

1 for the operation of commercial agricultural activities and to provide standards for the siting,
2 design, maintenance and modification of agricultural activities that address public safety, and
3 minimize impacts on residents and historic resources in the city of Santa Fe.

4 ***Editor's Note: This subsection does not need to be codified in SFCC 1987.**

5 **Section 2. Subsection 14-6.2(H) of the Land Development Code, SFCC 1987**
6 **(being Ord. #2011-37 (as amended)) is amended to read:**

7 **14-6.2 USE-SPECIFIC STANDARDS**

8 (H) Agricultural Uses

9 (1) Agricultural uses for noncommercial purposes that are *accessory* uses to a
10 permitted *principal* use are permitted in all zoning districts but shall not create a public nuisance
11 and shall meet all other applicable *city* codes.

12 (2) Agricultural uses for commercial purposes are ~~[restricted]~~ permitted as set forth
13 in Table 14-6.1-1; however, the following commercial agricultural uses are specifically
14 prohibited:

15 (a) ~~[mink and poultry]~~ animal production; [and]

16 (b) ~~[feedlots]~~ slaughterhouses and slaughtering of livestock; and

17 (c.) any other use prohibited by 5-7.1 SFCC 1987.

18 (3) Applicability. No agricultural activity shall be conducted, or farm structure
19 erected, except in compliance with the provisions of this Subsection 14-6.2(I). The provisions of
20 this subsection shall apply to all agricultural activities, whether such activity is a primary use or
21 an accessory use, except for:

22 (a) Gardens for the personal noncommercial use of residents as accessory
23 uses to residential uses.

24 (b) Community gardens located on city-owned property and regulated by
25 written policies and procedures of the city of Santa Fe.

1 (c) Community gardens for noncommercial purposes permitted as an
2 accessory use.

3 (4) Approval Procedures.

4 (a) Agricultural uses are allowed as an accessory use; with a special use
5 permit; or permitted by right, all as shown in Table 14-6.1-1.

6 (b) Except as otherwise provided in this Subsection 14-6.2(I), the procedural
7 and other requirements for *home occupations*, special use permits and development plans
8 apply to agricultural uses and *structures*.

9 (c) Agricultural uses and *structures* shall comply with all other applicable
10 provisions of SFCC 1987, including chapter VII relating to building and housing, and
11 chapter XII relating to fire prevention and protection.

12 (d) The governing body may adopt by resolution guidelines for the
13 development and operation of agricultural uses, which shall guide the *land use director* in
14 the administration of this Subsection 14-6.2(I).

15 (5) Development Standards.

16 (a) Except as otherwise provided in this Subsection 14-6.2(I), *structures*
17 associated with agricultural uses are subject to the development standards established for
18 the underlying and overlay zoning districts within which the property is located.

19 (b) Agricultural *home occupations* shall comply with Subsection 14-
20 6.3(D)(2).

21 (6) Urban Farm, Ground Level.

22 (a) The principal activity to be performed on a *ground level urban farm* shall
23 be the cultivation of agricultural crops.

24 (b) Ground level urban farms are permitted as provided in Table 14-6.1-1.

25 (7) Urban Farm, Roof Level; Rooftop Greenhouse.

1 (a) The principal activity to be performed on a roof level urban farm, or
2 within a rooftop greenhouse, shall be the cultivation of agricultural crops.

3 (b) Roof level urban farms and rooftop greenhouses are permitted as
4 provided in Table 14-6.1-1.

5 (8) Aquaculture, Aquaponics and Hydroponics.

6 (a) Aquaculture, aquaponics and hydroponics are permitted as provided in
7 Table 14-6.1-1.

8 (b) Operations must comply with applicable federal and State regulations for
9 water use and discharge, and for the possession, propagation, culture, sale and disposition
10 of living marine organisms.

11 (9) Farm Stands.

12 (a) An urban farm may include a farm stand. Farm stands located in zoning
13 districts which otherwise prohibit retail sales shall be limited to sales of agricultural
14 products that are grown on the premises, and shall not be larger than 48 square feet.

