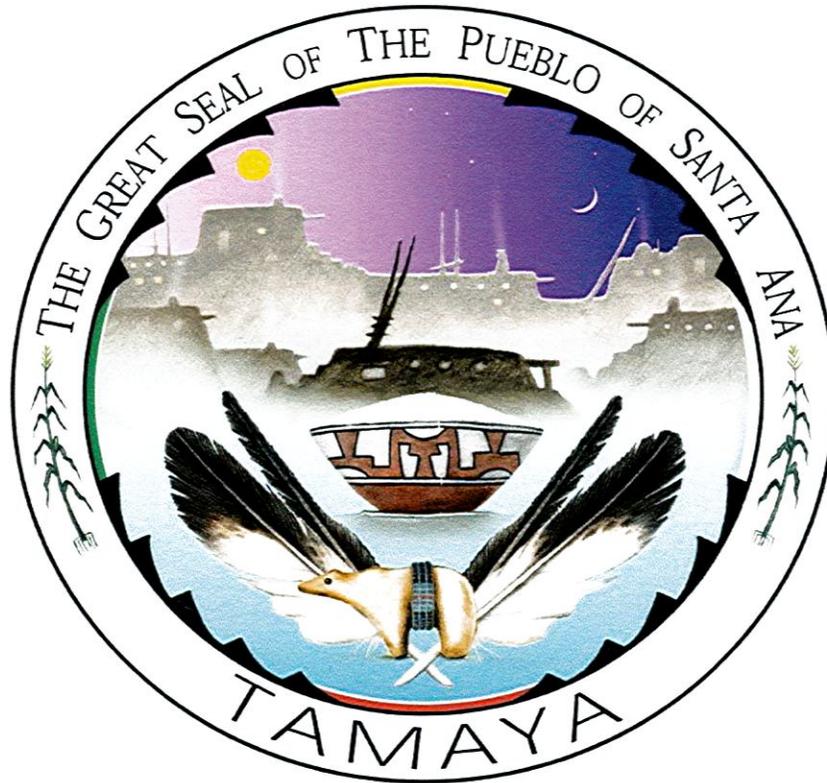


20 June 2017



PUEBLO OF SANTA ANA
GENERAL LAND USE AND BUILDING ORDINANCE

**PUEBLO OF SANTA ANA
GENERAL LAND USE ORDINANCE**

CHAPTER I: GENERAL PROVISIONS

Section 1.01	Purpose
Section 1.02	Applicability of Ordinance
Section 1.03	Definitions
Section 1.04	Planning and Zoning Board
Section 1.05	Design Review Committee
Section 1.06	Nonconforming Uses
Section 1.07	Variances
Section 1.08	Zone Map Amendments
Section 1.09	Administration and Enforcement
Section 1.10	Penalties
Section 1.11	Effective Date

CHAPTER II: ZONE DISTRICTS

Section 2.01	Establishment of General Zone Districts
Section 2.02	Enterprise District
Section 2.03	ED-1: Retail Commercial District
Section 2.04	ED-2: Resort and Recreation District
Section 2.05	MD-1: Municipal District
Section 2.06	WD-1: Rural Lands/Wildlife District
Section 2.07	RA-1: Residential and Agricultural District
Section 2.08	HD-1: Historical District
Section 2.09	R-1: Single Family Residential District

Section 2.10	R-2: Multi-Family Residential District
Section 2.11	R-3: Mixed Residential District
Section 2.12	OS-1: Open Space District
Section 2.13	SU: Special Use District
Section 2.14	Signs and Advertising Identification
Section 2.15	Identification
Section 2.16	Off-Street Parking and Loading
Section 2.17	Special Events

CHAPTER III: BUILDING REGULATIONS

Section 3.01	Adoption
Section 3.02	Title
Section 3.03	Purpose
Section 3.04	Application for Building Permit
Section 3.05	Compliance with Construction Standards
Section 3.06	Application; Jurisdiction
Section 3.07	Plans; Approval and Changes
Section 3.08	Appeals
Section 3.09	Fees
Section 3.10	Administration and Enforcement
Section 3.11	Penalties
Section 3.12	Types of Construction Not Requiring a Building Permit
Section 3.13	Powers and Duties of the Building Official

PUEBLO OF SANTA ANA GENERAL LAND USE ORDINANCE

CHAPTER I: GENERAL PROVISIONS

SECTION 1.01 PURPOSE

Uncontrolled use and development of land within the Pueblo of Santa Ana Indian Reservation is detrimental to the members of the Pueblo, jeopardizes the value of the land and water, impairs the economic benefits of the Pueblo's natural resources and damages the environment. The controls set forth in this General Land Use Ordinance ("Ordinance") are deemed necessary in order to encourage the most appropriate use of the land; to protect the social and economic stability of residential commercial, agricultural, and other areas within the Pueblo; to protect the Pueblo's natural resources; and to otherwise promote the public health, safety and general welfare of all members, residents and lessees of the Pueblo. The regulations and restrictions set forth in this Ordinance are required in order to secure safety, control congestion of traffic, avoid undue concentration of population, control and abate the unsightly use of buildings or land, to facilitate community services, to encourage the most appropriate use of land, to achieve goals for growth management and to conserve and stabilize the value of property.

SECTION 1.02 APPLICABILITY OF ORDINANCE

This Ordinance shall apply to all lands within the boundaries of the Pueblo of Santa Ana Indian Reservation, whether such lands are trust lands, restricted lands, fee lands, or lands otherwise held.

SECTION 1.03 DEFINITIONS

For the purpose of interpreting this Ordinance, the following definitions and rules of construction shall apply, unless such definition or construction would be inconsistent with the intent of the Tribal Council, or the content clearly requires otherwise. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

A. Administrator. "Administrator" means the Planning and Zoning administrator for the Santa Ana Pueblo.

B. Applicant. "Applicant" refers to the person, including government entities, seeking a zoning plan check, development approval, building permit, variance, refund or credit, whichever is applicable.

C. Application. "Application" means all the documents and fees required to be submitted to the Pueblo for a permit or approval.

D. Build. To "Build" means to erect, convert, enlarge, reconstruct or structurally alter a structure.

E. Building. "Building" shall mean any structure having a roof supported by posts, timbers, columns or walls, and intended for any use by persons and/or animals.

F. Building Inspection. "Building Inspection" refers to any and all building inspections required by the Pueblo of Santa Ana for new building construction or alterations to existing buildings, free standing signs, and structures.

G. Building Permit. "Building Permit" shall mean the permit as required by the International Building Codes and as administered pursuant to the construction standards of the Pueblo of Santa Ana Tribal Administration.

H. Demolition. "Demolition" means the intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial or partial destruction of a building or structure with the intent of completing the same. Also

included within the meaning of demolition is the act or process of delaying or withholding maintenance of a building or structure in such a way as to cause or allow significant damage to occur which may result in a hazard or nuisance.

I. Dwelling. "Dwelling" means any building or part of a building intended for human occupancy and containing one or more connected rooms and a single kitchen, designed for one family for living and sleeping purposes.

J. Enterprise District. "Enterprise District" is a land use area in which is located commercial activities and other compatible uses, including but not limited to, light manufacturing, commercial agricultural and commercial activities. All commercial activity within the Pueblo shall be located within the boundaries of an Enterprise District. The Enterprise District shall be designated by the P & Z Board on the zone map of the Pueblo. The Enterprise District is further described in Section 2.02 of the Ordinance.

K. Family. "Family" means one or more persons occupying a single dwelling unit, all of whom are related to each other by blood, marriage or legal adoption, or no more than five (5) persons occupying a single dwelling if they are not related to each other by blood, marriage or legal adoption.

L. Governor. "Governor" shall mean the Governor of the Pueblo of Santa Ana.

M. Height. "Height" means the vertical distance of any building and/or structure measured from the lowest undisturbed grade adjacent to the structure to the highest point of the structure.

N. Jurisdiction. "Jurisdiction" shall mean all territory within the Pueblo of Santa Ana, including trust lands, restricted lands, fee lands or lands otherwise held.

O. Landscaping. "Landscaping" means the planned introduction of living plants such as trees, shrubs, ground cover, or grass and non-living materials such as rocks, gravel, mulch, fences, walls, or paving materials, but does not include the growing of crops, fruit trees, vegetables or nursery stock for commercial purposes.

P. Lot Coverage. "Lot Coverage" shall mean the total area covered by roofed structures, parking lots, driveways and sidewalks, divided by the total area of the lot.

Q. Month. "Month" shall mean one (1) calendar month.

R. Open Space. "Open Space" means undeveloped ground area which may be covered with vegetation, landscaping, and/or non-vehicular traffic, set aside, dedicated, designated or reserved for public or private use or enjoyment.

S. P & Z Board. "P & Z Board" shall mean the Planning and Land Use Board for the Pueblo of Santa Ana, as established herein, or the administrative officer designated to act for the Commission when summary procedures are required.

T. Person(s). "Person(s)" shall mean any individual, partnership, corporation, firm, association, organization, trust, company, club, society, group, political body or governmental entity.

U. Public Notice. "Public Notice" means the posting of notices in accordance with Pueblo rules and regulations.

V. Pueblo. "Pueblo" shall mean the Pueblo of Santa Ana.

W. Roofed Area. "Roofed Area" shall mean the percentage of the lot area which may be covered by roofed structures.

X. Structure. "Structure" shall mean anything constructed or erected, the use of which requires permanent location either on or below the ground, or attachment to something having a permanent location either on or below the ground, including without limitation advertising signs, telecommunication facilities, light poles and storage buildings.

Y. Tribal Council. "Tribal Council" shall mean the traditional governing body of the Pueblo of Santa Ana.

Z. Variance. "Variance" means an approved, limited deviation from the strict application of the Ordinance, building code or municipal code, applicable to a designated parcel or parcels of land.

AA. Year. "Year" shall mean one (1) calendar year.

BB. Zone. "Zone" shall mean a section of the jurisdiction, delineated on the Pueblo zone map, to which specific zoning regulations apply.

SECTION 1.04 PLANNING AND ZONING BOARD

A. General. The P & Z Board for the Pueblo shall have the authority to administer and enforce this Ordinance. The P & Z Board shall consist of five (5) voting members from the Pueblo of Santa Ana, which members shall be appointed by the Tribal Council.

B. Term of Office. Each of the five (5) appointed voting members of the P & Z Board selected by the Tribal Council shall reside within the Pueblo and serve a term of either three (3), four (4) or five (5) years, based on the sole discretion of the Tribal Council. The terms of the P & Z Board members shall be staggered for overlapping terms. Any vacancy shall be filled by appointment by the Tribal Council for the remainder of the unexpired term only.

C. Procedures; Meetings; Rules. The P & Z Board shall elect from their membership a Chairperson and Secretary and may create and elect other such officers from their membership as it may deem necessary. The P & Z Board shall meet as often as necessary to carry out its work, but no less than once per month. All meetings of the P & Z Board shall be open to the public and shall conform with the open meetings policies of the Pueblo, except that the P & Z Board may decide to close a portion of a meeting pursuant to rules of procedure adopted by the Board. The P & Z Board shall adopt such rules of order and procedure as it may find necessary and proper to carry out its work. The P & Z Board shall keep a written record of its meetings, transactions, findings and decisions. Such records shall be filed with Tribal administration and kept available for public inspection during normal business hours. No member of the Board shall serve as a staff member to the P & Z Board.

D. Reports to Tribal Council. The P & Z Board shall report biannually to the Tribal Council, or as requested by the Tribal Council, concerning its activities.

E. Power, Duties, Purpose and Responsibilities. The P & Z Board shall have such powers and duties as may be delegated to it by the Tribal Council and other such power, authority, jurisdiction and duty incidental and necessary to carry out its purposes. The P & Z Board shall have the following responsibilities:

1. Act in an advisory capacity to the Tribal Council regarding matters of planning, zoning and land use;

2. Review and either approve or disapprove any and all applications for building permits, zone map amendments, zoning variances, and any other applications submitted pursuant to this Ordinance;

3. Review and interpret any proposed creation of additional land use zones and proposed land use projects and shall making recommendations to the Tribal Council as to the number, location and boundaries of the Pueblo's Zoning Districts;

4. Conduct any and all administrative review and approval by the P & Z Board staff, Santa Ana Utilities Department and Historic Preservation of all plans for proposed new buildings and structures, additions to existing buildings and structures, and renovation of existing buildings and structures with in the Pueblo boundaries, prior to submitting plans for an issuance of building permit, to insure compliance with zoning, building design, soil erosion and flood control regulations of the Pueblo;

5. Adopt and may amend from time to time a schedule of fees to be paid by any person submitting any application to the P & Z Board. Such fee schedule may include impact fees, as determined by the P & Z Board. The P & Z Board may secure assistance in determining the impact fee schedule from the Bureau of Indian Affairs, public and private planning agencies, and Pueblo technical staff, provided that no expense chargeable against the Pueblo may be incurred without the prior approval of the Tribal Council;

6. Secure approval from the Tribal Council for inquiries, investigations and surveys concerning the land resources of the Pueblo as needed in the Commission's judgment for land use purposes;

7. Assemble and analyze the data which is obtained and formulate plans for the conservation utilization and development of such land resources, including recommending the establishment of residential, agricultural and other zones as needed;

8. Make recommendations to the Tribal Council as to the best methods of such land conservation, utilization and development;

9. Hire and maintain administrative professionals and office staff as it deems necessary to perform its functions, subject to the budget approved by the Tribal Council; and

10. Possess such powers and perform such duties as may now or hereafter be authorized by the Tribal Council.

SECTION 1.05

DESIGN REVIEW COMMITTEE

A. General. The Design Review Committee shall consist of seven (7) members including one representative from each of the following (each of the following boards shall determine who their representative shall be):

1. Southern Sandoval Investments, Ltd.;
2. Santa Ana Golf Corporation;
3. Tribal Administration;
4. P & Z Board;
5. Santa Ana Pueblo Hospitality Board;
6. Tamaya Enterprises Inc.; and
7. Santa Ana Pueblo Tribal Utilities Board

The Design Review Committee shall review and have veto authority for the architectural design and aesthetics for all projects located in any Enterprise District west of the Rio Grande River. The P & Z Board shall

call a meeting of the Design Review Committee for any large scale building project or development on an as-needed basis.

