

**VILLAGE OF LOS RANCHOS
DE ALBUQUERQUE**

Ordinance No. 238

AN ORDINANCE AMENDING CHAPTER 31, SECTION 2, DEFINITIONS, AND SECTION 6 A-1 - AGRICULTURAL/RESIDENTIAL ZONE, AND AMENDING ORDINANCES 183, 192, 193, 195, 209, 216, 218 AND 230 FOR CLARIFICATION AND CORRECTIVE PURPOSES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, HEREAFTER "THE VILLAGE" THAT CHAPTER 31, SECTION 2, DEFINITIONS (13) AGRICULTURE, COMMERCIAL AND (14) AGRICULTURAL ACTIVITIES ARE DELETED. ALSO ALL REFERENCES PERTAINING TO SECTION 6, A-1 – AGRICULTURAL/RESIDENTIAL ZONE AS AMENDED BY ORDINANCES 183, 192, 193, 195, 209, 216 AND 230 ARE HEREBY REPEALED AND REPLACED WITH THE FOLLOWING:

ORDINANCE 183 SECTION 2. DEFINITIONS -

DWELLING, SINGLE FAMILY means a dwelling unit designed and used for a single family occupancy.

DWELLING UNIT means a single, on site built or modular unit providing the complete independent facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. These areas include, but are not limited to one or more rooms designated and used for a bedroom, one or more bathrooms with sanitation service and a shower or tub for bathing, one or more closets for hanging or storing clothing, and other facilities conducive to long term residential living quarters.

MANUFACTURED HOUSING means a manufactured or mobile home that is a single family dwelling with a heated area of at least thirty-six (36) feet by twenty-four (24) feet in dimension and at least eight hundred and sixty-four (864) square feet in area, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC § 5401 et seq., and the Housing and Urban Development Code, as amended to the date of the unit's construction, and installed consistent with the Regulations made pursuant thereto pertaining to ground level installation and anchoring.

MOBILE HOME means a moveable or portable housing structure, which was originally constructed with a chassis allowing portability.

MODULAR HOUSING means structures constructed in a similar fashion to “site built” buildings complying with all residential building codes, excepting that all or portions of the structure may be constructed offsite and then assembled into a completed structure on site and commonly referred to as permanent modular construction. Modular construction specifically does not include structures commonly referred to as manufactured or mobile housing. All modular components must be assembled and finished on site so as to be indistinguishable in function and appearance from residences built on site without use of modular components.

SECTION 6. A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/acre).

(A) PURPOSE AND INTENT. The purpose of this section is to preserve the residential/agricultural character of the area and accompanying open spaces while allowing low density residential development permitted in this zone at one (1) dwelling unit per acre in conformance with the Master Plan.

(B) PERMISSIVE USES. A building or premise shall be used only for the following purposes:

- (1) One (1) dwelling (site built or modular) unit per lot of record.
- (2) Display and sale of agricultural products, including animals raised on the premises and products incidental to the sales activity.
- (3) Accessory building, structure, or use customarily incidental to and on the same lot with a permitted use, including garages, barns, corrals, and animal pens.
- (4) Agricultural activities, including, but not limited to the raising, harvesting, and storage of fruits, vegetables, grain, hay, and feed, poultry, rabbits, and the keeping and raising of livestock, riding stables and academies. All animal activities shall be conducted in accordance with the Animal Welfare Section.
- (5) Parking incidental to uses permitted in this zone.
- (6) Permitted Home Occupations.
- (7) Bed and Breakfast Establishments.

(8) Public parks and accessory uses customarily incidental to that use.

(9) Outdoor storage of materials incidental to agricultural uses is permitted as long as it is orderly and not a threat to health, safety and welfare up to one thousand (1,000) square feet in area per acre.

(10) Storage of two (2) inoperable motor vehicles provided they are completely screened by a solid fence from the public right of way and/or adjacent properties. Agricultural vehicles are excluded from this regulation.

(11) Garage sales, estate sales, home distributor parties, trunk shows or other similar activities provided the activity does not run for more than three (3) consecutive days and is conducted a maximum of four times a year.

(12) In-Home Care Permit.

(a) An In-Home Care Permit may be issued by the Village upon application therefore by the Homeowner, accompanied by a statement from a Licensed Medical Doctor who is the primary treating physician of the person needing In-Home Care outlining the circumstances surrounding the need for In-Home Care and that an In-Home Care Giver is necessary for the well being of the resident.

(b) If an Ancillary Kitchen for In-Home Care is requested, the application shall describe the kitchen facilities and appliances to be added and shall designate the area in which the Ancillary Kitchen will be placed for the convenience of the In-Home Care Giver, including a site plan and floor plan drawn to scale.