15 (b) Operation of a farm stand requires a home occupation permit or other
16 type of business license issued by the City of Santa Fe Business Licensing Division.

17 (10) Screening and Buffering.

18 (a) Any composting, loading or disposal areas within or adjacent to a
19 residential or commercial zoning district shall be screened from view by a wall, fence,
20 berm or vegetative screen, or combination thereof. Any fencing shall be constructed of
21 opaque materials and shall comply with the standards and requirements applicable to
22 fences in the zoning district where the property is located..

23 (b) Any material or equipment stored outdoors within a residential or
24 commercial zoning district shall be surrounded by a wall or fence or vegetative screen not
25 less than six (6) feet high, as may be necessary, to screen such material or equipment

1 from view from any public street or public open space.

2 (11) Maintenance and Operation. Urban farms shall be used and maintained in such a
3 manner in which at no time shall they constitute a nuisance or hazard to the surrounding
4 neighborhood.

5 (12) Soil Safety. All urban farms using conditioned soil will be required to comply
6 with the New Mexico Soil and Water Conservation Act, Sections 73-20-25 through 73-20-48
7 NMSA 1978.

8 (13) Composting.

9 (a) Composting is accessory to an urban farm and shall be used only onsite
10 where any ground level urban farm or roof level urban farm is permitted. Composting shall
11 occupy no more than ten (10) percent of the lot area.

12 (b) Composting as a principal use requires approval of a special use permit
13 in industrial zoning districts, and is prohibited in other zoning districts.

14 (c) Maximum Height:

15 (i) Maximum height of composting structures or bins shall not
16 exceed the maximum height permitted for fences and walls in the zoning district
17 where the property is located.

18 (ii) On a roof level urban farm, any composting must be contained
19 within a fully enclosed inflammable bin that does not have direct contact with
20 flammable materials.

21 (d) Setbacks:

22 (i) Subject to Subsection 14-6.3(B)(2) Accessory Uses, compost
23 bins, accessory structures and windrows shall comply with the applicable
24 setback requirements in all zoned districts.

25 (ii) Compost bins, structures and windrows located in a required

1 yard or street frontage in all residential and commercial zoned districts must be
2 screened from street view.

3 (14) Water.

4 (a) Urban farms are allowed to use the following water resources:

5 (i) Captured rainwater on-site meeting the requirements of the New
6 Mexico State Engineer's Office (OSE) and Subsection 14-8.4(E).

7 (ii) Passive water harvesting designed to infiltrate water, control
8 runoff and erosion.

9 (iii) Gray water or treated effluent from permitted on-site sources
10 adhering to the requirements of Section 20-7-3 NMAC and Subsection 14-
11 8.4(E)(2).

12 (iv) Consistent with its adjudicated, licensed, or permitted use.

13 (v) Well water from existing on-site wells, provided that such wells
14 are permitted by the OSE for agricultural use.

15 (vi) Treated municipal effluent.

16 (vii) Municipal water system.

17 (b) Any constructed water catchment systems shall meet all permitting
18 requirements of the city of Santa Fe's land use department.

19 (c) Water supplied through the municipal water system shall be charged at
20 the rate applicable to the meter size, and shall comply with all applicable requirements of
21 Section 14-8.13 of the land use development code.

22 (d) Irrigation systems shall comply with Subsection 14-8.4(E)(4), including
23 installation of an approved backflow prevention device.

24 (e) Watering times shall comply with the outdoor conservation regulations
25 pursuant to Subsection 25-2.7 SFCC 1987.

1 (f) Water efficient technologies and practices, such as drip irrigation
2 systems, use of ollas or other water-holding materials, are allowed.

3 (15) Abandonment.

4 (a) If an agricultural use ceases for any reason for three hundred sixty five
5 (365) consecutive days without the prior written approval of the *land use director*, the use
6 shall be deemed to be abandoned.