B. Powers, Duties and Purpose. The Powers of the Design Review Committee shall include reviewing and either approving or disapproving site plans, building designs and signage for all projects in ED-1 and ED-2 Zones (as defined within this Ordinance) located west of the Rio Grande River. The purpose of the Design Review Committee is to ensure the overall quality of development on the lands subject to their authority and to maintain an aesthetic integrity, which enhances the value of those lands. Projects subject to the authority of the Design Review Committee must receive the approval of the Design Review Committee prior to being submitted to the P & Z Board.

SECTION 1.06 NONCONFORMING USES

A. Any building, structure or use of land legally in existence before adoption of this Ordinance, that were in conformity with the applicable zoning ordinance and regulations when created, but which would not be permitted under the terms of any chapter of this Ordinance, it is the intent of this Section to:

1. Allow these nonconforming uses to continue until they are removed, so long as such building, structure or use remains otherwise lawful;
2. Not encourage the survival of such nonconforming uses;
3. Insure that the nonconformity shall not be enlarged upon, expanded or extended, or reconstructed to continue the nonconformity after major damage. "Major damage" for the purpose of this Section is hereby defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of damage; and
4. Not permit the nonconformity to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. On any building or structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs to an extent not exceeding twenty-five percent (25%) of the current replacement value of the building or structure. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

C. When a nonconforming building or structure is abandoned or not used for a period of six (6) consecutive months or for eighteen (18) months during any three (3) year period, the use shall not thereafter be reestablished, and any future use must be in conformance with this Ordinance.

SECTION 1.07 VARIANCES

A. The P & Z Board is authorized to issue, in its own discretion, a variance from the terms of this Ordinance where due to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship that would deprive the applicant of the reasonable use of the land or building, provided that the following conditions are met:

1. The variance will not be contrary to the public interest;
2. The variance will not adversely affect adjacent property owners or residents; and
3. The perceived need for the variance is due to unique characteristics of the property that were in existence prior to the adoption of this article, of that have come into existence since that time through no action of the applicant.

B. Any applicant proposing to construct, alter, repair, maintain or use any building, structure or land in violation of this Ordinance shall apply to the P & Z Board in writing for a variance. To be granted a variance, an applicant must show:

1. That special circumstances exist, which are not caused by actions of the applicant and which are peculiar to the land, structure or buildings involved;

2. That unless a variance is granted, the applicant will sustain unnecessary hardship out of proportion to the public gain achieved by compliance with the Ordinance; and

3. That granting the variance requested will not confer on the applicant any special privilege that is denied to other permit holders in the zone district.

C. Upon receipt of an application for a variance, the P & Z Board may hold a public hearing by publishing a notice of hearing at least ten (10) business days prior to the hearing in a publication serving the residents of the Pueblo. Any party may appear at the hearing in person, or by agent. The P & Z Board shall issue written findings and a decision granting or denying the application for variance within the later of (i) twenty-one (21) business days after receipt of the application, or (ii) twenty-one (21) business days after the public hearing, if such hearing is held, except that this time limitation may be extended upon a finding of need by the P & Z Board.

D. If a variance is granted, the P & Z Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance and may make such conditions and safeguards a part of the terms under which the variance is granted.

E. The applicant for the variance or any tribal member of the Pueblo who is aggrieved by the decision of the P & Z Board in carrying out the provisions of this article may appeal to the Tribal Council by filing a notice of appeal specifying the grounds thereof within twenty-one (21) business days after the P & Z Board issues its decision. A proper appeal by an aggrieved party shall stay all proceedings in furtherance of the action appealed from, unless the P & Z Board determines that a stay will cause imminent peril to life or property, in which case, the proceedings shall not be stayed except by a court of competent jurisdiction. The Tribal Council shall hear the appeal at its next regularly scheduled meeting or at a special meeting held not more than thirty (30) days from the date of the appeal. Public Notice of the appeal shall be given and interested parties shall be notified of the hearing date and time. At the hearing, any party may appear in person or by agent. The Tribal Council shall decide the appeal within a reasonable time. The decision of the Tribal Council is final.

SECTION 1.08 ZONE MAP AMENDMENTS

A. Proposed zoning amendments in any zone district shall be submitted to the Tribal Council through the P & Z Board.

B. The P & Z Board shall study the proposal and shall schedule a hearing on the application to occur at a regular P & Z Board meeting or at a special meeting, if necessary, no later than sixty (60) days following the submittal of the application. Following the hearing, the P & Z Board shall submit its recommendations on the zone map amendment to the Tribal Council within fifteen (15) days after its review of the proposed zone map amendment is completed. Notice of the application must be posted on the property at least one (1) week prior to consideration of the application by the Board.

C. The Tribal Council shall schedule a hearing on the application for a zone map amendment as soon as reasonably practicable, but no more than one hundred twenty (120) days after the P & Z Board's recommendation is submitted to the Tribal Council. The Tribal Council shall make a final determination in accordance with Tribal regulations pursuant to its own rules governing quasi-judicial hearings and upon specific findings related to the affected property and consistent with the policies and criteria set forth in Subsection D of this section.

D. The following policies for deciding zone map amendment applications pursuant to this Ordinance are hereby adopted:

1. A proposed zone amendment must be found to be consistent with the health, safety, morals, and general welfare of the Pueblo;
2. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the amendment. The burden is on the applicant to show why the change should be made, not on the Pueblo to show why the amendment is proper;
3. A proposed amendment shall generally be consistent with adopted elements of the Zoning District Plan or other Pueblo general master development plans and amendments thereto including privately developed area plans outside the master development plans which have been adopted by the Pueblo; and
4. The applicant must demonstrate that the existing zoning is inappropriate because:
 - a. There was an error or mistake, or it is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of a residential zone or transitional zone on an antiquated plat filed before the Pueblo's incorporation and adoption of its own zoning code or on land annexed by the Pueblo; or
 - b. Changed neighborhood or community conditions justify the change; or
 - c. A different use category is more advantageous to the community, as articulated in the ED-1 and ED-2 master plan, even though (D) (1) or (2) does not apply. Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

E. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a zone map amendment.

F. Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

G. A zone amendment request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

SECTION 1.09 ADMINISTRATION AND ENFORCEMENT

A. Except as otherwise provided in this Chapter, the P & Z Board, its designee, administrator and the code enforcement officer(s) shall administer and enforce these ordinances and codes, including the inspection of premises, issuance of permits authorized in these ordinances and the issuance of citations.

B. The P & Z Board, their designee, administrator and code enforcement officer(s) have the

authority to enter all buildings and structures for the purpose of inspection as necessary to perform assigned duties. No dwellings, however, may be entered without consent of the owner or occupant unless at least a twenty-four (24) hour notice of intent to enter has been served upon the occupant or owner. If the owner or occupant objects to the inspection, a warrant for the inspection shall be obtained before the inspection from the Tribal Court.

C. If any building or structure is constructed, altered, repaired, maintained, or used in violation of this Ordinance, the P & Z Board or the Pueblo may institute any appropriate action or proceeding in Tribal Court to prevent such unlawful construction, alteration, repair, maintenance or use; to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land.

SECTION 1.10 PENALTIES

A. Any person who willfully fails to comply with any of the requirements of this Ordinance shall be subject to a civil fine as determined by the Tribal Court.

B. Any person aggrieved by an Ordinance violation or apparent Ordinance violation may file a written complaint with the P & Z Board, who shall investigate the complaint and take appropriate action, including the issuance of citations, to have the violation penalized and removed, if the violation is found to exist.

C. In the event the P & Z Board finds probably cause to believe that a violation pursuant to this Ordinance exists, it shall notify the person responsible for the alleged violation in writing and shall order the necessary correction to be made within a thirty (30) days, or as otherwise stated. If the violation is not corrected within the specified time, the P & Z Board or the code enforcement officers may issue a citation ordering the responsible person into court.

SECTION 1.11 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its adoption by the Tribal Council. Approval of this Ordinance by the United States Department of Interior, Bureau of Indian Affairs is not deemed necessary.

CHAPTER II: ZONE DISTRICTS

SECTION 2.01 ESTABLISHMENT OF GENERAL ZONE DISTRICTS

For the purpose of this Ordinance, the following zone districts exist:

ED-1: Retail Commercial

ED-2: Resort and Recreation

MD-1: Municipal

WD-1: Rural Lands/Wildlife

RA-1: Residential and Agricultural

HD-1: Historical

R-1: Single-family Residential

R-2: Multi-family Residential

R-3: Mixed Residential

OS-1: Open Space

SU: Special Use

SECTION 2.02 ENTERPRISE DISTRICT

A. Purpose. The Pueblo recognizes the need to promote the orderly growth and development of commercial activities so as to protect the value of the Pueblo's land and water and other natural resources for the benefit of the Pueblo, its members and all persons within the Pueblo's boundaries. The purpose of creating and regulating Enterprising Districts is to ensure the orderly growth and development of commercial activities within the Pueblo by identifying as Enterprise Districts those areas suitable for commercial development and regulating the activities therein.

B. Description. An "Enterprise District" is a land use area in which is located commercial activities and other compatible uses, including but not limited to, light manufacturing, commercial agricultural and commercial activities that serve the general community on a day-to-day basis. Except as provided for in Sections 1.06 (Nonconforming Uses) and 1.07 (Variances) herein, all commercial activity within the Pueblo shall be located within the boundaries of an Enterprise District. The activities in this area must be environmentally compatible with the surrounding area. Residential uses are not allowed in this area, except that manager units in motels or hotels may be permitted and one residence per business site for the housing of security personnel may be permitted. Commercial buildings and structures within the Enterprise District shall be constructed of non-combustible materials and meet commercial building standards. Where a fire suppression system is provided in a building or structure alternate building materials may be allowed as approved by the adopted codes. As provided in this Ordinance, an Enterprise District may contain any one or more of the following zones: ED-1 Retail Commercial District, ED-2 Resort and Recreation District; MD-1, Municipal District, WD-1 Rural Lands / Wildlife District, and HD-1 Historical District.

C. Designation of Enterprise District. The number, location, shape, boundary and area of Enterprise Districts shall be designated by the P & Z Board, subject to the review and approval of the Tribal Council. In the event that any person seeks a permit pursuant to Section 3.04 of this Ordinance prior to final designation of an Enterprise District boundary, the P & Z Board is authorized to review the permit application and grant or deny a permit consistent with the provisions of this Ordinance. The decision of the P & Z Board is subject to appeal to the Tribal Council by the permit applicant or any aggrieved tribal member of the Pueblo who is directly and adversely affected pursuant to the procedures set forth in Section 3.08 of this Ordinance.

D. Official Enterprise District Map.

1. The boundaries of any Enterprise District established pursuant to this Ordinance shall be shown on an official Enterprise District Map ("Map"), which is hereby incorporated into and made part of this Ordinance. The Map also may designate the boundaries of the ED-1, ED-2, MD-1, WD-1, and HD-1 zones within an Enterprise District. The Map shall be updated and approved by the P & Z Board and Tribal Council on an annual basis to incorporate changes to boundaries. The Map shall be identified by the signature of the Governor and Lieutenant Governor and attested to by at least one member of the Tribal Council. The Map shall be located in the P & Z Board Room and the planning office of the Pueblo and shall be available for review by the public.

2. The boundaries of any Enterprise District may be amended from time to time by the P & Z Board, subject to the approval of the Tribal Council, pursuant to Subparagraph E below. Any amendments so made shall be promptly noted on the Map by the chief planning officer or a member of the P & Z Board.

3. If for any reason, there is any uncertainty, contradiction or conflict as to the intended location of any Enterprise District boundary or the zones therein, an interpretation concerning the exact location of the boundary line shall be rendered by the P & Z Board, subject to appeal to the Tribal Council in accordance with Section 3.08 of this Ordinance.

E. Enterprise District Map Amendments. The location and boundary of any Enterprise District or any regulation pertaining to any Enterprise District may be amended subject to the following procedure:

1. An amendment may be proposed by the Tribal Council, P & Z Board or any person in writing and all proposed amendments shall be submitted to the P & Z Board for study and recommendation;

2. Within sixty (60) days from the date that any proposed amendment shall be referred to the P & Z Board, the P & Z Board shall submit its report and recommendation to the Tribal Council (the recommendation of the P & Z Board shall be advisory only, and shall not be binding on the Tribal Council);

3. Before taking action on any proposed amendment and the P & Z Board's recommendation, the Tribal Council shall hold a public hearing, with Public Notice to be given as provided for in Section 1.03(U) of this Ordinance; and

4. A proposed amendment shall not become effective except by the majority vote of a quorum of the members of the Tribal Council.

SECTION 2.03

ED-1: RETAIL COMMERCIAL DISTRICT

A. Purpose. This zone provides suitable sites for limited commercial uses to satisfy the day-to-day needs of Pueblo residents, lessees, and motorists passing through the Pueblo.

B. Permissive Uses. Any of the following permissive uses are allowed in the ED-1 Zone:

1. Stores for the sale of retail goods, products, and services;

2. Restaurants, bars, and lounges;

3. Repair shops – electrical, radio, and television appliances, lock smith, and similar articles;

4. Shops – dressmaking, tailoring, laundry, dry cleaning, photo, pet, and similar trades;

5. Banks and office buildings;

6. Bakeries and confectioneries where goods are sold at retail prices;

7. Parks, recreational parks, and open spaces;

8. Nursery schools and daycare facilities;

9. Undertaking establishments;

10. Medical complexes, professional offices associated with medical complexes, and veterinarians;

11. Construction trailers for a period not to exceed twenty-one (21) days before construction plus the entire period of construction up to six (6) months and no more than thirty (30) days after construction has finished; provided, that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction trailer either before or after the site development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to one hundred twenty (120) days;

12. Photocopying and blueprinting;
13. Public and emergency services facilities;
14. Hospitals;
15. Nursing homes, senior transitional living and care facilities and similar institutions;
16. Temporary structures and enclosures used in construction of a building and used for storage of equipment and material. Such structure must be removed after the specific construction project is completed and not to remain on the premises for more than one (1) month after completion. Temporary commercial structures used for seasonal purposes may be erected for a period of not more than 90 days. But, in no case shall the structure or enclosure be present for longer than one (1) week after the ending of the season for which it was intended;
17. Drive-in or drive-up window restaurants, and/or convenience stores, provided drive-up liquor dispensing windows are excluded at such establishments;
18. Auditoriums, bowling alleys, billiard or pool halls, dance halls, theaters, skating rinks, and other indoor entertainment establishments;
19. Manager/caretaker residential uses within the structures;
20. Offset press printing.
 - a. Maximum of two (2) offset printers;
 - b. Maximum size of offset duplicator machines shall not exceed twenty inches (20") each;
21. Gasoline service stations, convenience stores, and car washes;
22. Auto repair, minor;
23. Day spa;
24. Public, private or charter schools;
25. Park and ride facilities and parking lots;
26. Permanent outdoor sales display, provided:
 - a. Any area proposed for a permanent outdoor sales display shall be delineated as such on applicable site or development plans;
 - b. No permanent outdoor sales display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or loading/unloading; and

c. No permanent outdoor sales display shall be located within any clear sight triangle as defined by code or in any manner that would limit adequate sight distances for interior vehicular traffic movement;

27. Outside storage, as an accessory use, provided:

a. A buffer wall as described in Subsection I of this Section shall separate outside storage from abutting properties and rights-of-way;

b. Proposed outside storage areas shall be delineated as such on applicable site or development plans;

c. Stored materials shall not be stacked or arranged above the height of the screen wall or fence. If a stored vehicle or other individual item exceeds the height of the screen wall or fence, it shall be stored no less than fifteen feet (15') from an abutting property or right-of-way; and

d. Storage of inoperable vehicles or operable heavy equipment shall comply with this Section; however, parking areas for operable personal vehicles of customers and employees, and display areas for sales or rental of operable vehicles, are not considered outside storage.