(c) The In-Home Care Permit shall be time limited dependent upon the need for In-Home Care.

(d) Upon receipt of the application for an In-Home Care Permit, the Director of Planning and Zoning shall review the application, make an on-site visit to the residence and determine if the permit should or should not be issued. If the Director determines the In-Home Care Permit is justified and if an Ancillary Kitchen is reasonably required for the In-Home Care Giver, if requested,

findings shall be made to support such conclusions. If the In-Home Care Permit is denied, the Director shall state the reasons for denial. If the In-Home Care Permit is granted, the Director may also make additional requirements and/or conditions so as to assure that the additional kitchen facilities and the location thereof do not create an area conducive for rental to third parties after termination of the In-Home Care Permit.

(e) All modifications to the building shall comply with applicable Building Codes. Applicable building permits must be obtained from the Village and Bernalillo County.

(f) On an annual basis, an affidavit of continuing need shall be submitted to the Village and verified by the Village. The Director may investigate the need for continuation of the In-Home Care Permit at any time.

(g) Only one Ancillary Kitchen for In-Home Care is allowed for each Dwelling, Single Family and shall not be issued for a guest house.

(h) The application fee for an In-Home Care Permit is \$100.00.

(i) An In-Home Care Permit is required only when the In-Home Care Giver is going to reside in the dwelling.

(C) CONDITIONAL USES. The following uses may be allowed when approval has been obtained as set forth in Section 24:

(1) Childcare facilities provided the facility abides by the Village and State regulations, and traffic, noise and hours of operation are mitigated.

(2) Public utility structures such as a transformer, switching, pumping, or similar technical installation essential to the operation of a public utility.

(3) Place of worship, excluding a Megachurch.

(4) Mobile home used as a dwelling during the construction of a dwelling on the same premises, provided such use shall be limited to a maximum period of one (1) year; or as approved by the Planning and

Zoning Commission per Section 24; a \$1,000.00 bond must be posted to insure compliance with the conditions of the use. The one year period shall commence on the date that conditional use approval is granted or the date the use actually began, if earlier, or as approved by the Planning and Zoning Commission.

(5) Guest house or additional dwelling.

(a) The guest house is limited to 1,000 square feet of heated floor area.

(b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

(c) Area Regulations:

(1) Upon lots with at least twice the minimum lot area, one (1) dwelling per minimum lot area, but limited to a maximum of three (3) dwellings per lot. One (1) dwelling shall be the principal single family dwelling and any additional dwelling shall be for use as a guest and/or caretaker's house, providing the structures have access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.

(2) Upon lots with a lot area less than twice the minimum lot area, one guest house may be approved providing it has access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.

(3) The additional dwelling(s) shall meet the current building and zoning code requirements of the Village.

(6) Government buildings and accessory uses customarily incidental to that use. Government buildings and surroundings shall be constructed in southwestern or compatible architectural style as determined by the Planning Director.

(7) Outdoor recreational facilities accessory to public or private schools.

(8) Public or private schools, educational facilities or learning centers.

(D) ACCESSORY USES. Uses customary and incidental to primary use of the lot, that is in conformance with the zone.

(E) AREA REGULATIONS. These regulations apply to all A-1 zoned properties in the Village.

(1) The minimum lot area shall be one (1) acre (43,560 square feet). The minimum lot width shall be seventy-five (75) feet.

(2) Setback limits apply to all buildings and structures, including swimming pools.

(a) Except as provided in Section 6(E)(3), (E)(5), (G)(4) and (H) of this Section, the setbacks from the property line to the nearest structure shall be as follows:

(1) Front setback shall be: 25 feet.

(2) Side setback shall be: 15 feet.

(3) Rear setback shall be: 25 feet.

(4) For any property line bounded by an irrigation ditch or drain, the setback shall be 25 feet.

(3) Preservations of Open Space and Vistas. For all properties which border on Rio Grande Boulevard, as depicted on Figure 3-1 (Character Area A, roughly bounded, by the north boundaries of Tinnin Farms, and Rob Lee Meadows subdivisions to the South, and West side of Rio Grande Boulevard, the Village of Los Ranchos de Albuquerque municipal boundary (at the Atrisco Feeder Canal) to the West, the Southern boundary of the Guadalupe Woods subdivision to the North, and on the West side of Rio Grande Boulevard, Chamisal Road to the North, and on the East side of Rio Grande Boulevard, the Pueblo Lateral to the East, and Green Valley Road to the South, and East side of Rio Grande