7 (b) Any property used for agricultural purposes pursuant to this section shall
8 be cleared and restored to the state in which it existed prior to commencement of the
9 agricultural use. The property owner shall remove from the property all *farm structures*
10 within one hundred and eighty (180) days after the date the agricultural use is
11 discontinued. Site clearing shall consist of:

12 (i) Physical removal of all *farm structures*, farm equipment and
13 machinery; and

14 (ii) Disposal of all *composting* and agricultural waste in accordance
15 with local and state waste disposal regulations; and

16 (iii) Stabilization of the site's vegetation as necessary to minimize
17 erosion and invasive species encroachment. The *land use director* may allow the
18 owner to leave landscaping in order to minimize erosion and disruption to
19 vegetation.

20 (c) If the applicant fails to remove *farm structures*, farm equipment, and
21 farm machinery in accordance with the requirements of this Subsection 14-6.2(I)(13)
22 within one-hundred and eighty (180) days of the date the agricultural use is discontinued,
23 the *land use director* shall proceed with enforcement actions as provided for in Section
24 14-11.

Section 3. Table 14-6.1.1 of the Land Development Code is amended to amend Agricultural Uses:

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - I	R-7 - I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2	
AGRICULTURAL USES																								
Animal production	[S]																						(H)	
[Crop production]	[S]																							[(H+)]
Commercial stable	S																							(H)
Urban Farm Ground Level, less than 10,000 sq ft.	A	A	A	A	A	A	A				P	P	P			P	P	P	P	P	P			(U)
Urban Farm Ground Level, 10,000 sq ft. - 1 acre	S	S	S	S	S	S	S				P	P	P			P	P	P	P	P	P			(U)
Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S	S	S				S	S	S			P	P	S	S	S	S			(U)
Urban Farm Roof Level, Open Air, less than 10,000 sq ft.	A	A	A	A	A	A	A				S	S	S			S	S	S	S	S	S			(U)
Urban Farm Roof Level, Open Air, 10,000 sq ft. - 1 acre	S	S	S	S	S	S	S				S	S	S			S	S	S	S	S	S			(U)
Urban Farm Roof Level, Open Air, greater than 1 acre	S	S	S	S	S	S	S				S	S	S			S	S	S	S	S	S			(U)

[TABLE CONTINUED ON FOLLOWING PAGE]

1	Urban Farm, Rooftop Greenhouse, any size	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(U)
2																			
3	Aquaculture, less than 750 sq. ft.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(U)
4	Aquaponics, less than 750 sq. ft.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(U)
5	Aquaponics, greater than 750 sq. ft.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(U)
6	Hydroponics, any size	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(U)
7	Composting																		

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

1 **Section 4. A new Subsection 14-6.3(D)(4) of the Land Development Code,**
2 **SFCC 1987 is ordained to read:**

3 **[NEW MATERIAL]** (4) Agricultural *home occupations* shall comply with
4 Subsection 14-6.3(D)(2), except that:

5 (a) Notwithstanding the provisions of Subsection 14-6.3(D)(2)(c)(iv), not
6 more than five (5) persons, other than members of the *family* who reside on the *premises*,
7 shall be regularly engaged in the *home occupation* for urban farms with up to 10,000
8 square feet of production area. An additional person may be regularly engaged in the
9 urban farm *home occupation* for every additional 10,000 of square feet of the production
10 area up to a total of ten (10) people.

11 (b) A *farm stand* and other farm structures shall not be included in the
12 calculation of maximum floor area permitted pursuant to Subsection 14-6.3(D)(2)(d)(i).

13 (c) Notwithstanding the provisions of Subsection 14-6.3(D)(2)(d)(iii),
14 signage shall be permitted as provided in Subsection 14-8.10.

15 (d) Notwithstanding the provisions of Subsection 14-6.3(D)(2)(e), on-site
16 parking shall be required as follows:

17 (i) One parking space shall be provided for each worker who resides
18 off the premises working simultaneously; and

19 (ii) If applicable, three parking spaces on the lot shall be available to
20 *farm stand* customers during farm stand open hours.

21 **Section 4. A new Subsection 14-8.7(F) of the Land Development Code, SFCC**
22 **1987 is ordained to read:**

23 **[NEW MATERIAL]** (F) For urban agriculture activities, the *land use director*
24 may waive the requirements of this Subsection 14-8.7, Architectural Design Review,
25 under the following circumstances:

1 (1) The applicant submits a written request demonstrating that compliance
2 with Subsection 14-8.7 is not feasible due to the nature of a permitted type of
3 urban agriculture *structure*.