C. Conditional Uses. The following uses are allowed in the ED-1 District only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. Automotive dealers, motorcycle dealers and auto repair; provided that:

a. Repairs and associated activities are conducted within a completely enclosed building; or

b. A solid masonry wall at least six feet (6') high is erected between the activity and any abutting or contiguous residential zone; and

c. Applicants shall provide site plans which show lot dimensions, location and dimensions of proposed structures/facilities, parking, proposed signage, landscaping and buffers; if applicable, information with regard to the nature of the operation as well as hours of operation, for review and approval by the Planning and Zoning Board.

2. Self-storage facilities. Applicants shall provide a site plan which includes at minimum the following information: lot dimensions, location and dimensions of proposed structures/facilities, parking, proposed signage, landscaping and landscape buffers and, if applicable, information with regard to the nature of the operation as well as hours of operation, for review and approval by the Planning and Zoning Board.

3. Circuses, carnivals, flea markets, fireworks stands and other similar outdoor amusement activities, provided that lighting is located so it does not reflect off the premises and complies with the Night Sky Protection Act.

4. Telecommunication facilities.

D. Area. Minimum lot size shall be one-quarter (1/4) acre. Minimum lot width shall be eighty feet (80').

1. Setbacks.

- a. Front – thirty-five feet (35’);
- b. Rear – twenty-five foot (25’) setback with landscaped buffer is required for buildings up to thirty-five feet (35’) in height. For portions of a building greater than thirty-five feet (35’) in height, the building shall have a step-back of one foot for each additional four feet (4’) of height up to the maximum height of the district;
- c. Side – zero feet (0’), unless abutting a residential zone then, a 10-foot setback with landscaped buffer is required for buildings up to thirty-five feet (35’) in height. For portions of a building greater than thirty-five feet (35’) in height, the building shall have a step-back of one foot for each additional four feet of height up to the maximum height of the district;
- d. Corner side – ten feet (10’);
- e. Trash containers and trash compactors – fifteen feet (15’) from the property line when adjacent to land planned or zoned for a single-family residential use. All trash containers and trash compactors shall be screened from a public right-of-way by decorative wall or enclosure and shall be not less than two feet (2’) above the height of the trash container or compactor.
- f. Flag poles – twenty-five feet (25’) from any property line, with a maximum height of fifty feet (50’). Pole heights greater than fifty feet (50’) may be approved by conditional use permit.

E. Dimensional Requirements and Building Design Standards.

- 1. Roofed area shall not exceed sixty percent (60%) of the lot area.
- 2. Lot Coverage shall not exceed eighty-five percent (85%) of the lot area.
- 3. Building design standards shall be as follows:
 - a. A minimum of thirty percent (30%) of the area of each building elevation shall consist of opaque walls.
 - b. A minimum of ninety percent (90%) of the area of opaque walls shall be stucco in earth-toned colors.
 - c. A minimum of seventy-five percent (75%) of the total roof perimeter shall be concealed behind parapet walls.
- 4. Off-street parking and loading shall be provided in accordance with Subsection G of this Section.
- 5. Landscaping, walls, fences, and site lighting shall be in accordance with Subsection H of this Chapter.
- 6. Signs shall be in accordance with Section 2.14 of this Ordinance.
- 7. All commercial buildings are required to have building address numbers visible on the side of the building or structure facing main entrance street/road.

F. Height. Maximum building height shall not exceed fifty feet (50’); up to seventy-eight feet (78’) with an approved conditional use permit, provided however, that a maximum of fifty percent (50%) of

total roofed area may exceed twenty-four feet (24') of height. Flagpoles, antennas, chimneys and similar building accessories are exempted from these height limitations.

G. Off-street parking. Off-street parking shall be provided as set forth in Section 2.16. Parking will be permitted in setbacks unless otherwise restricted in an adopted plan.

H. Landscaping. Appropriate landscaping shall be provided for visual relief along the frontage of the parcel; provided, that no less than ten percent (10%) of the lot shall be landscaped, and no less than one-fourth (1/4) of the ten percent (10%) shall be located on the front. Cool season turf grass shall be limited to areas designated for recreational use and shall be limited to a maximum of one thousand (1,000) square feet or twenty percent (20%) of the total lot area, whichever is less. Cool season turf grasses include but are not limited to the following species: *Poa pratensis* (Kentucky Bluegrass), *Festuca* spp. (Fescues), and *Lolium* spp. (Ryegrasses). Plant materials shall be limited to species that are not listed as high water use in the Pueblo of Santa Ana plant list. Existing turf and other plants installed prior to October 1, 2016, are exempt from this regulation.

I. Buffer zone.

1. Buffer wall. The buffer wall shall be a minimum of six feet (6') in height and shall be constructed of masonry, sealed adobe, brick, chain link with winged slats or other solid material.

2. Buffer landscaping.

a. Landscaped buffer areas shall be a minimum of ten feet (10') in width measured perpendicular to the buffer wall, or from the property line if no wall is required.

b. The landscaped buffer areas shall include a minimum of one buffer tree per twenty-five feet (25'), or an approved equivalent screening density. Minimum tree sizes at the time of planting shall be three inch (3") caliper, or thirty inch (30") boxed variety or thirty (30) gallon container, or at least ten feet (10') in height.

c. Where nonresidential property abuts residential property, the landscaped buffer shall be located inside the buffer wall.

d. Where the nonresidential district is adjacent to the residential district and is separated by a public thoroughfare, the landscape buffer shall be located outside the wall, or when there is no wall the landscape buffer shall be about the property line. In cases where the building is acting as a partial wall buffer, the landscape buffer may be more than ten feet (10') in width to allow for the appropriate building setbacks.

e. Buffer trees may be a mix of conifers and deciduous trees; however, the emphasis shall be placed on conifers.

f. Buffer landscaping shall be maintained and kept clean of debris and weeds. Any buffer planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year or one (1) growing season.

3. If the buffer wall plus retaining wall have an effective height of over eight feet (8') on the residential side, the Pueblo shall decide the required height.

J. Night Sky Protection Act. Any lighting shall comply with the Night Sky Protection Act and be placed so as to reflect the light away from adjacent ED-2 Resort Areas.

K. Nuisance. No unreasonable noise, odor, or vibration shall be emitted by uses outside the boundaries of the ED-1 District.

L. Other Similar Establishments. The P & Z Board is authorized to grant a permit for a commercial use not included in Subsection B of this Section if the P & Z Board finds that the proposed use is not offensive or incompatible with the character of the ED-1 District. The P & Z Board shall hold a public hearing pursuant to the procedures set forth in Section 3.04(B) of this Ordinance if a permit is sought for a use not included in Subsection B of this Section.

SECTION 2.04 ED-2: RESORT AND RECREATION DISTRICT

A. Purpose. This zone provides suitable sites for activities designed to meet the recreational needs of Pueblo residents and visitors and overnight lodgers.

B. Permissive Uses. Any of the following permissive uses are allowed in the ED-2 Zone:

1. Hotel and accessory commercial uses, including providing food and drink for consumption on or off premises, subject to proper licensing;
2. Casino;
3. Open spaces and trails;
4. Nature Center;
5. Health spa/gymnasium;
6. Event Center;
7. Restaurant(s);
8. Golf course and accessory restaurant and bar;
9. Public Park, playground, soccer field and other play fields;
10. Riding stable;
11. Campground(s);
12. Gift shop or specialty shop; and
13. Art, book, music or photography shop.

C. Conditional Uses. The following uses are allowed in the ED-2 District only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. Church;
2. General store;
3. Telecommunication facilities; and
4. Wind energy systems and meteorological towers.

D. Dimensional Requirements.

1. Minimum lot size shall be two (2) acres.
2. Minimum lot width shall be two hundred feet (200').
3. Maximum roofed area shall be forty percent (40%) of the lot area.
4. Maximum Lot Coverage shall be seventy percent (70%) of the lot area.
5. Minimum setbacks shall be as follows:
 - a. Front yard; fifty feet (50').
 - b. Side yards; twenty-five feet (25').
 - c. Rear yard; twenty-five feet (25').
6. Building design standards shall be as follows:
 - a. Maximum building height shall not exceed sixty feet (60'); provided however, that a maximum of fifty percent (50%) of the total roofed area may exceed thirty-six feet (36'). Flagpoles, antennas, chimneys and similar building accessories are exempted from these height limitations.
 - b. A minimum of thirty percent (30%) of the area of each elevation shall consist of opaque walls.
 - c. A minimum of ninety percent (90%) of the area of opaque walls shall be stucco in earth-toned colors.
 - d. A minimum of seventy-five percent (75%) of the total roof perimeter shall be concealed behind parapet walls.
 - e. Any proposed structure higher than sixty feet (60') shall require P & Z Board approval.
7. Off-street parking and loading shall be provided in accordance with Section 2.16 of this Ordinance.
8. Landscaping, walls, fences and site lighting shall be the same as ED-1.
9. Signs shall be in accordance with Section 2.14 of this Ordinance.

E. Other Similar Establishments. The P & Z Board is authorized to grant a permit for a commercial use not included in Subsection B of this Section if the P & Z Board finds that the proposed use is not offensive or incompatible with the character of the ED-2 District. The P & Z Board shall hold a public hearing pursuant to the procedures set forth in Section 3.04(B) of this Ordinance if a permit is sought for a use not included in Subsection B of this Section.

SECTION 2.05 MD-1: MUNICIPAL DISTRICT

A. Purpose. This provides suitable sites for public and administrative office(s), general service, institutional, utilities and limited commercial uses to satisfy the day-to-day needs of Pueblo residents.

B. Permissive Uses. Any of the following permissive uses are allowed in the MD-1 Zone:

- base;
1. Tribal Public Administration Facilities;
 2. Police and Fire Stations;
 3. Medical and Wellness Centers;
 4. Public utilities including production and disposal facilities, storage yard, or supply
 5. Recreational Facilities and Parks;
 6. Public Utility based substations;
 7. Churches;
 8. Community Centers; and
 9. Government and Program(s) Facilities.

C. Conditional uses. The following uses are allowed in the MD-1 District only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. School, public and private;
2. Museums (public);
3. Governmental buildings of governmental units other than the Pueblo; and
4. Senior living facilities.

D. Dimensional Requirements.

1. Minimum lot size shall be one (1) acre.
2. No structure or building shall exceed a height of thirty-eight feet (38').
3. Setbacks.
 - a. Front – thirty-five feet (35').
 - b. Rear – fifteen feet (15'), unless abutting a residential zone, then a twenty-five foot (25') setback with a ten foot (10') landscaped buffer is required for buildings up to thirty-five feet (35') in height. For portions of a building greater than thirty-five feet (35') in height, the building shall have a step-back of one foot (1') for each additional four feet (4') of height up to the maximum height of the district.
 - c. Side – zero feet (0'), unless abutting a residential zone, then a twenty-five foot (25') setback with a ten foot (10') landscaped buffer is required for buildings up to thirty-five feet (35') in height. For portions of a building greater than thirty-five feet (35') in height, the building shall have a step-back of one foot (1') for each additional four feet (4') of height up to the maximum height of the district.
 - d. Corner side – ten feet (10').

e. Trash containers and trash compactors – fifteen feet (15') from the property line when adjacent to land planned or zoned for a single-family residential use. All trash containers and trash compactors shall be screened from a public right-of-way by decorative wall or enclosure and shall be not less than two feet (2') above the height of the trash container or compactor.

f. Flag poles – twenty-five feet (25') from any property line, with a maximum height of fifty feet (50'). Pole heights greater than fifty feet (50') may be approved by conditional use permit.

E. Off-street parking. Off-street parking shall be provided as set forth in Section 2.16 of this Ordinance. Parking will be permitted in setbacks unless otherwise restricted in an adopted plan.

F. Landscaping. Landscaping, walls, fences and site lighting shall be the same as ED-1.

G. Buffer Zone. Same as ED-1 and ED-2.

H. Exterior material. A minimum of eighty percent (80%) of the area of exterior walls shall be stucco in earth-toned colors or approved façade material painted in earth-toned colors.

I. Signs. Signs shall be in accordance with Section 2.14.

J. Other Similar Establishments. The P & Z Board is authorized to grant a permit for a commercial use not included in subparagraph B of this section if the P & Z Board finds that the proposed use is not offensive or incompatible with the character of the MD-1 District. The P & Z Board shall hold a public hearing pursuant to the procedures set forth in Section 3.04 of this Ordinance if a permit is sought for a use not included in Subsection B of this Section.

SECTION 2.06 WD-1: RURAL LANDS/WILDLIFE DISTRICT

A. Purpose. This zone limits developmental density in areas which are now largely in agricultural or open space uses, where development may be difficult and/or undesirable and public water and sewer services cannot be provided efficiently. Since the rural character of these lands depends on open space and natural areas, protection of these features should be considered when evaluating proposed conditional uses.