Boulevard), and Figure 3-2 (Character Area B, roughly bounded, by Montano Road to the South, the Southern boundaries of Tinnin Farms, and Rob Lee Meadows subdivisions to the North, and West of Rio Grande Boulevard, the Griegos, and Gallegos Lateral to the North and East of Rio Grande Boulevard, and the Griegos Drain to the East), a setback of two hundred eighty (280) feet from the centerline of Rio Grande Boulevard is established. For properties North of Area A and B, the setback shall be 25 feet from the property line or greater depth if indicated on zoning map, but the front setback line shall not be less than that of a straight line connecting the fronts of the nearest dwelling on each side facing the same street. Existing development is non-conforming and exempt from the setback, however redevelopment is not exempt, nor can new structures be added in the setback area of non-conforming lots. To preserve development rights, all properties affected by this setback may be developed to the maximum overall density that would have otherwise been allowed on the property, however, all development must take place behind the setback. See Map A and B.

(4) Where lots have double frontage, the required front setback shall be provided on both sides.

(5) For very narrow tripa, unusually small, and/or unusual shaped lots, any building over fourteen (14) feet in height must be set back ten (10) feet plus one (1) foot for every foot in height over fourteen (14) feet, except; on the North lot line, where Solar Access applies. (See illustration C)

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

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

(F) FLOOR AREA RATIO. The floor area ratio of structures shall be determined by the allowable floor area listed in the adopted 20% FAR TABLE for net lot area.

(G) HEIGHT REGULATIONS. The height of buildings shall be limited to twenty-six (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.

(1) Single Story Buildings shall not exceed seventeen (17) feet in height. The first floor building height shall be measured at seventeen (17) feet from the existing grade.

(a) If the single story height exceeds seventeen (17) feet, that portion of the building shall be considered a second floor and shall be counted as square footage for Floor Area Ratio purposes. Second floors shall be regulated by the second floor percentages and limitations of Section 6G(2)(a).

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

(2) Two Story Buildings shall not exceed twenty-six (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 sixty percent (60%) of the first floor enclosed square footage, as defined by Section 2(B) Enclosed Area.

(3) Height of Facades. No single façade wall length shall be greater than fifteen percent (15%) of the calculated perimeter of façade walls of the first floor, and exceed seventeen (17) feet in height. Any portion of a façade wall exceeding the fifteen percent (15%) perimeter length shall be limited to seventeen (17) feet in height or shall be stepped back by four (4) feet or equal to a forty-five degree (45°) plane drawn from a perpendicular point on the adjacent property line. See illustration B.

(4) Solar Access. Building Height Limitations to Preserve Solar Access: For any new construction in the A-1 Zone submitted after May 14, 2007, the height of any building shall comply with the following additional height limitations, either:

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

Lot Line	Height
Feet	Feet
10	14
15	15
20	20
25	25
30	26

(b) The height shall not exceed a thirty-one degree (31°) angle plane drawn upward from a horizontal line located two (2) feet above the existing grade, ten (10) feet within the northern property line (See illustration A).

(5) The maximum height limit is twenty-six (26) feet for buildings and structures with the exception for the following structures and uses, which shall have a maximum height per the following:

(a) Chimneys shall not exceed twenty-nine (29) feet in height.

(b) Flag poles shall not exceed forty (40) feet in height.

(c) Non-commercial radio towers regulated by the Federal Communications Commission shall not exceed forty (40) feet in height.

(d) Windmills (both wind and water) shall not exceed forty (40) feet in height.

(H) FENCES AND WALLS.

(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 setback area shall be more than four (4) feet in height. Open fencing may be placed upon the four foot solid wall to a maximum height of six (6) feet.

- (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 wall or fence shall be constructed unless a building permit has been approved by the Village.
- (7) Concertina (razor wire) wire is prohibited.
- (8) Gate entrance pillars may reach a maximum height of eight feet and must observe the clear sight triangle distance from the street and shall not exceed more than two feet on either side of the gate itself.

(I) SUBDIVISION. 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.

(J) EXISTING BUILDING. If an existing structure(s) is to be demolished, upon completion of a new dwelling on the same lot, the demolition must take place within one (1) year.

(K) DARK SKIES REGULATIONS. As set forth in Section 19.

SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board to pass each section, subsection, paragraph, clause, phrase and every part thereof separately and independently of every other part.

EFFECTIVE DATE, REPEAL, AND PUBLICATION. This Ordinance shall take effect and be in full force five (5) days after publication of this Ordinance.

COMPILING CLAUSE. This Ordinance shall be incorporated and compiled as part of the codified ordinances of the Village of Los Ranchos de Albuquerque.

APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 12TH day of JUNE, 2013.

APPROVED:

Larry P. Abraham, Mayor

ATTEST:

Annabelle Silvas, Village Clerk