

SECTION 9. R-3 RESIDENTIAL ZONE (3 residential units/acre) AS AMENDED

- A. PURPOSE AND INTENT:** The purpose of this Section is to allow residential development permitted in this zone at three (3) dwelling units per acre in conformance with the Village Master Plan. This zone includes large and small lot mixed residential and commercial development, and historic clusters of homes as well as the traditional *tripas* and ditch irrigation. (See: Village Master plan Exhibit 4-1-1 Character Area Map).
- B. PERMISSIVE USES:** A building or premise shall be used only for the following purposes:
- (1) Any permissive use as allowed and regulated in the A-1 Zone.
- C. CONDITIONAL USES:** The following uses shall be allowed when approval has been obtained as set forth in Section 24 §D (13). (Ordinance 191).
- (1) Any conditional use as allowed and regulated in the A-1 Zone.
- D. ACCESSORY USES:** Uses customary and incidental to primary use of the lot, that is in conformance with the zone.
- E. AREA REGULATIONS:** (Ordinance 216)

Setbacks: Setback limits apply to all buildings, and/or structures including swimming pools.

- (a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. For any property bounded by an irrigation ditch or drain, the minimum setback along the ditch or drain shall be 25 feet.
- (1) Where lots have double frontage, the required front setback shall be provided on both sides.
- (b) For very narrow tripa, unusually small, and /or unusual shaped lots, any building over fourteen (14) feet in height must be set back ten feet plus one foot for every foot in height over fourteen (14) feet. (See illustration C); on the north lot line, the 31° Solar Access applies.

- (1) One side yard setback may be reduced to less than ten (10) feet providing building height meets the conditions of this Ordinance.

F. FLOOR AREA RATIO for residential buildings for all R-3 zoned properties in the Village with Floor Area, Total as defined in Ordinance 209, Section 2(B) (90A). (Ordinance 216)

- (1) The floor area ratio of all single family residential units shall be determined by the allowable floor area listed in the adopted 20% FAR TABLE for the lot area as defined in Section 2(B) (126).

Definitions (Section 2)

- (92) FLOOR AREA means the combined area of each separate story under the roof as measured from the outer dimensions of the building enclosing the area.
- (93) FLOOR AREA RATIO (FAR) means a relationship between net lot size, and allowable square footage of buildings, and structures as defined by the adopted FAR table. The ratio of the total floor area to net lot area, excluding two-thirds (2/3) of any Village of Los Ranchos designated Sensitive Areas as defined herein. (Ordinance 216)
- (94) FLOOR AREA, TOTAL means all building area above or accessible to grade including, but not limited to:
 - a. Attic spaces with a clear ceiling height of 7'0" or greater;
 - b. Open carports;
 - c. Agricultural buildings;
 - d. Greenhouses;
 - e. Shops;
 - f. Detached garages.

Floor area total does not include:

- a. Open porches, portals, gazebos;
- b. Non-enclosed outdoor "living areas" or other such non-enclosed spaces.(Ordinance 209)

G. HEIGHT LIMITATIONS (Ordinance 216)

(1) Height of residential buildings shall be limited to 26 feet from existing grade (the existing surface of the ground), to the top of the pitch, top of the parapet or top of the mansard roof line.

(2) SINGLE STORY BUILDINGS

Shall not exceed 17 feet in height: The first floor building height shall be measured at 17 feet from the existing grade.

(a) If the single story height exceeds 17 feet, that portion of the building shall be considered a second floor and shall be regulated by the second floor percentages, and limitations of §(3)(a).

(b) Detached garages, including those for recreational vehicles, shall not be more than 17 feet in height.

(3) TWO STORY BUILDINGS

Shall not exceed 26 feet in height measured from the existing grade, to the top of the pitch, top of the parapet or top of the mansard roof line.

(a) Second floor areas, including all covered patios, porches, portals, balconies, and other open and accessible living areas, shall be limited to a total of 60% of the first floor enclosed square footage, as defined by Section 2. Definitions § B. (78A).

(4) HEIGHT OF FACADES (Ordinance 216)

(a) No single façade wall length shall be greater than 15% of the calculated perimeter of façade walls of the first floor and exceed 17 feet in height. Any portion of a façade wall exceeding the 15% perimeter length shall be limited to 17 feet in height or shall be stepped back by four (4) feet or equal to a 45° plane drawn from a perpendicular point on the adjacent property line.

- (5) OTHER STRUCTURES (Ordinance 216)
 - (a) Chimneys shall not exceed 29 feet in height.
 - (b) Flag Poles shall not exceed 40 feet in height.
 - (c) Non-commercial radio towers regulated by the Federal Communications Commission shall not exceed 40 feet in height.

H. FENCES AND WALLS (Ordinance 216)

- (1) No open fence shall exceed six (6) feet in height.
- (2) No solid wall or fence located within the rear or side setback area shall exceed six (6) feet in height.
- (3) No solid wall or fence located within the front yard setback area shall be more than four (4) feet in height.
- (4) No solid wall or fence shall be located within the clear sight triangle of a driveway and a public or private right-of-way.
- (5) No solid wall or fence located within the specified setback area and along a public or private right-of-way shall be more than four (4) feet in height.
- (6) No solid wall or fence shall be constructed unless a building permit has been approved by the Village.
- (7) Concertina (razor wire) wire is prohibited.

I. SOLAR ACCESS (Ordinance 216)

Building Height Limitations to Preserve Solar Access: For any new construction submitted after the date this ordinance is effective, the height of any building shall comply with the following additional height to setback limitations, either

- (1) The building height shall not exceed the following height, determined by the setback distance cardinal south from the northern boundary of the lot as follows:

| Lot Line | Height |
|----------|--------|
| Feet | Feet |
| 10 | 14 |
| 15 | 17 |
| 20 | 20 |
| 26 | 26 |

or:

- (2) The height shall not exceed a 31° angle plane drawn upward from a horizontal line located two feet above the existing grade, ten feet within the northern property (See illustration A).

J. SUBDIVISION (Ordinance 216)

No land containing existing structures shall be subdivided into an area less than the allowable lot size for the Floor Area Ratio of the existing structures on the land.

- (1) If an existing structure(s) is to be demolished, the demolition must take place within one (1) year of the final approval of the subdivision.

K. PERMEABLE SURFACES (Ordinance 216)

- (1) Permeable surfaces shall be a minimum of sixty percent (60%) of lot area.

L. DARK SKIES REGULATIONS. As set forth in Section 19.