This district provides areas for animals to move freely between conserved lands, undeveloped lands, contiguous open space and forest habitat, and other important habitat, land features, and natural communities within and beyond the boundaries of the Pueblo in order to meet their necessary survival requirements. Pursuant to Subsection B hereinbelow, there are no permissive uses in this zone, only conditional uses. Subsection C herein provides for conditional uses only and the inclusion of a use in Subsection C does not automatically entitle an applicant to receive a permit for such a use. Notwithstanding Subsection C below, the Board is authorized to deny a permit for any building, structure or land use which has been declared a nuisance by Tribal statute or ordinance or under federal law. The P & Z Board is also authorized to deny a permit, if based upon the plans submitted by an applicant, the P & Z Board finds that the proposed use is likely to pose a danger, or to create problems due to the presence of hazardous materials, or the emission of noise, smoke, dust, noxious liquids or fumes to the detriment of other Enterprise District permittees or land uses outside of the Enterprise District.

B. Permissive Uses. There are no permissive uses allowed in the WD-1 District.

C. Conditional Uses. The following uses are allowed in the WD-1 District only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. Agriculture;

2. Open space;
3. Wildlife preserves;
4. Wilderness areas;
5. Single family dwelling, including use of mobile home;
6. Accessory uses and structures;
7. Storage of accessory vehicles; and
8. Parking incidental to the above uses.

D. Dimensional Requirements Dwelling Units.

1. Minimum lot size shall be one (1) acre.
2. Minimum lot width shall be one hundred feet (100').
3. Maximum roofed area shall be sixty percent (60%) of the lot area.
4. Maximum Lot Coverage shall be eighty-five percent (85%) of the lot area.
5. Minimum setbacks shall be as follows:
 - a. Front yard; fifty feet (50').
 - b. Side yards; ten feet (10').
 - c. Rear yard; twenty feet (20').
6. Building design standards shall be as follows:
 - a. Maximum building height shall be thirty-six feet (36') except for flagpoles, antennas, chimneys and similar building accessories, which are exempted from this height limitation; and
 - b. A minimum of eighty percent (90%) of the area of exterior walls shall be stucco in earth-toned colors or approved façade material painted in earth-toned colors.
7. Off-street parking and loading shall be provided in accordance with Section 2.16 of this Ordinance.
8. Signs shall be in accordance with Section 2.14 of this Ordinance.

E. Supplemental Development Standards Applicable to WD-1 Districts (in addition to the General).

1. Development within any WD-1 District should be close to roads and/or developed areas to allow sufficient wildlife corridors through the area.
2. A buffer area of adequate size from the edge of development shall be established to ensure the protection of critical wildlife habitats and travel corridors.

3. All development within any WD-1 District shall receive written review from the Santa Ana Natural Resources Department regarding the impact of the proposed development on the wildlife corridor and significant wildlife habitats when requested by the P & Z Board for Site Development Plan and Subdivision applications.

F. Other Similar Establishments. The P & Z Board is authorized to grant a permit for other uses not included in Subsection C of this Section if the Board finds that the proposed use is not offensive or incompatible with the character of the WD-1 District. The Board shall hold a public hearing pursuant to the procedures set forth in Section 3.04(B) of this Ordinance if a permit is sought for a use not included in Subsection C of this Section.

SECTION 2.07 RA-1: RESIDENTIAL AND AGRICULTURAL DISTRICT

A. Purpose. This zone provides sites for low density houses and uses incidental thereto, including agriculture. Clustering of houses is permitted in existing residential areas. Housing in this zone currently exists or has planned approval of the P & Z Board.

B. Permissive Uses. The following permissive uses are allowed within the RA-1 District:

1. One single-family dwelling unit per lot;
2. A temporary mobile home for use a primary dwelling unit for a period not to exceed one (1) year;
3. Orchards, vegetables and field crops, nurseries and gardens;
4. Raising crops;
5. Raising and management of livestock or fowl, provided that all areas devoted to livestock and fowl shall be maintained in such a manner that:
 - a. Concentration of breeding of insects and rodents which are detrimental to human habitation is discouraged.
 - b. Livestock and fowl excrement shall be properly disposed of and shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.
 - c. Drainage of livestock waste shall be contained on-site and controlled to avoid pollution of irrigation ditches, ground water, and drains and surrounding property.
6. Storage of accessory vehicles (agricultural equipment, trailers, tractors) owned by the on-site resident for personal use;
7. Parking incidental to the above uses; and
8. Church(s).

C. Conditional Uses. The following uses are allowed in the RA-1 District only upon the approval of a site development and / or subdivision plan by the P & Z Board:

1. Second dwelling units; and
2. Home occupations related to permissive agricultural uses (sale of livestock and/or crops raised on the premises).

D. Dimensional Requirements Dwelling Units.

1. Minimum lot size shall be one quarter (1/4) acre.
2. Minimum lot width shall be one hundred feet by one hundred feet (100' x 100') for subdivision and fifty feet by fifty feet (50' x 50') for infill home.
3. Maximum roofed area shall be sixty percent (60%) of the lot area.
4. Maximum Lot Coverage shall be eighty-five percent (85%) of the lot area.
5. Minimum setbacks shall be as follows:
 - a. Front yard; twenty feet (20').
 - b. Side yards; fifteen feet (15').
 - c. Rear yard; twenty-five feet (25').
6. Building design standards shall be as follows:
 - a. Maximum building height shall be twenty-six feet (26') except for flagpoles, antennas, chimneys and similar building accessories, which are exempted from this height limitation; and
 - b. A minimum of eighty percent (80%) of the area of exterior walls shall be stucco in earth-toned colors or approved façade material painted in earth-toned colors.

SECTION 2.08

HD-1: HISTORICAL DISTRICT

A. Purpose. This zone preserves and promotes the cultural, educational and general welfare of the public through the preservation and protection of the traditional architectural character of the historic Old Santa Ana Pueblo. Clustering of houses is permitted.

B. Special Approval Required. Any construction, modification, addition, alteration, moving, or destruction that would affect the exterior appearance of any structure, building or significant object or artifact within this zone will require review and approval by the P & Z Board.

C. Permissive Uses. Any of the following permissive uses are allowed in the HD-1 District:

1. One single family dwelling unit per lot;
2. Raising crops;
3. Equestrian stables;
4. Church(s);
5. Society houses; and
6. Kivas.

D. Conditional Uses. The following uses are allowed in the HD-1 District only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. Temporary parking areas (designated at special events);
2. Stables and livestock holding areas; and
3. Municipal buildings.

E. Dimensional Requirements for Dwelling Units.

1. Minimum lot size shall be fifty feet by fifty feet (50' x 50').
2. Minimum lot width shall be fifty feet (50').
3. Maximum roofed area shall be sixty percent (60%) of the lot area.
4. Maximum Lot Coverage shall be eighty-five percent (85%) of the lot area.

F. Setbacks. Minimum setbacks shall be as follows:

1. Front yard; twenty-five feet (25').
2. Side yards; twenty feet (20'), and zero feet (0') one side.
3. Rear yard; twenty-five feet (25').

G. Building design standards.

1. Maximum building height shall be twenty-six feet (26') except for flagpoles, antennas, chimneys and similar building accessories, which are exempted from this height limitation.
2. A minimum of one hundred percent (100%) of the area of exterior walls shall be stucco in earth-toned colors or approved façade material painted in earth-toned colors.

SECTION 2.09

R-1: SINGLE FAMILY RESIDENTIAL DISTRICT

A. Purpose. This district permits a low density of population in which the primary land use is a single-family dwelling unit.

B. Permissive Uses. Any of the following permissive uses are allowed within the R-1 Zone:

1. One single-family dwelling unit per lot; provided such dwelling unit meets the following design standards:

a. All dwelling units shall be permanently affixed to a permanent foundation. No dwelling unit shall be temporary in nature;

b. Any garage either attached or detached shall have an external appearance and finish-treatment similar to and consistent with the dwelling unit and shall be completed and issued a certificate of occupancy no later than 12 months after occupation of the dwelling unit; and

c. Each dwelling unit shall have a roof meeting one of the following minimum criteria:

i. A pitched roof with a minimum slope of two and one-half inches ($\frac{1}{2}$ " in every twelve inches (12") and no less than six inch (6") overhangs; or

ii. A flat roof with parapets at least six inches (6") in height above the finished roof.

d. Each single-family dwelling unit shall have exterior siding and roofing which, in color, materials and appearance, is comparable to the predominant materials in use on surrounding dwelling units, or if there is no predominance, is similar to the exterior siding and roofing material commonly in use on residential dwelling units in the community as a whole.

e. All dwelling units must face the address street or create a presence on the address street. Street presence can be created by including elements such as windows, site walls, gates, portals, courtyards and landscaping in the architectural design or site plan.

f. All front steps necessary for access due to a difference in grade between the front door and/or the floor of the dwelling unit and finished grade shall be permanently installed and shall be constructed of stone, concrete or masonry materials.

g. All utility service and distribution lines shall be placed underground. All liquid propane installations shall be either behind the primary structure from the address street or placed underground.

h. Sites shall be prepared in such a manner that positive drainage of surface water is maintained and directed away from the dwelling unit as per state regulations.

i. With the exception of Subsection (B)(1)(b) of this Section, all requirements of this Subsection shall be completed within a reasonable time after occupation of the dwelling unit not to exceed one hundred twenty (120) days.

2. Accessory buildings or structures, including accessory dwelling units but not to include structures for livestock or fowl; provided such accessory buildings or structures meet the following design standards:

a. Accessory buildings and structures shall not exceed the height of the primary structure or twenty-four feet (24'), whichever is greater;

b. The exterior of any accessory building and structure encompassing more than two hundred fifty (250) square feet shall be constructed of materials similar in color and appearance to those used in the primary structure or has a facade similar to that of the primary structure. Accessory structures greater than six hundred (600) square feet shall be constructed of the same materials or have the same facade as the primary structure;

c. Accessory buildings shall not exceed seventy-five percent (75%) of the size of the primary house or fifteen percent (15%) of the lot area, whichever is greater;

d. By definition, an accessory building may not be constructed without the existence of the primary structure; the dwelling unit;

3. Accessory living space;

4. Noncommercial gardens, swimming pools, tennis courts;

5. Parks, open spaces, recreational parks, and public facilities;

6. Home occupations;

7. Construction trailers for a period not to exceed twenty-one (21) days before construction plus the entire period of construction up to twelve (12) months and no more than fourteen (14) days after construction has finished; provided, that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction trailer either before or after the site development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to one hundred twenty (120) days. Construction trailers will be allowed only where five (5) or more contiguous lots are being developed at the same time, by an individual developer, and the trailer is not to be used for residence;

8. Temporary, emergency, construction, and repair residences for a period not to exceed twenty-one (21) days before construction, plus the entire period of construction up to one hundred eighty (180) days, and not later than thirty (30) days after construction has finished for a total of two hundred thirty-one (231) consecutive days maximum. If an extension is needed, application to the administration is necessary and may be granted for up to one hundred twenty (120) days. The dwelling shall be connected to utilities or self-contained and shall not be located in the front setback;

9. Family child care facility with a capacity of six (6) or less;

10. Second kitchen (a second kitchen is permitted and may be located within the primary residence or accessory dwelling unit, but not both);

11. Community residential care facility up to ten (10) persons, including any staff residents providing all city regulations are met;

12. Churches and other places of worship, Sunday school buildings, and parish houses;
and

13. Amateur radio antenna.

C. Conditional uses. The following uses are allowed in the R-1 Zone only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. Hospitals and private institutions of an educational nature;

2. Family child care facility with a capacity of seven (7) or more; and

3. Hobby breeders or animal foster care providers, provided the lot has an area appropriate to the type and size of the animals being bred.

D. Dimensional Requirements.

1. Every lot must have an area of not less than seven thousand (7,000) square feet and a width of not less than sixty feet (60') along the front yard setback line. This minimum lot area assumes that the lot is serviced by community utilities. If on-site water and/or sewer are used, then lot sizes required by the New Mexico Environmental Improvement Division shall apply.

2. Setbacks.

a. Front – twenty feet (20'); garage – twenty feet (20'); side-loaded garage – fifteen feet (15').

b. Rear – fifteen feet (15'); alley-loaded garage – zero feet (0').

c. Side – five feet (5’); zero (0) lot line setbacks are allowed on one side with a ten foot (10’) setback on the opposite side.

d. Corner side – ten feet (10’).

e. Setbacks shall not apply to storage sheds of one hundred twenty (120) square feet or less; provided, that the structure is located behind the required front setback line and on a corner lot, is not located in a side yard that is visible from the street.

f. Free-standing wind energy units – two-to-one (2:1) height to setback ratio with a forty foot (40’) maximum height.

g. Sports courts and pools – five feet (5’) on side and rear lot lines. Corner side setback of ten feet (10’) except for pools.

h. Flag poles – ten feet (10’) from any property line.

3. Projections into setback area. The following structures are permitted to project into the established setback area for the lot or parcel as indicated:

a. Patio covers. A patio cover may encroach to within five feet (5’) from the side property lines and five feet (5’) from the rear property line.

i. The setback shall be measured from the supporting posts; however, the overhang of a patio cover may not extend closer than three feet (3’) from a property line.

ii. Any patio cover extending into the established setback area for the lot or parcel may not be permanently enclosed with any materials, including wood, metal, canvas, plastic, glass or any other screening material. A permanently enclosed patio must conform to the setback standards applicable to the main dwelling.

iii. The height of the patio cover shall not exceed twelve feet (12’).

b. Architectural features. Bay windows, fireplaces, roof eaves, chimneys and similar architectural features may encroach no more than two feet into any required setback area, provided the encroachments:

i. Remain at least three feet (3’) from the property line; and

ii. Do not increase the living space of the structure at the floor level.

c. Carports may be located in the front yard; provided, that the carport shall not be located closer than ten feet (10’) from the front property line and, the carport is not enclosed greater than fifty percent (50%), and the carport may be located in the side yard up to the side property line; provided, that no carport overhangs or drains onto the adjacent property.

d. Lots adjacent to open space. On any lot which adjoins a golf course, park area, common open space or similar open space, open balconies or open decks may extend up to ten feet (10’) into the required setback from the dwelling and toward the open space; provided, however, that the projection extends no closer than five feet (5’) from the property line.

e. Unenclosed decks with floor surfaces no more than thirty inches (30”) above grade and unenclosed porches and balconies may extend into the rear yard a distance of up to one-half (1/2) of the required rear yard.

f. Fireproof outside stairways projecting into a minimum yard not more than three and one-half feet (3½") may be permitted where same are placed so as to not obstruct light and ventilation.

g. Mechanical equipment. Mechanical equipment such as air-conditioning units, pool filtering and heating equipment, water softeners, and similar mechanical equipment may occupy the required rear and side yard setback areas if such mechanical equipment does not restrict the required access through such setback areas. If screening is provided, screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow ten feet (10') of clearance in front of the equipment door and five feet (5') of clearance on the remaining three (3) sides for safe operation, maintenance and repair purposes.

