

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2016-41

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5 AN ORDINANCE

6 AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE
7 CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES;
8 AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO
9 PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING
10 FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE
11 LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME
12 OCCUPATION EXCEPTIONS; AND AMENDING SUBSECTION 14-12 OF THE LAND
13 DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO
14 URBAN AGRICULTURE.

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16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Purpose. The purpose of this Section is to establish zoning regulations
18 for the operation of commercial agricultural activities and to provide standards for the siting,
19 design, maintenance and modification of agricultural activities that address public safety, and
20 minimize impacts on residents and historic resources in the city of Santa Fe.

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

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

24 14-6.2 USE-SPECIFIC STANDARDS

25 (H) Agricultural Uses

1 (1) Agricultural uses for noncommercial purposes that are *accessory* uses to a
2 permitted *principal* use are permitted in all zoning districts but shall not create a public nuisance,
3 subject to Subsection 10-9 SFCC 1987, Nuisance Abatement Ordinance, and shall meet all other
4 applicable *city* codes.

5 (2) Agricultural uses for commercial purposes are permitted as set forth in Table 14-
6 6.1-1; however, the following commercial agricultural uses are specifically prohibited:

- 7 (a) animal production;
- 8 (b) slaughterhouses and slaughtering of livestock; and
- 9 (c.) any other use prohibited by 5-7.1 SFCC 1987.

10 (3) Applicability. No agricultural activity shall be conducted, or *farm structure*
11 erected, except in compliance with the provisions of this Subsection 14-6.2(H), and shall not
12 supersede the rights of home owners associations (HOAs) or any existing covenants, conditions
13 and restrictions of HOAs or other neighborhood associations. The provisions of this subsection
14 shall apply to all agricultural activities, whether such activity is a primary use or an accessory use,
15 except for:

- 16 (a) Gardens for the personal noncommercial use of residents as accessory
17 uses to *residential* uses.
- 18 (b) Community gardens located on city-owned property and regulated by
19 written policies and procedures of the City of Santa Fe.
- 20 (c) Community gardens for noncommercial purposes permitted as an
21 accessory use.

22 (4) Approval Procedures.

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

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

4 (c) Agricultural uses and *structures* shall comply with all other applicable
5 provisions of SFCC 1987, including Chapter VII relating to building and housing, and
6 Chapter XII relating to fire prevention and protection.

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

10 (5) Development Standards.

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

14 (b) Agricultural *home occupations* shall comply with Subsection 14-
15 6.3(D)(2).

16 (6) *Urban Farm, Ground Level*.

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

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

20 (7) *Urban Farm, Roof Level*

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

23 (b) *Roof level urban farms* are permitted as provided in Table 14-6.1-1.

24 (8) *Aquaculture, Aquaponics and Hydroponics*.

25 (a) *Aquaculture, aquaponics and hydroponics* are permitted as provided in

1 Table 14-6.1-1.

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

5 (9) *Farm Stands.*

6 (a) An urban farm may include a *farm stand*. *Farm stands* located in zoning
7 districts which otherwise prohibit retail sales shall be limited to sales of agricultural
8 products that are grown on the premises, shall not be larger than 48 square feet, and shall
9 be erected only during business operating hours and during the farming season.

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

12 (10) *Screening and Buffering.*

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

18 (b) Any material or equipment stored outdoors within a *residential* or
19 *commercial* zoning district shall be surrounded by a wall or fence or vegetative screen not
20 less than six (6) feet high, as may be necessary, to screen such material or equipment
21 from view from any public street or public open space.

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

25 (12) *Soil Safety.* All urban farms using conditioned soil will be required to comply

1 with the New Mexico Soil and Water Conservation Act, Sections 73-20-25 through 73-20-48
2 NMSA 1978.

3 (13) *Composting.*

4 (a) *Composting* is accessory to an urban farm and shall be used only onsite
5 where any *ground level urban farm* or *roof level urban farm* is permitted. *Composting* shall
6 occupy no more than ten (10) percent of the *farm* area, and cooked food, raw animal matter,
7 animal waste, and human waste shall not be used in the creation of compost.

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

10 (c) Maximum Height:

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

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

17 (d) *Setbacks:*

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

21 (ii) Compost bins, structures and windrows located in a required
22 yard or street frontage in all *residential* and *commercial* zoned districts must be
23 screened from street view, and *setback* a minimum of ten (10) feet from the
24 property line.

