

§ 9.2.15 AC - AGRICULTURAL-COMMERCIAL ZONE

The purpose of this zone is to encourage the development of sustainable and economically viable agricultural activities on larger tracts within the Village in keeping with the historic pattern of land use in the area. The creation of this zone is compatible with the goals, ideals and aspirations of the Master Plan.

AC Zone status may be applied to any property in the A-1 or A-3 Zones in the Village if the conditions set forth herein are met and if at least one acre or 66% of the lot area, whichever is larger, is open space dedicated to agricultural use, exclusive of parking or access areas.

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

- (1)** Any permissive use as allowed and regulated in the A-1 or A-3 Zones.
- (2)** Commercial activities associated directly and exclusively with horticulture, equestrian activities and general agricultural activities including, but not limited to, the raising and selling of vegetables, fruits, crops and livestock, as well as the care, feeding, training and boarding of livestock.
- (3)** Commercial Recreational Facilities:
 - (a)** Limited to rodeo arenas, polo grounds, riding academies and boarding stables;
 - (b)** Wineries with proper state licensing;
 - (c)** Keeping of livestock in numbers exceeding that currently permitted by Village 2013 Codified Ordinances, subject to conditions that may be imposed upon such use to ensure that the keeping of livestock does not become a nuisance to neighboring properties by the omission of such activities as the prompt removal of waste, dust control and insect control;
 - (d)** Bed and breakfast of eight (8) or fewer rooms.

(B) ADDITIONAL REGULATIONS.

- (1)** Retail uses may not exceed 1,000 sq feet of floor space in lots four (4) acres or less. A maximum of 2,000 sq feet is allowed on lots exceeding four (4) acres.
- (2)** Parking: Number of spaces as set forth in § 9.2.18 for retail uses (minimum 1 space/225 sq. feet.) Landscaping of parking area as set forth in § 9.2.18 and § 9.2.19 of the zoning code. Parking areas in the AC Zone must be constructed of porous materials and have adequate dust control (eg, aggregate base course and gravel). Additional buffering of the parking use from adjacent residential property may be ordered by the Planning Director.
- (3)** The retail use must be directly associated with the agricultural use of the parcel. For example, sales of wine and related products for a winery; tack at a horse arena, fruit at an orchard, etc. If the agricultural use for which the AC Zone was granted ends, the retail use must also end.
- (4)** Lighting shall conform to the residential section of the Dark Skies Section of the code, § 9.2.20.
- (5)** Hours of operation: Retail sales are limited to seven (7) days a week, and may begin not earlier than 9 AM and must end by 6 PM, unless a special event is taking place.



(6) Signage: A single permitted permanent sign of no more than six (6) square feet in area is allowed. One additional permitted sandwich-type sign may be displayed during business hours in accordance with § 9.2.22 Signs, for commercial properties.

(7) The keeping of all livestock and other animals, private and commercial, must be in accordance with § 7.2.1 *et seq.*, Animal Control. Any violation of the Animal Control Ordinance relating to livestock and property regulations shall also constitute a violation of the Zoning Code.

(C) **SPECIAL EVENTS.** Definition of “Special Event:” Any gathering at which attendees are expected to pay for admission, entertainment, food, beverages, services or retail goods, held either for profit or for charitable benefit. Community Supported Agricultural Events, including, but not limited to the Grower’s Market, Harvest Festival and Corn Maze, are exempt from this definition. Events related to the Balloon Fiesta, and occurring in conjunction with the Balloon Fiesta may be approved administratively by the Planning Director. Horse shows are special events which are characterized by a paid entry process, formal judging of entries and typically involve the awarding of recognition for accomplishments during the competition.

(1) **Permissive Events:**

(a) Fifty (50) persons plus up to seven (7) employees, occurring no more often than eight (8) times in a calendar month and four (4) events per calendar month with up to one-hundred fifty (150) persons plus eleven (11) employees beginning no earlier than 8 AM and ending prior to 11 PM are permissive in the AC Zone, provided that adequate off-street parking is available and the property is fully in compliance with the requirements of this Section and all other applicable regulations of the Village of Los Ranchos de Albuquerque.

(b) Horse arenas may have up to ten (10) horses in the arena at any time during business hours that comply with § 9.2.15(B)(5).

(c) Retail uses that comply with § 9.2.15(B) are not considered “special events.”

(d) Horse shows limited to four (4) shows per year provided that off-street parking is available and the property is fully in compliance with the requirements of this Section and all other applicable regulations of the Village.

(2) **Special Event Permits (SEP).** All other special events, not covered under § 9.2.15(C)(1) require the issuance of a Special Event Permit by the Village Administrator.

(D) **BUFFERING OF ADJACENT PROPERTIES.** AC properties with retail uses must provide landscape buffering as required elsewhere in the code for the C-1 Zone to buffer retail use from residentially zoned property. Other uses shall require buffering as specified elsewhere in this Section.