4. Building envelopes. If a building envelope is included at the time of plat, appropriate placement of the building envelope within the setback area will be allowed. Envelopes may be placed within the setback area for the following reasons:

- a. To preserve open space;
- b. To preserve native plant material on the site;
- c. To preserve natural drainage courses; and
- d. To preserve views of nearby lots.

E. Off-street parking. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. Further, off street parking shall be provided as set forth in Section 2.16 of this Ordinance.

F. Height restrictions.

1. No building or structure shall exceed thirty-two feet (32') in height except for others permitted herein.

2. No accessory building shall exceed the height of the primary structure or twenty-four feet (24'), whichever is greater. Height is measured from finished floor elevation.

3. Public and semi-public buildings such as schools, churches, or hospitals shall not exceed fifty feet (50') in height, provided there is an additional step-back of one foot for every four feet (4') of height above thirty-two feet (32').

4. Antennas, chimneys, flues, vents, or similar structures, shall not exceed over ten feet (10') above the specified maximum height limit.

5. Water towers and mechanical equipment shall not extend over five feet (5') above the specified maximum height limit.

6. Church spires, bell towers and like architectural projections, may extend over the maximum height limit.

7. Satellite dishes may not exceed the permissible height of the building they are attached to, and may not have a dish diameter that exceeds thirty-six inches (36").

8. Amateur radio antenna to a height of sixty-five feet (65') from grade is permitted; anything above sixty-five feet (65') from grade may be allowed by the approval of a conditional use permit.

9. Flag poles shall not exceed thirty-two feet (32') in height.

G. Landscaping. All single-family residential development shall include the installation and maintenance of landscaping in the front yard, and when an unscreened side yard abuts a street right-of-way, in that side yard as well. A minimum of two (2) trees, each of a minimum one and one-half inches (1½") in caliper (deciduous trees) or eight foot (8') high conifers (evergreen trees) and three (3) five-gallon shrubs, or the equivalent thereof in accordance with a written plan submitted to and approved by the Director of Development Services, or that person's official designee, shall be installed within a reasonable time after occupation of the dwelling unit not to exceed one hundred twenty (120) days. The installation of cool season turf grass in residential front yards is prohibited. Cool season turf grass is permitted in side and rear yards but shall not exceed one thousand (1,000) square feet or twenty percent (20%) of the total lot area, whichever is less. Cool season turf grasses include but are not limited to the following species: *Poa pratensis* (Kentucky Bluegrass), *Festuca* spp. (Fescues), and *Lolium* spp. (Ryegrasses). Plant materials in front yards shall be limited to species that are not listed as high water use on the Pueblo plant list. Existing turf and other plants installed prior to October 1, 2016, are exempt from this regulation.

SECTION 2.10

R-2: MULTI-FAMILY RESIDENTIAL

A. Purpose. This district allows a high density of population in which the principal use is multi-family dwelling units.

B. Permissive Uses. Multiple family dwelling units for sale or rent that are attached and allowed up to a density of fifty (50) dwellings per acre, and the same uses as those permitted in the R-1 District.

C. Conditional Uses. Same as those in the R-1 District.

D. Dimensional Requirements.

1. Area. Lots must have an area of not less than two thousand five hundred (2,500) square feet and a minimum lot width of thirty-five feet (35') along the front yard setback line.

2. Setbacks.

a. Front – ten feet (10'); garage – twenty feet (20'); side-loaded garage – fifteen feet (15').

b. Rear – fifteen feet (15'); alley-loaded garage – zero feet (0').

c. Side – five feet (5'); zero (0) lot line setbacks are allowed on one (1) side with a ten foot (10') setback on the opposite side.

d. Corner side – ten feet (10').

e. Free-standing wind energy units – two-to-one (2:1) height to setback ratio with a forty foot (40') maximum height.

f. Sports courts and pools – five feet (5') on side and rear lot lines. Corner side setback of ten feet (10') except for pools.

g. Flag poles – ten feet (10') from any property line.

3. Projections into the setback area are the same as the R-1 District.

E. Off-street parking. Off-street parking spaces must be provided as set forth in Section 2.16 of this Ordinance. The same restrictions as stipulated in the R-1 District pertaining to parking of commercial vehicles apply.

F. Height restrictions. No building or structure shall exceed seventy-eight feet (78') or six (6) stories.

G. Landscaping.

1. Multi-family dwellings. All multi-family residential development shall include the installation and maintenance of landscaping throughout the site. A minimum of two (2) trees, each of a minimum one and one-half inches (1½") in caliper (deciduous trees) or eight feet (8') high (evergreen trees), and three (3) five-gallon shrubs or the equivalent thereof per dwelling unit in accordance with a written plan submitted to and approved by the Director of Development Services, or that person's official designee, shall be installed within a reasonable time after occupation of the dwelling unit not to exceed one hundred twenty (120) days. Cool season turf grass shall be limited to areas designated for recreational use and shall be limited to a maximum of fifteen percent (15%) of the total lot area. Cool season turf grasses include but are not limited to the following species: Poa pratensis (Kentucky Bluegrass), Festuca spp. (Fescues), and Lolium spp. (Ryegrasses). Plant materials shall be limited to species that are not listed as high water use in the City of Rio Rancho plant list. Existing turf and other plants installed prior to October 1, 2016, are exempt from this regulation. Effective the date of the ordinance codified in this chapter, homeowner association bylaws or new restrictive covenants shall not mandate a minimum amount of live grass.

2. Single-family dwellings. Same as R-1 District.

H. Usable recreation space. There shall be fifty (50) square feet of usable recreation space for each studio or one (1) bedroom dwelling unit, and one hundred (100) square feet for each two-plus (2+) bedroom dwelling unit to be reviewed and approved by the P & Z Board.

SECTION 2.11 R-3: MIXED RESIDENTIAL DISTRICT

A. Purpose. This district allows a moderate density of population in which the principal use is single-family attached or detached townhome or patio home dwelling units or for small-scale multi-family units.

B. Permissive Uses. Any of the following permissive uses are allowed within the R-3 District:

1. Same as those allowed in the R-1 District; design standards apply;
2. Single-family attached or detached dwelling units;
3. Boarding and lodging houses; and
4. Townhome, patio home, or similar development provided all Pueblo regulations are met.

C. Conditional Uses. The following uses are allowed in the R-3 District only upon the approval of a site development and/or subdivision plan by the P & Z Board.

1. Same as those allowed in the R-1 District;
2. Community residential care facility up to eighteen (18) persons, including any staff residents, providing all city regulations are met;

3. Senior transitional care facilities, senior living facility, and/or other similar facilities up to thirty-five (35) dwelling units per acre and up to fifty feet (50') in height; and

4. Multifamily dwellings, provided there are not more than twenty-six (26) units per acre, with the site plan reviewed and approved by the Tribal Council.

D. Area.

1. Where multi-family dwellings exist, every lot must have an area of not less than ten thousand (10,000) square feet and a width of not less than seventy feet (70') along the front yard setback line.

2. Where detached single-family dwellings exist, every lot must have an area of not less than three thousand (3,000) square feet with a minimum width of thirty-five feet (35') along the front yard setback line.

3. Where attached town-homes exist, the minimum lot size shall be one thousand two hundred (1,200) square feet with a minimum front width of twenty-eight feet (28') along the front yard setback line.

E. Setbacks.

1. Multi-family dwelling units.

- a. Front – twenty feet (20').
- b. Rear – fifteen feet (15').
- c. Side – seven and one-half feet (7½').
- d. Corner side – ten feet (10').

2. Single-family detached dwelling units.

- a. Front – fifteen feet (15'); garage – twenty feet (20'); side-loaded garage – fifteen feet (15').
- b. Rear – five feet (5'); alley-loaded garage – zero feet (0').
- c. Side – five feet (5'); zero (0) lot line setbacks are allowed on one side with a ten foot (10') setback on the opposite side.
- d. Corner side – ten feet (10').

3. Single-family attached dwelling units.

- a. Front – twenty feet (20'); garage – twenty feet (20').
- b. Rear – zero feet (0'); alley-loaded garage – zero feet (0').
- c. Side – zero feet (0').

d. Corner side – ten feet (10').

4. Setbacks shall not apply to storage sheds of one hundred twenty (120) square feet or less; provided, that the structure is located behind the required front setback line and on a corner lot, is not located in a side yard visible from the street.

5. Free-standing wind energy units – two-to-one (2:1) height to setback ratio with a forty foot (40') maximum height.

6. Flag poles – ten feet (10') from any property line.

7. Trash containers and trash compactors – fifteen feet (15') from the property line when adjacent to land planned or zoned for a single-family residential use.

8. Projections into the setback area are the same as the R-1 District.

F. Off-street parking. Off-street parking spaces must be provided as set forth in Section 2.16 of this Ordinance.

G. Height restrictions. Same as R-1 District; multifamily dwelling units: fifty feet (50').

H. Landscaping.

1. Multi-family dwellings. All multi-family residential development shall include the installation and maintenance of landscaping throughout the site. A minimum of two (2) trees, each of a minimum one and one-half inches (1½") in caliper (deciduous trees) or eight feet (8') high (evergreen trees), and three (3) five-gallon shrubs or the equivalent thereof per dwelling unit in accordance with a written plan submitted to and approved by the Director of Development Services, or that person's official designee, shall be installed within a reasonable time after occupation of the dwelling unit not to exceed one hundred twenty (120) days. Cool season turf grass shall be limited to areas designated for recreational use and shall be limited to a maximum of fifteen percent (15%) of the total lot area. Cool season turf grasses include but are not limited to the following species: *Poa pratensis* (Kentucky Bluegrass), *Festuca* spp. (Fescues), and *Lolium* spp. (Ryegrasses). Existing turf and other plants installed prior to October 1, 2016, are exempt from this regulation.

2. Single-family dwellings. Same as R-1 District.

SECTION 2.12 OS-1: OPEN SPACE DISTRICT

A. Purpose. This district allows both public and private lands to serve as areas providing both active and passive recreational opportunities in either a developed (modified) or natural setting; to protect, preserve and/or restore natural resources and open spaces such as areas of undisturbed native vegetation, arroyos and major land features when development within these areas would be detrimental to the health, safety and general welfare of city residents; and to establish buffer areas that are aimed at mitigating issues involving potentially incompatible land uses.

B. Permissive Uses. Any of the following permissive uses are allowed within the OS-1 District:

1. Natural areas designated for outdoor education, low-impact recreation, wildlife/habitat enhancement and conservation, natural and cultural resource preservation;

2. Land undergoing restoration;

3. Regional preserves;
4. Lakes, waterways, flood water storage areas, and other public facilities for handling flood water, all designed in such a way as to be considered a visual and/or physical amenity in the community;
5. Land that serves as a buffer, protecting the public from natural hazards;
6. Structures and facilities incidental to the above uses; provided, that such incidental buildings do not cover more than five percent of the ground area;
7. Amenities and improvements supporting the above uses including drinking water fountains and spigots, trash and dog waste receptacles, tables and benches, bicycle racks, and regulatory and interpretive signs; and
8. Unpaved service roads, permeable parking lots with twenty-five (25) spaces or less, fencing six feet (6') in height or less, trails and trail corridors, and public utilities necessary for the protection, development and use of the open space area.

C. Conditional Uses. The following uses are allowed in the OS-1 District only upon the approval of a site development and/or subdivision plan by the P & Z Board:

1. Public utilities;
2. Roads other than unimproved service roads;
3. Drainage structures other than those necessary for resource protection;
4. Parks;
5. Campgrounds;
6. Visitor center; and
7. Botanical garden, arboretum, garden open to the public.

SECTION 2.13 SU: SPECIAL USE DISTRICT

A. Purpose. This zoning district is suitable for property which is special because of its potential effect on surrounding property, or for other reasons in which the appropriateness is partially or entirely dependent on the character of the site. A special use zoning designation is also appropriately used to:

1. To restrict uses otherwise permitted in an underlying zoning district;
2. To allow a combination of uses not otherwise permitted in an underlying district;
3. To establish a singular land use;
4. To establish requirements or conditions that are unique to the property; and/or
5. To establish requirements for height, setbacks, width, parking, landscaping, signage or other provisions that are unique to the property.

B. An application for a change to SU zoning must state the proposed land use(s).

C. All SU zoned property must have a site plan approved by the Tribal Council. The site plan may accompany the application for a change in zoning designation or may be submitted for approval at a later date. Approval of the site plan must be obtained prior to any development of the property. The site plan at a minimum shall contain the following information:

1. Scale and north arrow;
2. Lot boundaries and easements;
3. Existing and proposed utilities;
4. Existing and proposed rights-of-way;
5. Proposed structures with uses, dimensions and setbacks;
6. Proposed ingress, egress, parking and circulation;
7. Landscaping and landscape buffers;
8. Elevations;
9. Adjacent property characteristics; and
10. Preliminary drainage plan.

D. The P & Z Board may approve minor changes to an approved site plan if the change is consistent with the use and other written requirements and/or conditions of approval, if the buildings are of the same general configuration, if the total square footage is not greater than ten percent (10%) than the approved plan, the site circulation is similar in its effect on adjacent property or streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered site plan. Notice of the proposed change shall be mailed to owners of adjacent property and to associations entitled to notice of the change. Substantial changes to an approved site plan must be approved by the Tribal Council.

SECTION 2.14 SIGNS AND ADVERTISING

A. Purpose and application.

1. Signs constitute a separate and distinct use of the premises upon which they are placed and affect the use of adjacent roads, streets, walkways, and other properties. The provisions of this Chapter are made to establish reasonable and objective regulations for all signs which are visible to the public, in order to protect the general public health, safety, welfare, convenience and aesthetics. This chapter is also intended to serve the public's need to be given helpful directions, and to be informed of available products, businesses, and services. The intent of the Pueblo is to reasonably accommodate competing interests of the public and of individuals. All signs in the Santa Ana Pueblo shall be subject to this chapter except for those signs deemed exempt.