4 (2) The *land use director* determines that the waiver requested is the
5 minimum deviation that will permit construction of the permitted *structure*.

6 (3) The *land use director* determines that the waiver requested will not result
7 in any negative health or safety impacts on the community, or negatively impact
8 a neighboring *property*.

9 (4) Notwithstanding the foregoing, agricultural *structures* shall be
10 compatible with the zoning district where the property is located or shall be
11 screened from public view.

12 **Section 5. Subsection 14-12 of the Land Development Code, SFCC 1987 (being**
13 **Ord. #2011-37 (as amended)) is amended to add the following definitions:**

14 **AQUACULTURE**

15 The cultivation of aquatic animals in a recirculating environment to produce whole fish
16 that are distributed to retailers, restaurants and consumers.

17 **AQUAPONICS**

18 The cultivation of fish and plants together in a constructed, re-circulating system utilizing
19 natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to
20 retailers, restaurants and consumers.

21 **COMPOSTING**

22 A process of accelerated biodegradation and stabilization of organic material under
23 controlled conditions yielding a product which can safely be used as fertilizer.

24 **FARM AREA**

25 The area of a lot designated for activities and uses defined as urban agriculture.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FARM STAND

A table, stall, tent or other structure located on an urban farm and operated by a vendor with a city-issued business license to sell to the public agricultural products grown on the same property where the farm stand is located, not to exceed 48 square feet in size.

FARM STRUCTURES

Structures that may include, but are not limited to, sheds (tool and packing), compost bins, shade pavilions, *farm stands*, trellises or other vertical supports for growing crops, and structures used to extend the growing season such as *greenhouses*, hoophouses, coldframes, and similar structures.

GROUND LEVEL URBAN FARMS

The use of a *lot* on the ground plan for urban agriculture for commercial purposes, whether for profit or non-profit.

HYDROPONICS

The propagation of plants using a mechanical system designed to circulate a solution of minerals in water, for distribution to retailers, restaurants and consumers.

ROOF LEVEL URBAN FARM

The use of a roof for urban agriculture for commercial purposes, whether for profit or non-profit.

ROOFTOP GREENHOUSE

A *structure* located on a roof, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

URBAN AGRICULTURE

The use of a *lot* for the cultivation of agriculture, *composting*, *aquaponics*, *aquaculture*, and/or *hydroponics* for commercial purposes.

1 **URBAN FARM, GROUND LEVEL, LARGE**

2 *A ground level urban farm with a farm area greater than one (1) acre, that is used for*
3 *urban agriculture for commercial purposes, whether for profit or non-profit.*

4 **URBAN FARM, GROUND LEVEL, MEDIUM**

5 *A ground level urban farm with a farm area greater than or equal to ten-thousand*
6 *(10,000) square feet, but no greater than one (1) acre, that is used for urban agriculture*
7 *for commercial purposes, whether for profit or non-profit.*

8 **URBAN FARM, GROUND LEVEL, SMALL**

9 *A ground level urban farm with a farm area less than ten-thousand (10,000) square feet*
10 *that is used for urban agriculture for commercial purposes, whether for profit or non-*
11 *profit.*

12 **URBAN FARM, ROOF LEVEL, LARGE**

13 *A roof level urban farm with a farm area greater than one (1) acre, that is used for urban*
14 *agriculture for commercial purposes, whether for profit or non-profit.*


15 **URBAN FARM, ROOF LEVEL, MEDIUM**

16 *A roof level urban farm with a farm area greater than or equal to five-thousand (5000)*
17 *square feet, but no greater than one (1) acre, that is used for urban agriculture for*
18 *commercial purposes, whether for profit or non-profit.*

19 **URBAN FARM, ROOF LEVEL, SMALL**

20 *A roof level urban farm with a farm area less than five-thousand (5000) square feet that*
21 *is used for urban agriculture for commercial purposes, whether for profit or non-profit.*

22 APPROVED AS TO FORM:

23 

24 KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2016/Urban Agriculture Final