(E) **APPROVALS.**

(1) Applicants with properties meeting all requirements listed above may apply for AC zoning. The applicant must submit a site plan detailing the proposed agricultural and accessory uses, as well as plans for parking, lighting, landscaping, irrigating and buffering sufficient to demonstrate compliance with the above-detailed requirements for the AC Zone.



(a) Each applicant shall be required to post a public notice sign describing the zone change request in a conspicuous location on the property. Each applicant shall also be required to provide written public notice to each property owner within three hundred (300) feet of the affected property boundary. Such notice must be provided by first class mail. The written response period for such notice shall be no less than fifteen (15) days after the postmarked date of the mailing.

(2) After consideration of the public comments, the Planning Director shall approve the change to AC zoning if the requirements are met and the proposed use is permissive in the AC Zone. Proposed uses that are conditional or require SEPs are advertised and considered as they are for any other zone.

(a) If the Planning Director determines that substantive public comment requires a public hearing, the Director shall schedule the zone change request to be heard by the Planning and Zoning Commission at the first available meeting. Public notice requirements for such hearing are as stated in § 9.2.25(F).

(F) CONDITIONAL USES. The following uses may be allowed only when approval has been obtained from the Village:

(1) Any conditional use allowed and regulated in A-1 and A-3 Zones.

(2) Conference centers and meeting facilities.

(3) Bed-and-Breakfast establishments larger than eight (8) units so long as such facility has at least 66% of the property as open space.

(4) Storage and repair of agricultural machinery and equipment.

(5) The Village will consider the following matters in approving a conditional use and any other matters deemed appropriate in the sole discretion of the Village based upon the facts and circumstances of each individual application for a conditional use. In all conditional use applications, the Village will consider the character and conditions of the surrounding property and the surrounding neighborhood; signage requirements for the use; parking requirements for the use; the distance between the use and all neighboring residences; the hours of operation of the conditional use; noise generated by the use; all traffic needs of the use; adequacy of parking on the premises for the use; lighting needs of the use; and any conditions deemed appropriate by the Village of Los Ranchos Fire Department. The Village shall place such terms and conditions upon the use as is deemed necessary by the Village to minimize the effect of the conditional use on the surrounding premises.

(G) SPECIAL USES.

(1) Commercial Horse Facilities having more than ten (10) horses on site shall require a special use permit. Conditions of approval for a special use permit under this zone shall include, but not be limited to:

(a) Twenty-five (25) foot setback of edge of arena to property line.

(b) Buffering consisting of either a six (6) foot solid wall/fence or similar height dense landscaping, to provide a visual buffer.

(c) Detailed parking plan, with ingress/egress acceptable to the Village Engineer, Fire Department and Planning Department.

(d) Maximum of four (4) horse exhibitions or clinics per month, such events to be held between the hours of 9 AM and 5 PM.



(e) Compliance with § 7.2.1 *et seq.*, Animal Control, including an approved drainage plan, manure handling plan and dust/pest mitigation plan.

(H) **AREA REGULATIONS** minimum lot area and width. The minimum lot area shall be two (2) acres (87,125 sq. feet) and the minimum lot width shall be one-hundred (100) feet.

(I) **SETBACKS.** Unless otherwise restricted by this Section, for all structures, the minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be fifteen (15) feet and the minimum rear setback shall be twenty-five (25) feet. Greater setbacks may be imposed if the proposed use should, in the discretion of the Village, be further setback herein from neighboring homes. However, such setbacks can be no greater than double those set forth herein. For any property bounded by an irrigation ditch or drain, the minimum setback along the ditch or drain shall be twenty-five (25) feet.

(J) **HEIGHT REGULATIONS.**

(1) Buildings and structures. As regulated in A-1 Zone.

(2) Fences and walls. Fences and walls may be erected for livestock in a manner and with sufficient height in order to contain the livestock safely and to prevent the livestock from trespassing on neighboring property. However, despite the foregoing sentence, no solid wall or fence shall be allowed which faces a street, road or alley and exceeds four (4) feet in height as measured from the center line of such street, road or alley, unless specifically approved by permit. If a wall of four (4) feet is insufficient to contain the livestock on such property, a non-solid fence may be erected as a portion of the solid wall or a solid wall of sufficient height to contain the livestock may be erected at a distance established by the Village sufficiently removed from the property line to ensure all view corridors remain open.

(K) **SPLIT ZONES.**

(1) The owner of any property of sufficient size may request that the zoning on said property be split between residential and agricultural-commercial if only a portion of the property is devoted to agricultural-commercial use.

(2) In order to obtain AC Zoning, the applicant must submit a detailed site development plan with precise and complete information disclosing the nature and full extent of the commercial-agricultural use. The Village may impose such conditions on the uses as are necessary to protect the quiet enjoyment of neighboring properties.

(L) **ACEQUIA IRRIGATION.**

(1) Continuation of any existing acequia irrigation is a requirement of any agricultural/commercial use in this zone.

(2) Abandonment of irrigation rights by the land owner may be cause to remove the AC Zone status and revert to previous zoning.