2. A sign may be erected, placed, established, painted, created or maintained in the Pueblo only in conformance with the standards, procedures, exemptions and other requirements of this Chapter.

3. The effect of this chapter as more specifically set forth herein is:

a. To establish a permit system to allow a variety of types of signs in commercial and district zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter;

b. To allow certain signs that are unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter;

c. To prohibit all signs not expressly permitted by this chapter; and

d. To provide for the enforcement of the provisions of this chapter.

B. General Requirements.

1. No permanent or temporary sign shall be erected without a building permit.

2. Setback and height requirements apply to all signs.

3. Minimum standards for the design of signs shall be as follows:

a. For double-faced signs, the allowable area, as set forth in Paragraph C of this Section 2.19, may be used on both sides.

b. For freestanding signs, structural supports shall not be included in the calculation of allowable area, as set forth in Paragraph C of this Section 2.14, unless the supports are designed to convey specific information. The area of the structural supports shall not exceed one hundred percent (100%) of the allowable surface area. An area equal to the sign shall be landscaped at the base of the sign with a minimum of one (1) gallon shrub with a mature height of three feet (3') per ten (10) square feet of sign area.

c. For roof signs, all bracing shall be screened from public view.

d. Wall-mounted signs shall not project more than twelve inches (12") from the wall surface and shall not be larger than twenty percent (20%) of the wall on which they are mounted.

e. Illuminations: Sign illumination shall not flash, blink, vary in intensity, revolve or otherwise appear in motion. Sign illumination shall be indirect with the source of the light concealed from direct view.

4. Safety:

a. No signs shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire exit. No sign of any kind shall be attached to a standpipe or fire escape.

b. No sign or other advertising structure as regulated by this code shall be erected along any streets in such a manner as to obstruct free and clear vision and create a traffic hazard.

c. Signs shall not be located within less than six feet (6') horizontal or twelve feet (12') vertical clearance from overhead electric conductors.

d. No sign shall have movable parts or audible devices.

e. Sight triangle: There shall be no free standing sign more than three feet (3') in height above street curb level within the clear sight triangle, measured thirty (30') feet in both directions on the property line from the corner, or in the clear sight triangle for primary entry or exit of a commercial property.

f. Placement of signs that cause unsafe sight distances for vehicles entering or exiting a premises shall not be permitted.

g. No sign shall be placed in a public right-of-way.

h. No sign shall be attached to any utility pole.

C. Requirements According to Zoning District

1. For signs located on parcels abutting the rights-of-way of US Highway 550 the allowable areas and heights may be increased by fifty percent (50%) over the maximum stated for the zoning district in which the parcel is located.

2. For ED-1 District, the requirements are as follows:

a. No portion of any sign shall be higher than twenty-five feet (25') above adjacent ground level.

b. No more than two (2) wall-mounted signs are allowed per business with the combined surface area not to exceed eighty (80) square feet.

c. Every parcel shall be allowed one freestanding sign with the size of the sign determined as follows:

i. For a parcel with one (1) business establishment the sign shall be limited to one hundred (100) square feet.

ii. For a parcel with more than one (1) business establishment the sign shall be limited to one hundred (100) square feet plus an additional twenty (20) square feet for each business establishment located on the parcel.

d. Every parcel shall be allowed an unlimited number of directional signs provided that the signs do not exceed ten (10) square feet each.

e. No portion of any sign shall be higher than twenty feet (20') above adjacent ground level.

3. For ED-2 District, the requirements are as follows:

a. No portion of any sign shall be higher than twenty-five feet (25') above adjacent ground level.

b. No more than two (2) wall-mounted signs are allowed per business with the combined surface area not to exceed eighty (80) square feet.

c. Every parcel shall be allowed one freestanding sign with the size of the sign determined as follows:

i. For a parcel with one business establishment the sign shall be limited to one hundred (100) square feet.

ii. For a parcel with more than one business establishment the sign shall be limited to one hundred (100) square feet plus an additional twenty (20) square feet for each business establishment located on the parcel.

d. Every parcel shall be allowed an unlimited number of directional signs provided that the signs do not exceed ten (10) square feet each.

4. For R-1, R-2 and R-3 Districts, the requirements are as follows:

a. No nameplate shall have a sign area in excess of four inches (4") by sixteen inches (16").

b. No real estate and/or rider sign shall have a sign area in excess of nine (9) square feet. No more than two (2) such signs shall be placed on any lot.

SECTION 2.15 IDENTIFICATION

A. All buildings or houses other than accessory buildings shall display identification numbers.

B. The P & Z Board shall record designated street numbers on the plan review application of new construction, and shall furnish building numbers of all buildings needed.

C. Numbers shall be affixed on buildings the last day of the first month the building is occupied.

D. Street numbers shall be as designated by the P & Z Board.

E. All numbers other than those designated shall be removed.

F. The numbers shall be clearly visible from the street and each figure of a house or building number shall be a material which will withstand the natural elements.

G. It shall be the responsibility of the building owner to maintain numbers of houses and/or buildings in good as well as legible condition or design.

SECTION 2.16 OFF-STREET PARKING AND LOADING

A. General. At the time of construction, reconstruction or enlargement of a structure or at the time a use is change in any zone district, off-street automobile parking shall be provided on every lot as follows, unless greater requirements are otherwise established. In cases where sufficient parking spaces can be reasonably provided on the same lot, the P & Z Board shall consider on a case-by-case basis the use of land outside the lot for off-street parking. Off-street parking shall be provided with vehicular access to a street or alley and shall be equal in number to at least the minimum requirements set forth below.

<u>Use Classification</u>	<u>Parking Space Requirement</u>
(1) Commercial establishments permitted in the ED-1 and ED-2 Zone.	One space for each 200 sq. ft. of total gross leasable floor area, unless greater requirements are otherwise established below for a specific use.
(2) Hotels and motels.	One space per 3 guest rooms plus one space per two employees.
(3) Places of public assembly including public buildings and private clubs.	One space for each four seats, or eight feet of bench seat, provided for patron use, plus one space for each 100 sq. ft. of floor area used for assembly but not containing fixed seats.

(4) Gasoline service station.	Two spaces for each gas pump.
(5) School, preschool or nursery	One and one half space per every faculty or staff member.
(6) Retail store	One space per 300 square feet of floor area designated for retail sales.
(7) Service or repair shop	One space per 500 square feet of floor area.
(8) Office, professional, and public buildings	One space per 250 square feet of floor area.
(9) Restaurant, bar	One space per each 4 seats or one per 100 square feet of floor area, whichever is greater.
(10) Hospital	One space per two beds, plus one space per staff member.

B. Design Standards for Parking Lots.

1. All parking spaces required by this Section shall be of a minimum area of one hundred eighty (180) square feet and shall not be less than nine feet (9') in width by twenty feet (20') in length.

2. Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb.

3. Except for parking in connection with a dwelling, parking and loading areas adjacent to or within a residential zone shall be designed to minimize disturbance to residents by the construction between the uses of a sign-obscuring fence or buffer.

4. Areas used for parking for more than three (3) vehicles shall have durable surfaces adequately maintained.

5. Perimeter Landscaping. Perimeter landscaping and/or screening walls or fences are required along front, side and rear property lines where parking lots with more than ten (10) parking spaces are located within twenty feet (20') of the property line. *There shall be no exceptions to this Subsection.*

a. Front yard landscaping shall be a minimum of ten feet (10') wide and shall, at a minimum, consist of a compact hedge of five (5) gallon plants having a mature height of at least three feet (3') planted at a density of at least one (1) plant for every twenty (20) square feet. All landscaping shall be irrigated by permanently installed, automatically controlled irrigation. Alternately, an earth-toned stucco wall with a minimum height of three feet (3') may be built within ten feet (10') of the property line.

b. Side and rear landscaping shall be a minimum of five feet (5') wide and shall, at a minimum, consist of a compact hedge of five (5) gallon plants having a mature height of at least three feet (3') planted at a density of at least one plant for every twenty (20) square feet. Alternately, an earth-toned stucco wall with a minimum height of three feet (3') may be built within five feet (5') of the property line. Alternately, an opaque, earth-toned fence with a minimum height of three feet (3') may be built within five feet (5') of the property line. Alternately, an opaque, earth-toned fence with a minimum height of three feet (3') may be built in conjunction with a three foot (3') wide planting strip outside of the fence consisting of, at a

minimum, low growing shrubs, vines and/or ground cover which, at maturity, will conceal bare earth. All landscaping shall be irrigated by permanently installed, automatically controlled irrigation.

C. Interior Landscaping. Interior landscaping is required for parking lots with more than forty (40) parking spaces. Interior landscaping shall cover a minimum area equal to one (1) parking space for every twenty (20) parking spaces, shall be evenly distributed throughout the parking lot and shall consist of a minimum of one (1) deciduous tree and three (3) shrubs for every ten (10) parking spaces. Trees shall be a minimum of one and one-half inch (1½") caliper, six feet (6') tall at time of planting and have a mature height of not less than twenty (20) feet. Shrubs shall be five (5) gallon size and have a mature height of at least two feet (2'). All landscaping shall be irrigated by permanently installed, automatically controlled irrigation.

D. Site Lighting. All exterior lighting shall be directed towards the ground or buildings. Parking lot and other area lighting shall consist of LED or sodium vapor lamps installed in hooded fixtures which direct all illumination down and to the sides. No lighting shall be permitted which directs more than twenty-five percent (25%) of the illumination directly into the sky.

SECTION 2.17 SPECIAL EVENTS

A. A special event is one that has a duration which is temporary in nature. A special event permit grants temporary zoning approval to allow for the facilitation of such an event while simultaneously minimizing the impact of the event on community members and to ensure public safety and the delivery of emergency medical services to the public.

B. Obtaining a special event permit for a public or private event taking place on either public or private property shall be required only if the event and associated activities do one of the following:

1. Prohibits vehicular or pedestrian access and use of public streets, right-of-way or sidewalks;

2. Requires the issues of one (1) or more permits, licenses, or inspections by any governmental entity for the event and/or event activities (i.e. business license, tent/canopy inspection, temporary food service permits, etc.).

C. Temporary signage for special events shall be allowed; however, all signs are subject to the regulations set forth in the Ordinance.

D. Special events shall not exceed a maximum of fourteen (14) consecutive or nonconsecutive days in operation and no permit shall be granted by the Pueblo for a period greater than thirty (30) calendar days.

E. The special event permit fee is fifty dollars (\$50).

CHAPTER III: BUILDING REGULATIONS

SECTION 3.01 ADOPTION

The Pueblo hereby adopts the use of the current International Building Codes and the current building codes for the State of New Mexico, BIA and HIS codes.

SECTION 3.02 TITLE

This chapter shall be known as the "Building Regulations Chapter," may be cited as such. And will be referred to herein as "this chapter," "the chapter," or "chapter."

SECTION 3.03

PURPOSE

The purpose of this chapter is to provide for the administrative review and approval of all plans for proposed new buildings and structures, additions to existing buildings commercial or public and structures, and renovations of existing buildings and structures within the zoning jurisdictions of the Pueblo of Santa Ana, prior to issuance of a building permit, to insure compliance with the zoning regulations of the Pueblo.

SECTION 3.04

APPLICATION FOR BUILDING PERMIT

A. Application required. No building may be undertaken on Tribal Land without a building permit as required by the Pueblo of Santa Ana and without an application having been made for a zoning approval. Any person seeking to erect, construct, install, enlarge, alter, repair, move, improve or demolish a building or structure within any District shall submit an application for a building permit to the P & Z Board. **Any person submitting an application for a building permit within any Enterprise District shall submit such application in conformity with the requirements of Appendix B of this Ordinance (Enterprise Zone Development Approval Process).** In addition to Appendix B, the P & Z Board may require other information as needed to be submitted in order to evaluate the application.

1. Change in building occupancy or use. This Section shall be applicable to any building or structure undergoing a change in use or occupancy, as defined in the Ordinance.

2. Mechanical/Plumbing Permits. No Mechanical/plumbing system shall be installed, altered, repaired, replaced, or remodeled without first obtaining a separate mechanical/plumbing permit for each building or structure.

3. Electrical Permits. No electrical system shall be installed, altered, repaired, replaced, or remodeled without first obtaining a separate electrical permit for each building or structure.

B. Public Hearings. The P & Z Board may hold a public hearing on any Enterprise District building permit application by publishing a notice of a hearing at least ten (10) days prior to the hearing in a publication serving the residents of the Pueblo. The public hearing shall be held within thirty (30) days after submission of the permit application. The P & Z Board shall adopt rules governing the conduct of public hearings. The P & Z Board shall decide whether to grant or deny a building permit within fourteen (14) days after the application is submitted or within fourteen (14) days after the public hearing, if a hearing is held, except that this time limitation may be extended upon a finding of need by the P & Z Board.

C. Appeal to Tribal Council. The applicant or any tribal member of the Pueblo aggrieved by a decision of the P & Z Board on a building permit application may appeal to the Tribal Council by filing a notice of appeal specifying the grounds thereof within fourteen (14) days after the P & Z Board issues its decision. An appeal stays all proceedings in furtherance of the action appealed from. The Tribal Council shall hear the appeal at its next regularly scheduled meeting or at a special meeting held not more than thirty (30) days from the date of the appeal. Public notice of the appeal shall be given in the same manner as prescribed in Section 12(B) above and interested parties shall be notified of the hearing date, time and place. At the hearing, any party may appear in person or by agent. The Tribal Council shall decide the appeal within a reasonable time. The Decision of the Tribal Council is final.

SECTION 3.05

COMPLIANCE WITH CONSTRUCTION STANDARDS

A. No part of this chapter shall relieve the applicant from compliance with all requirements of the New Mexico Uniform Building Code and International Building Codes (IBC).

1. International Building Codes (current edition adopted by the State of New Mexico), published by the International Conference of Building Officials, including the Generic Fire-resistive Assemblies listed in the Fire Resisted Design Manual (current edition adopted by the State of New Mexico), published by the Gypsum Association, as reference in Tables 43A, 43B and 43C; also reference Appendix Chapter 25, if

adopted, of the Specified Uniform Building, including Appendix Chapters U.B.C., Section 103 Appendix Chapter 51; and additional reference to ANSI/ASME A17-1; (current edition adopted by the state) Safety Code for Elevators and Escalators; Appendix Sections 5109 and 5111 (1); Including any current BIA or HIS code requirements.

2. Uniform Building Standards (current edition adopted by the state), published by the International Conference of Building Officials, including Structural Welding Code, Reinforcing Steel AWS D14-78, U.B.C. Standard No. 27-16, published by American Welding Society, Inc.; and Standard for the Installation of Sprinkler Systems, NFPA 13-1980, published by the International Fire Protection Association (U.B.C.), Standard No. 38-1, as modified or amended in the Uniform Building Standards Code reference herein;

3. New Mexico Building Code (current edition);

4. International Mechanical Code (current edition adopted by the state);

5. New Mexico Mechanical Code (current edition);

6. International Plumbing Code (current edition adopted by the state);

7. New Mexico Plumbing Code (current edition);

8. National Electrical Code (current edition adopted by the state);

9. New Mexico Electrical Code (current edition);

10. Off-Site Conventionally Built Modular-Manufactured Unit Standards (current edition);

11. New Mexico Uniform Swimming Pool, Spa and Hot Tub Code (current edition adopted by the state);

12. International Energy Conservation Code (current edition adopted by the state);

13. International Fire Code (current edition adopted by the state); and

14. New Mexico Standard Specifications for Public Works Construction (current edition).

B. The above-referenced codes are hereby adopted as the minimal construction standards of the Pueblo for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings of structures in the Pueblo, providing for issuance of permits and collection of fees therefore and each and all the regulations, provisions, conditions and terms of the International Building Code (current edition adopted by the state) and Uniform Building Code Standards (current edition adopted by the state), published by the International Conference of Building Officials, and the secondary publications referenced above, all of which are on file in the Pueblo of Santa Ana Zoning P & Z Board, are hereby referred to, adopted and made part hereof, as if fully set out in this chapter.

SECTION 3.06

APPLICATION; JURISDICTION

A. All plans of proposed new buildings, commercial or public and structures, additions to existing buildings and structures, and renovations of existing buildings and structures within the zoning jurisdictions the Pueblo shall be reviewed, prior to the issuance of a building permit, by the Pueblo of Santa Ana Zoning P & Z Board, to check compliance of the proposed plan with the zoning requirements, soil erosion and flood control regulations of the Pueblo.

B. Modular buildings or structures moved into the zoning jurisdiction of the Pueblo Lands shall be subject to all the regulations of this chapter.

SECTION 3.07 PLANS; APPROVAL AND CHANGES

A. All plans submitted to the P & Z Board shall be accompanied by a completed zoning application.

B. Three sets of plans and specifications shall be submitted to P & Z Board. The P & Z Board may, within limitation of tribal and state laws require that plans and specifications be designed, prepared and sealed by a registered architect and/or engineer licensed by the state to practice as such, in which case their seal shall be affixed to each sheet of the drawings.

C. Two sets of the plans and specifications shall be stamped with the P & Z Board approval and shall be returned to the applicant for submission to the tribal administration for issuance of a building permit.

D. One set of plans and specifications stamped and dated shall be retained by the P & Z Board.

E. Plans and Specifications shall be drawn to scale upon substantial paper or generally accepted material and shall be of sufficient clarity to indicate the nature and extent of the work proposed. It must be shown in detail that the project will conform to the provisions of this chapter and all applicable laws and ordinances.

F. Any specifications or general expression the "work shall be done in accordance with the International Building Code" or "to the satisfaction of the General Building Code" shall be deemed inadequate and incomplete.

G. Plans shall include a plot plan/site development plan showing the location of the proposed building and of every existing building on the property along with the measurements of distances between buildings and from streets and property lines for the purpose of determining compliance with this chapter.

H. All commercial development projects shall include engineered site drainage plan and drainage study for developments with multiple lots.

I. All plans (residential and nonresidential, new construction and additions) for project sites which require septic systems or those involving a food service operation shall obtain tribal approval prior to submittal to the P & Z Board.

J. No changes or deviation affecting the building, structure or site improvements of any kind shall be made after the plans are approved unless new and adequate information is submitted to and approved by the P & Z Board.

SECTION 3.08 APPEALS

A. Any person aggrieved by an interpretation, decision of action of the P & Z Board in the administration of this chapter, may appeal the interpreters, decisions or actions to the Tribal Council by filing a written complaint, which shall contain the name and address of the appellant a brief statement of the interpretation, decision or action of the Zoning P & Z Board to be reviewed, the reason the interpretation, decision or action was incorrect, a concise statement of the grounds upon which the appellant relies to support his claim for relief, and what the correct determination of the appeal should be.

B. The Tribal Council shall consider the appeal at its next regularly scheduled meeting or at a special meeting, shall render its decision in writing and shall furnish the appellant with a duplicate copy within ten (10) calendar days from its meeting.

SECTION 3.09 FEES

Building permit and review fees, and all other related fees shall be as set from time to time by Pueblo ordinance or resolution.

SECTION 3.10 ADMINISTRATION AND ENFORCEMENT

A. Whenever any construction is being done contrary to the provisions of this chapter, the P & Z Board may order the work stopped by notice in writing served on any person engaged in doing or causing the work to be done. The person so notified shall stop work until authorized by the Zoning P & Z Board to proceed with the work. The stop order shall be effective only to that portion of the construction being performed contrary to the provisions of this chapter and does not preclude the continuation of construction not directly related to or affected by the alleged violation.

B. Whenever any structure is being used contrary to the provisions of this chapter, the P & Z Board may order the use discontinued and the structure, or portion thereof, vacated, by written notice stating the violation, served on any person causing the use to be continued, the person shall discontinue the use within fifteen (15) days after receipt of the notice or make the structure, or portion thereof, comply with the requirements of this chapter. If compliance with the notice is not adhered to, the P & Z Board shall take the appropriate legal action to terminate the use.

C. Any person aggrieved by the decision of the P & Z Board may appeal through the procedures set out in Section 3.08.

D. All inspections, other than those pertaining to the requirements of this chapter, shall be conducted by the authorized Pueblo inspectors according to the requirements of the International Building Code and current building codes of the state.

SECTION 3.11 PENALTIES

A. Violation of any of the provisions of this chapter shall be subject to an administrative civil penalty not to exceed ten thousand dollars (\$10,000), or, in the case of a continuing violation as determine by the P & Z Board, not more than two thousand dollars (\$2,000) for each day of the violation and shall be processed in accordance with the procedures set forth in this code.

B. Each day that a violation of a provision of this chapter exists constitutes a separate violation.

C. The penalties and remedies provided in this chapter are not exclusive and are in addition to other penalties and remedies available under any tribal ordinance, statute or law.

D. Failure to obtain the necessary building, electrical, mechanical, plumbing or other secondary permits shall result in a double permit fee.

E. Failure to pay an administrative civil penalty imposed pursuant to this chapter shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

SECTION 3.12 TYPES OF CONSTRUCTION NOT REQUIRING A BUILDING PERMIT

The following types of construction are exempt from obtaining a building permit:

A. Movable cases, counters and partitions not more than six feet (6') in height;

B. Water tanks supported directly at grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two-to-one (2:1);

C. Platforms (decks, balconies, etc.), sidewalks and driveways not more than thirty inches (30") above grade and not over any basement or story below which are not part of an accessible route and not within public right-of-way;

D. Painting, papering, floor covering, and similar finish work;

E. Pre-fabricated swimming pools accessory to single family/duplex dwellings which are less than 24 inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground;

F. Exterior replastering that does not require the application of exterior lath and any non-structural architectural applications, i.e. columns, bump-outs, etc., used during the replastering process;

G. Fences or walls not over six feet (6') in height which comply with the following:

a. Private property to private property construction (not adjacent to a public right-of-way); and

b. Not a retaining wall (does not retain more than twenty-four inches (24") of soil).

H. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet;

I. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valve, pipes, or fixtures; and

J. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas type systems.

SECTION 3.13 POWERS AND DUTIES OF THE BUILDING OFFICIAL

A. The "Building Official" means a person charged with the responsibility for administration and enforcement of the building regulations set forth in this Ordinance.

B. The building official is authorized to enforce all the provisions of this code.

C. The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations of rules and regulations shall be in conformance with the intent and purpose of the Ordinance and other applicable law.

D. Whenever any work is being done contrary to the provisions of the Ordinance or other pertinent laws, the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such persons shall stop such work until specifically authorized by the building official to proceed thereafter.

E. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as described in this chapter and other applicable law.

F. The building official or the building official's authorized deputy shall have the authority to disconnect fuel gas utility service and/or other energy supplies to buildings, structures, premises or equipment

regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify prior to taking such action the serving utility, the owner, and occupant of the building, structure or premises of the decision to disconnect, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time after making the disconnection.

APPENDIX A

ENTERPRISE ZONE DEVELOPMENT APPROVAL PROCESS

Initial

- A. Informal Conference with chief planning officer
- B. Sketch plan
- C. Within 14 days of submission, chief planning officer to advise regarding meeting intent of development regulations

Preliminary Plat

- A. \$200.00 filing fee
- B. Application in duplicate
- C. Plat map (3 copies)
- D. Construction plans *or preliminary construction plans* (3 copies)
- E. Public hearing on application within 30 days of application
- F. Review by Commission within 14 days of application, with approval or disapproval recommendation
- G. Developer may appeal denial or conditional approval to Tribal Council within 14 days of Commission action

Design Review Committee Approval Process (ED-1 and ED-2 Zones only)

- A. Copy of Preliminary Plat Application (3 copies)
- B. Site Plan (3 copies)
- C. Landscaping Plan (3 copies)
- D. Exterior Lighting Plan (3 copies)
- E. Building elevations (3 copies)
- F. Renderings of signage (3 copies)

Final Plat

- A. \$200.00 filing fee
- B. Application in duplicate
- C. *Final Plat* map (3 copies)
- D. *Final Construction* plans (3 copies)
- E. Compliance in all respects with Preliminary Plat as approved

The time limitation stated above may be extended upon recommendation of the Land Use Planning Commission, said recommendation being affirmed by the Tribal Council, for a period not to exceed one year if the Developer shows adequate reasons for said extension.

2. After execution of this Agreement, payment of all fees as specified in Attachment "A" attached hereto, and, if applicable, delivery of the financial guarantee specified in Attachment "C" attached hereto, the Developer shall be issued a Construction Permit by the Pueblo. The Developer shall advise the chief planning officer for the Pueblo or for its economic development entity in advance of the actual start of construction and arrange for all inspections required and specified in Attachment "B" attached hereto. The Developer shall permit the Pueblo or other participating agencies to make such tests and inspections during the construction of the improvements and upon completion of the improvements as are necessary or desirable.

3. Prior to final acceptance of the completed improvements by the Pueblo the Developer shall furnish to the chief planning officer all documentation of the completion of construction as set forth and specified in Attachment "A" attached hereto.

4. Until acceptance of the improvements by the Pueblo, the Developer shall be solely responsible for maintaining the premises being developed in a safe condition. The Developer agrees to defend, indemnify and hold harmless the Pueblo and its officers, agents and employees from and against injury or damage arising out of the design or construction of the improvements or by reason of any act or omission, or misconduct of the Developer, his agents, employees or the Engineer or Contractor or their agents or employees. The indemnity required hereunder shall not be limited by reason of the specifications of any particular insurance coverage in this Agreement.

5. The Developer shall procure or cause to be procured and maintain public liability insurance in the amount of not less than One Million Dollars (\$1,000,000.00) for accident, injuries or death to any member of the public caused by any condition of the lands of the Development or improvements therein or the construction activities thereon. The Developer shall maintain such insurance until acceptance of the improvements by the Pueblo. The Developer shall furnish the chief planning officer a certificate of said insurance prior to issuance of a Construction Permit for construction of the improvements.

6. At the time of acceptance of the completed improvements or any portion thereof by the Pueblo, the Developer shall furnish or cause to be furnished a bond in a form and with a surety satisfactory to the Pueblo to guarantee the completed project against defective materials and workmanship for a period of three (3) years following the date of acceptance by the Pueblo.

7. The Pueblo shall either perform or monitor the performance of inspections during the course of construction of the improvements and inspect the improvements upon their completion in a timely manner, all as set forth and specified in Attachment "B" attached hereto.

8. The Pueblo shall designate a Construction Engineer and/or inspector for this project.

9. The Pueblo shall make available at established reproduction costs for the use of the Developer or its agents all of its maps, records, laboratory tests, or other data pertinent to the work to be performed by the Developer or its agents pursuant to this Agreement.

10. The Commission shall issue a Certificate of Completion and Acceptance for the improvements upon final completion to the Pueblo's satisfaction of the improvements as described in the plans and specifications as set forth and specified in Attachment "A" attached hereto. However, the Land Use Planning Commission may recommend and the Tribal Council may issue a Certificate of Completion and Acceptance for a portion of the improvements in accordance with the conditions and procedures set forth in Attachment "C" attached hereto.

11. If the Developer has requested Final Plat approval by the Pueblo prior to the actual construction of the improvements, the Pueblo will approve the final Plat upon execution of this Agreement,

ATTACHMENT "A"

TO

"DEVELOPMENT IMPROVEMENTS AGREEMENT"

EXECUTED BY AND BETWEEN _____ (DEVELOPER)
AND THE PUEBLO FO SANTA ANA (PUEBLO)
ON THE _____ DAY OF _____, 20_____.

1. COMMITMENT TO CONSTRUCT IMPROVEMENTS.

The Developer shall construct in a manner satisfactory of the Pueblo the improvements listed in Paragraph 1 of the Development Improvements Agreement and which are shown in greater detail on the Developer's proposed and approved Development Improvements Constructed Plan, which was filed with the chief planning officer for the Pueblo or for its economic development entity and identified as _____

2. DESIGN AND CONSTRUCTION METHODS.

As soon as reasonably practical after approval of the Developer's Preliminary Plat of the Development, the Developer shall submit to the chief planning officer for the Pueblo or for its economic development entity final construction plans, specifications, and cost estimates for the proposed Development improvements. At this time, the Developer shall pay all fees required under the Pueblo's General Land Use Ordinance and paragraph 4 of this Attachment.