25 (14) *Water.*

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- (a) Urban farms are allowed to use the following water resources:
 - (i) Captured rainwater on-site meeting the requirements of the New Mexico State Engineer’s Office (OSE) and Subsection 14-8.4(E).
 - (ii) Passive water harvesting designed to infiltrate water, control runoff and erosion.
 - (iii) *Gray water* or treated effluent from permitted on-site sources adhering to the requirements of Section 20-7-3 NMAC and Subsection 14-8.4(E)(2) consistent with its adjudicated, licensed, or permitted use.
 - (v) Well water from existing on-site wells, provided that such wells are permitted by the OSE for agricultural use, are metered, and tested annually by a laboratory certified by the New Mexico environment department to ensure that the well is bacteria-free and that the levels of arsenic, fluoride, nitrate, and uranium are compliant with EPA primary drinking water standards (maximum contamination levels, or MCLs), and such lab reports shall be sent to the *land use director*.
 - (vii) Municipal water system.
 - (viii) Stormwater infiltration where or permitted by the OSE.
- (b) Any constructed water catchment systems shall meet all permitting requirements of the city of Santa Fe’s land use department.
- (c) Water supplied through the municipal water system shall be charged at the rate applicable to the meter size, and shall comply with all applicable requirements of Section 14-8.13 of the land use development code.
 - (i) Separate meters shall be required for irrigation in *commercial* and *industrial* zoned areas unless the total farm area on the lot is less than five hundred (500) square feet, and meter data denoting monthly and annual water use shall be sent to

1 the *land use director* for monitoring purposes.;

2 (i) Water efficient irrigation systems are required to be installed and
3 used when water from the municipal water system is used for irrigation.

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

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

8 (f) The use of other water efficient technologies and water management best
9 practices, such as use of ollas or other water-holding materials, are allowed. The *land use*
10 *director* shall provide all urban farms with city-authored water efficient irrigation
11 guidelines and low-water use landscape literature, such as landscape irrigation design
12 standards.

13 (15) Abandonment.

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

17 (b) Any property used for agricultural purposes pursuant to this section shall
18 be cleared and restored to the state in which it existed prior to commencement of the
19 agricultural use. The property owner shall remove from the property all *farm structures*
20 within ninety (90) days after the date the agricultural use is discontinued. Site clearing
21 shall consist of:

22 (i) Physical removal of all *farm structures*, farm equipment and
23 machinery; and

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

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

(c) If the applicant fails to remove *farm structures*, farm equipment, and farm machinery in accordance with the requirements of this Subsection 14-6.2(I)(13) within ninety (90) days of the date the agricultural use is discontinued, the *land use director* shall proceed with enforcement actions as provided for in Section 14-11.

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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	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																						(H)
Commercial stable	S																					(H)
Urban Farm Ground Level, less than 10,000 sq ft.	A	A	A	A	A	A				P	P	P			P	P		P	P	P		(I)
Urban Farm Ground Level, 10,000 sq ft. - 1 acre	S	S	S	S	S	S				P	P	P			P	P		P	P	P		(I)
Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S	S				S	S	S			P	P		S	S	S		(I)
Urban Farm Roof Level, Open Air, 1000 sq ft. or less	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(I)
Urban Farm Roof Level, Open Air, greater than 1000 sq ft., less than 5000 sq ft.										S	S	S			S	S		S	S	S		(I)

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Aquaculture, less than 750 sq ft.											S	S	S				S	S		S	S	S		(I)
Aquaponics, less than 750 sq ft.											S	S	S				S	S		S	S	S		(I)
Aquaponics, greater than 750 sq. ft											S	S	S				S	S		S	S	S		(I)
Hydroponics, any size											S	S	S				S	S		S	S	S		(I)
Composting																	S	S						

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

3 (4) Agricultural *home occupations* shall comply with Subsection 14-6.3(D)(2),
4 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 5. Subsection 14-12 of the Land Development Code, SFCC 1987 (being**
22 **Ord. #2011-37 (as amended)) is amended to add the following definitions:**

23 **AQUACULTURE**

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

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AQUAPONICS

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

COMPOSTING

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

FARM AREA

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

FARM STAND

A table, stall, tent or other non-permanent 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*, hoopouses, 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.

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ROOF LEVEL URBAN FARM

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

URBAN AGRICULTURE

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

URBAN FARM, GROUND LEVEL, LARGE

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

URBAN FARM, GROUND LEVEL, MEDIUM

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

URBAN FARM, GROUND LEVEL, SMALL

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

URBAN FARM, ROOF LEVEL, LARGE

A *roof level urban farm* with a *farm area* greater than one thousand (1000) square feet, but no greater than five-thousand (5000) square feet that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

URBAN FARM, ROOF LEVEL, SMALL

A *roof level urban farm* with a *farm area* one thousand (1000) square feet or less that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

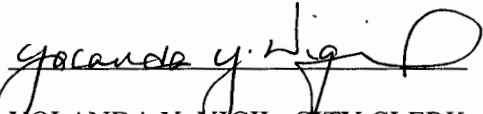
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PASSED, APPROVED and ADOPTED this 9th of November, 2016.



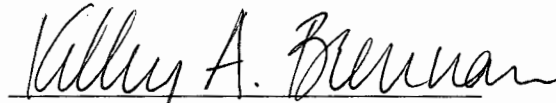
JAVIER M. GONZALES, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY