the County.

E. Approved Master Plans.

1. Properties within the Areas to be Annexed that have received final approval of a master plan from the Extraterritorial Zoning Authority or the Extraterritorial Zoning Commission shall within five years of that approval file an application for approval of a development plan, preliminary development plan or subdivision plat in accordance with that Master Plan with the City of Santa Fe or the approval of the master plan shall expire unless an extension is obtained pursuant to the City Land Development Code.

2. Properties outside the Presumptive City Limits that have received final approval of a master plan from the Extraterritorial Zoning Authority or the Extraterritorial Zoning Commission shall be permitted to file an application for approval of a preliminary development plan or plat from the County.

F. Approved Preliminary Development Plans or Plats.

1. Properties within the Areas to be Annexed that have received preliminary development plan or plat approval from the Extraterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not received final development plan or

plat approval, shall within 24 months of said approval file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat with the City of Santa Fe or the approval of the preliminary development plan or plat shall expire unless an extension is obtained pursuant to the City Land Development Code.

2. Properties outside the Presumptive City Limits that have received preliminary development plan or plat approval from the Extraterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not received final development plan or plat approval, may file an application for approval of a preliminary development plan or plat with the County. The application will be governed and processed according to the County Land Development Code.

G. Approved but Unrecorded Final Development Plans and Plats.

Properties that have received final development plan or plat approval from the Extraterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not recorded the plan or plat shall within 18 months of the approval complete the recordation process under the terms of the final approval or the approval will expire unless an extension is obtained pursuant to the City Land Development Code.

H. Approved and Recorded Final Development Plans, Plats or Permits. Properties that have received final development plan or plat approval from the Extraterritorial Zoning Authority or the Extraterritorial Zoning Commission and have recorded the plan or plat shall within 24 months of the approval apply for construction permits consistent with that plan or plat from the City of Santa Fe or the approval will expire unless an extension is obtained pursuant to the City Land Development Code..

Section Ten. Enforcement. Enforcement of Land Development Codes within the delegated authority set forth in this Ordinance shall be made by the entity responsible for enforcement of those Codes, e.g. within the Presumptive City Limits, the City Code shall govern as set forth in this Ordinance, and the City shall be responsible for enforcement of its Land Development Code pursuant to this delegated authority. Likewise, within the County and outside the Presumptive City Limits, the County Land Development Code shall govern as set forth in this Ordinance, and the County shall be responsible for enforcement of the terms of that Code. Code violations brought under either the City's Land Development Code or the County's Land Development code shall be resolved under that entity's code by the investigating entity. This section only addresses Land Development Code enforcement.

Section Eleven. Business and Itinerant Vendor Licenses. The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits. Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration. Non-conforming uses resulting from business licenses granted by the County prior to the effective date of this ordinance may be continued subject to the following provisions:

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A. No Increase in Nonconformity. A legal nonconforming use shall not be enlarged, intensified, increased or extended to occupy a greater area of land or structure than was occupied at the time the use became nonconforming and a structure containing a legal nonconforming use shall be subject to the provisions of City Code Section 14-10.3 unless the legal nonconforming use of the structure is terminated.

B. No Relocation on Parcel. A legal nonconforming use shall not be moved in whole or in part to any other portion of the land occupied by that use at the time the use became nonconforming.

C. Termination of Nonconforming Use. Except as provided for in City Code Subsection 14-10.2(C)(2), a legal nonconforming use of land or use of a structure that ceases for any reason for a period of more than three hundred sixty-five days or is replaced by a permitted use, may not be resumed and any subsequent use of the land or structure shall conform to the City Land Development Code.

Section Twelve. Building and Development Permits. Building and/or development permits sought within the Presumptive City Limits shall be obtained from the City. Building and/or development permits sought outside the Presumptive City Limits shall be obtained from the County or the Construction Industries Division. Building and development permits that pertain to property for which final approvals were approved through the Extraterritorial Zoning Ordinance shall be governed by the terms of the approval.

Section Thirteen. Area 18. The City and the County agree that the City shall not annex all or part of Area 18 unless agreed to in writing specifically by the City and County. Regulation of zoning, planning and platting authority in Area 18 shall be governed by the Santa Fe County Land Development code as of the effective date of this ordinance, subject to the following conditions:

A. City-issued Construction Permits and Certificates of Occupancy. The City shall continue to administer construction permits issued before the effective date of this ordinance and shall issue certificates of occupancy for those construction permits.

B. Subdivisions of Land, Development Plans, & Master Plans. Subdivisions of Land, Development Plans, and Master Plans in which the City has required a developer to enter into an Agreement to Construct Improvements, a Financial Guarantee, or both pursuant to City Code Section 14-9.5 prior to the effective date of this ordinance, shall be administered and governed by the City until completion as defined by that section and the City's infrastructure completion policies.

Section 14. Effective Date. The effective date of this ordinance shall be January 1, 2014.

NOVEMBER 7,

PASSED, APPROVED AND ADOPTED this ___ day of ~~September~~, 2013.

THE EXTRATERRITORIAL LAND USE
AUTHORITY OF SANTA FE COUNTY

By: Chris Rivera
Kathy Holian, Chair
Chris RIVERA

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Yolanda Vigil, City Clerk

APPROVED AS TO FORM:

Stephen C. Ross
Stephen C. Ross, Santa Fe County Attorney

Geno Zamora FOR
Geno Zamora, City Attorney

COUNTY OF SANTA FE) ELUA ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 8

I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of November, 2013 at 10:14:09 AM
And Was Duly Recorded as Instrument # 1723299
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Marcella Holt Geraldine Salazar
Deputy County Clerk, Santa Fe, NM



REC CLERK RECORDED 11/18/2013