The Developer has engaged _____ as Engineer(s) for the construction project, who are Registered Professional Engineers in the State of New Mexico. The Developer shall ensure that the Engineer(s), in such capacity, shall provide the following services prior to, during, and after construction of the improvements:

The Developer shall ensure that the Engineer(s) perform all of the above services in a satisfactory manner and submit to the chief planning officer any reports he might acquire.

The Developer has engaged _____ as Contractor(s), who is properly licensed in the State of New Mexico. The Developer shall ensure that the contractor(s), in such capacity, shall in a manner satisfactory to the Pueblo construct the improvements as shown on the Developer's proposed Development Improvements Plan, incorporating any change orders approved by the chief planning officer, in compliance with pertinent contract documents, and all other applicable Pueblo ordinances, regulations, and policies. Construction surveying and testing shall be performed as set forth in Attachment "B" of the Development Improvements Agreement between the Developer and the Pueblo.

3. COMPLETION OF CONSTRUCTION

The Developer shall report the completion of construction in writing to the chief planning officer for the Pueblo or for its economic development entity. Upon receipt of the report, the chief planning officer or his representative shall visually inspect the public improvements to verify completion of construction according to plan. Subsequent to verification, the Developer shall submit to the chief planning officer a "final acceptance package," which shall consist of the following documents:

- (a) "As-built" drawings of reproducible quality, depicting all construction of the development improvements as actually accomplished in the field and certified by a New Mexico Registered Professional Engineer or Land Surveyor as appropriate.

- (b) A list of quantities of contract items in place, using the bid items in the contract documents.

The list shall be divided into the following categories as applicable:

- (1) Sanitary sewer items and quantities;
- (2) Water service items and quantities;
- (3) Street paving quantities;
- (4) Street curb and gutter quantities; and
- (5) Drainage improvements and quantities.

The Pueblo shall concurrently provide a written certification from the chief planning officer that the construction has been performed in substantial compliance with the Contract Documents and with the approved final plans and specifications for development improvements. If the Pueblo is acting as contractor for all or a portion of the improvements constructed pursuant to this Agreement, the Pueblo shall prepare its own final acceptance package documents for those improvements actually constructed by the Pueblo.

Upon receipt of the Developer's "final acceptance package," the chief planning officer shall review it for completeness and accuracy. If the documentation has been satisfactorily completed, the Land Use Planning Commission shall approve the package and recommend that the Council issue a Certificate of Completion and Acceptance. Any financial guarantee provided by the Developer in accordance with Attachment "C" to the Development Improvements Agreement between the Developer and the Pueblo shall be released no later than sixty (60) days after issuance of the Certificate of Completion and Acceptance.

4. PAYMENT OF FEES.

Prior to issuance of construction permit the Developer shall pay to the Pueblo the following fees:

<u>Type of Fee</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Prior to final acceptance of the improvements by the Pueblo, the Developer shall pay any other Pueblo fees, which may have been incurred during the process of construction.

ATTACHMENT "B"

TO

"DEVELOPMENT IMPROVEMENTS AGREEMENT"

**EXECUTED BY AND BETWEEN _____ (DEVELOPER)
AND THE PUEBLO OF SANTA ANA (PUEBLO)
ON THE _____ DAY OF _____, 20____.**

1. CONSTRUCTION INSPECTION METHODS.

Inspection of the Development improvements construction shall be performed by _____, a New Mexico Registered Professional Engineer, in accordance with all applicable ordinances and regulations. If said inspection is performed by an entity other than the Pueblo, the Pueblo may monitor said inspection and the Developer shall ensure that the inspecting entity provides all inspection results, reports and related data to the Pueblo as required for review. The Pueblo retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the improvements if deemed necessary or advisable by the Pueblo. For any inspections performed by the Pueblo, the Developer shall pay to the Pueblo a reasonable fee therefore.

2. CONSTRUCTION SURVEYING.

Construction surveying for the Development improvements project shall be performed by _____ in accordance with all applicable laws, ordinances and regulations. If said construction surveying is performed by an entity other than the Pueblo, the Pueblo may monitor said construction surveying and the Developer shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the Pueblo as required for review. If any construction surveying is performed by the Pueblo, the Developer shall pay to the Pueblo a reasonable fee therefore.

3. FIELD TESTING.

Field testing of the Development improvements construction shall be performed by _____, a certified testing laboratory under the supervision of a New Mexico Professional Engineer, in accordance with the technical standards contained in the applicable contract documents on all applicable ordinances and regulations. If any field testing is performed by an entity other than the Pueblo, the Pueblo may monitor said field testing and the Developer shall ensure that the field testing entity provides all field testing results, reports and related data to the Pueblo as required for review. If any field testing is performed by the Pueblo, the Developer shall pay to the Pueblo a reasonable fee therefore.

4. RECORD TESTING.

Notwithstanding the provisions of Paragraph 3 above, the Pueblo retains the right to perform any and all record testing which may be deemed necessary or advisable by the Pueblo at the expense of the Developer.

ATTACHMENT "C"

TO

"DEVELOPMENT IMPROVEMENTS AGREEMENT"

EXECUTED BY AND BETWEEN _____ (DEVELOPER)
AND THE PUEBLO OF SANTA ANA (PUEBLO)
ON THE _____ DAY OF _____, 20_____.

1. PLAT APPROVAL STATUS.

The Developer has/has not requested final plat approval by the Pueblo prior to construction of the Development improvements described in Paragraph 1 of the Development Improvements Agreement. If the Developer has not requested final plat approval prior to construction of the improvements, no financial guarantee is required by the Pueblo. However, the Development understands and agrees that the Pueblo will not approve the Developer's proposed plat until the improvements are completed in accordance with the Agreement to which this document is attached.

If the Developer has requested final plat approval prior to the construction of the improvements, a financial guarantee in an amount of not less than _____ percent of the costs of completing the improvements (as estimated by the Engineer) is required pursuant to the General Land Use Ordinance. Said financial guarantee must be irrevocable in form and may be in the form of a performance bond payable to the Pueblo in the event of Developer's default under the Development Improvements Agreement. Any bond is subject to approval by the Pueblo.

2. FINANCIAL GUARANTEE.

With respect to the Development Improvements Agreement to which this document is attached, the Developer has acquired or is able to acquire the following described financial guarantees (describe fully, indicate amount, identification number, names of bank or bonding entity, inclusive dates of guarantees, and all other relevant information):

Blank lines for describing financial guarantees.

The Developer understands and agrees that the original executed financial guarantee described above must be delivered to the Pueblo simultaneously with the Pueblo's execution of the Development Improvements Agreement between the Developer and the Pueblo; and must be in an amount of not less than _____ percent of the cost of completing the improvements, as estimated by the Engineer.

In the event the Developer shall fail or neglect to fulfill his obligations under this Agreement, the Pueblo shall have the right to construct or cause to be constructed the improvements specified herein, as shown on the Final Plat and in the plans and specifications as approved, and the Developer as Principal and the surety or sureties shall be jointly and severally liable to pay and to indemnify the Pueblo the total cost to the Pueblo thereof, including but not limited to, engineering, legal, and contingent costs together with any damages, either direct or consequential, which the Pueblo may sustain on account of the failure of the Developer to carry out

and execute all of the provisions of the Agreement to which this document is attached. The Pueblo shall have the unconditional right to call upon the financial guarantee provided by the Developer described in this paragraph for the purposes specified and in the amounts enumerated in such guarantee.

3. PROCEDURES FOR REDUCTION OF FINANCIAL GUARANTEE UPON PARTIAL COMPLETION IMPROVEMENTS.

The Developer may request a reduction in the amount of financial guarantee upon partial completion of the Development improvements. To qualify for a financial guarantee reduction, the completed improvements must be of a freestanding nature, functionally independent of any uncompleted improvements, and completed in substantial compliance with the Development improvement plans as determined by an inspection conducted by the Pueblo.

If the completed improvements meet the above requirements, the Engineer will then estimate the cost of completing the remaining improvements. The Developer may then submit the following documents to the Pueblo for review and approval:

- (a) A revised financial guarantee in an amount of not less than _____ percent of the Pueblo's estimated cost of completing the remaining improvements;
- (b) A release of the original financial guarantee for execution by the Pueblo;
- (c) Documentation that the completed improvements and the land in which the completed improvements are located are subject to no liens, claims or other encumbrances.
- (d) A bond or other suitable instrument guaranteeing the completed improvements against defective materials and workmanship for a period of three (3) years as set forth in Paragraph 6 of the Development Improvements Agreement between the Developer and the Pueblo.

Upon receipt of the above-described documents in forms acceptable to the Pueblo, the Pueblo shall issue a Certificate of Completion and Acceptance for the completed improvements and accept the revised financial guarantee tendered by the Developer.

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, _____,
_____, as principals, and the _____, a Corporation authorized to do
business in the State of New Mexico, having an office and place of business at _____,
as Surety, are held and firmly bound unto the Pueblo of Santa Ana, as Obligee, in the sum of
_____ DOLLARS, (\$ _____ for the payment whereof to the
Obligee, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors, and
assigns, jointly and severally, firmly to these presents:

SIGNED AND DATED, this _____ day of _____, 20_____.

WHEREAS, the application was made to the Obligee for approval of a development shown on the final
plat entitled " _____ " and presented to the Land Use Planning
Commission of Santa Ana Pueblo on _____, 20____ approval of said final plat being contingent upon
certain conditions, one of which is that of a performance bond in the amount of _____
DOLLARS (\$ _____), be filed with the Land Use Planning Commission to guarantee certain improvements
in said development:

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named Principal
shall within _____ month(s)/years(s) from the date hereof (time may be extended for
a maximum period of one additional year by only the Pueblo with the consent of the parties) will and truly
make and perform the required improvements and construction of public improvements in said development
in accordance with all statutory requirements of Santa Ana Pueblo and the Development Improvements
Agreement of _____, 20____, then this obligation shall be void; otherwise it
shall remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements have not been
installed as provided by said Development Improvements agreement within the term of this Performance
Bond, the Pueblo may thereupon declare this bond to be in default and collect the sum remaining payable
thereunder and upon receipt of the proceeds thereof, the Pueblo shall install such improvements as are covered
by this bond and commensurate with the extent of building development that has taken place but not exceeding
the amount of such proceeds.

Principal

Principal

Surety

By: _____
Attorney-in-fact

BOND NO. _____

APPLICATION FOR PRELIMINARY PLAT APPROVAL

**MADE PURSUANT TO PUEBLO OF SANTA ANA
GENERAL LAND USE ORDINANCE**

Date: _____

Case #: _____

1. Name of Development _____

2. Name of Applicant _____ Phone _____

Address _____

3. List Owners and Address and Percentage of Ownership of Applicant

_____ %

_____ %

_____ %

4. Name of Local Agent _____ Phone _____

Address _____

5. Lessee of Record _____ Phone _____

Address _____

6. Engineer _____ Phone _____

Address _____

7. Land Surveyor _____ Phone _____

Address _____

8. Attorney _____ Phone _____

Address _____

9. Development Location: _____

10. Santa Ana Pueblo Land Use Area Designation _____

11. Total Acreage _____ Number of Lots _____

12. Has the Land Use Planning Commission granted any variance, exception, or special permit concerning this property? _____

If so, describe: _____

13. Lessees of land 100 feet adjacent or opposite _____

14. Attach three copies (3) of proposed preliminary plat.

15. Attach three (3) copies of construction plans.

16. Attach a check in the amount of \$200 (nonrefundable application processing fee)

17. List all other leases held by the same developer: _____

Section _____ Lot(s) _____

IN THE EVENT OF CORPORATE DEVELOPMENT: A list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock, must be attached.

STATE OF NEW MEXICO)

COUNTY OF _____) ss.

I, _____, hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Mailing Address

SUBSCRIBED AND SWORN to before me this _____ day of _____,
20_____.

Notary Public

My Commission Expires:

APPLICATION FOR FINAL PLAT APPROVAL

**MADE PURSUANT TO PUEBLO FO SANTA ANA
GENERAL LAND USE ORDINANCE
(To be filled in duplicate)**

Date: _____

Case #: _____

Date of Preliminary Plat Approval: _____

1. Name of Development _____

2. Name of Applicant _____ Phone _____

Address _____

3. List Owners and Address and Percentage Ownership

_____ %

_____ %

_____ %

4. Name of Local Agent _____ Phone _____

Address _____

5. Lessee of Record _____ Phone _____

Address _____

6. Engineer _____ Phone _____

Address _____

7. Land Surveyor _____ Phone _____

Address _____

8. Attorney _____ Phone _____

Address _____

9. Development Location: _____

10. Santa Ana Pueblo Land Use Area Designation _____

11. Total Acreage _____ Number of Lots _____

12. Has the Land Use Planning Commission granted any variance, exception, or special permit concerning this property? _____

If so, describe: _____

13. Have any changes been made since this plat was last before the Commission and Council? _____. If so, describe them _____

14. Lessees of land 100 feet adjacent or opposite _____

15. Attach three (3) copies of proposed final plat.

16. Attach three (3) copies of construction plans.

17. Attach certificates executed respectively by utility companies certifying that satisfactory provisions have been made with each of them as to location of their facilities and that easements, were required, have been provided.

18. Attach proof of posting of performance bond.

19. Attach executed Development Improvements Agreement together with Attachments A, B and C thereto.

20. Attach proof of compliance with pertinent minimum design standards with regard to the following: water supply and water quality provisions; liquid waste and solid waste provisions; tertian management provisions; highway access provisions, electrical connection provisions; fire protection; road provisions; any other provisions determined by the Land Use Planning Commission as follows:

21. Attach or show on final plat a certificate executed by the chief planning officer for the Pueblo or for its economic development entity certifying that the development complies with all applicable Santa Ana Pueblo ordinances.

22. Attach a check in the amount of \$200 (nonrefundable application processing fee).

23. List all other leases held by the same developer: _____

Section _____ Lot(s) _____

IN THE EVENT OF CORPORATE DEVELOPMENT: A list of all directors, officers, stockholders of each corporation owning more than five percent (5%) of any class of stock, must be attached.

STATE OF NEW MEXICO)

COUNTY OF _____) ss.

I, _____, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address

SUBSCRIBED AND SWORN to before me this _____ day of _____,
20 _____.

Notary Public

My Commission Expires:
