

§ 9.2.3 DEFINITIONS

(A) GENERAL TERMS.

(1) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The words “shall” and “must” are always mandatory and not merely directory. The word “may” is permissive.

(4) All references to “he” or “she” herein are deemed to be gender-neutral, unless specifically indicated otherwise.

(5) The definitions in this Section shall supersede any dictionary definition; however, when not defined Merriam/Webster’s Dictionary shall be used.

(B) SPECIFIC DEFINITIONS.

ABANDONMENT means ceasing or discontinuing a land activity for a period of one hundred eighty (180) days, but excluding temporary or short-term interruptions to a land use activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUT means touching and/or separated by nothing more than a ditch, canal, or right-of-way.

ABUTTING means touching and/or separated by nothing more than a ditch, canal or right-of-way.

ACCESS means a legal vehicular entry-way to a piece of property.

ACCESSORY STRUCTURE means a secondary structure incidental to and on the same lot as the principal structure and is compatible with the permitted use of the main structure under zoning regulations applicable to the property.

ACCESSORY USE (See also HOME OCCUPATION) means a use incidental to, and on the same lot as, a principal use. A use that is: a) clearly incidental to and customarily found in connection with a principal use; b) is subordinate to and serves a principal use; c) is subordinate in area, extent, or purpose to the principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served; e) is located on the same lot as the principal use served; and, f) the combination of the accessory uses shall not exceed the principal use in scale or activity.

ACEQUIA (Spanish) means a man-made conveyance for water, part of the Middle Rio Grande Conservancy District irrigation system.

ADDITION means an extension or increase in floor area or height of a building or structure attached to at least twenty percent (20%) of a common wall of the existing portion of that building or structure.

ADJACENT means property contiguous to one another.

ADJACENT PROPERTY means the lots or tracts that are located within three hundred (300) feet of the boundaries of the lot or tract of land under consideration.

ADMINISTRATIVE REVIEW means any decisions made by Village staff.



AGRICULTURE means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the materials to produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

AGRICULTURAL BUILDING means a structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick-up or delivery of agricultural produce or products grown or raised on the premises. The term “agricultural buildings” shall not include dwellings. An agricultural building shall not be used for human habitation.

ALLEY means a public way permanently reserved as a secondary means of access to abutting property.

ALTERATION means any change, addition, or modification of use or occupancy of an existing structure.

ALTERATION, STRUCTURAL means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding material to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

AMUSEMENT ARCADE means a building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

ANCILLARY KITCHEN FOR IN-HOME CARE GIVER means the addition of kitchen appliances or facilities normally used for food preparation that are not otherwise allowed by the existing zoning in an existing Dwelling, Single Family, for the purpose of use by the In-Home Care Giver.

ANIMAL means any vertebrate member of the animal kingdom other than humans.

ANIMAL, DOMESTIC means an animal that is customarily kept for the use or enjoyment within or around the home that is tame or domesticated and not normally found in the wild state. A tame animal that is subject to the dominion and control by an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

ANTENNA means equipment designed to transmit or receive electronic signals through the air.

APPLICATION means all the documents required for a permit or land use approval.

ARCHITECTURAL FEATURE means part, portion, or projection adding to the beauty or elegance of a building, exclusive of signs, not necessary for the structural integrity or habitability of the building.



AUTOMATIC TIMING DEVICE means a device, which automatically turns on and off outdoor light fixtures or circuits. Photo-controls are not considered automatic timing devices.

AUTOMOBILE means every vehicle, except motorcycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

AUTOMOBILE PARTS/SUPPLY RETAIL means the use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

AUTOMOBILE REPAIR SERVICES or AUTOMOBILE REPAIR SHOP means any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment or cellular telephones.

AUTOMOBILE SALES means storage and display for sale of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicle sales include motor vehicle retail or wholesale sales.

AUTOMOBILE SALES LOT means any premises on which new or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade.

BANQUET HALL (FACILITY) means a facility or hall available for lease by private parties. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to banquets, weddings, anniversaries and other similar celebrations, outdoor gardens or reception facilities.

BAR OR LOUNGE means an establishment or part of an establishment used for the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverages, where alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises.

BED AND BREAKFAST ESTABLISHMENT means an owner-occupied dwelling unit containing at least one but not more than four (4) guestrooms where lodging is provided, with or without meals, for compensation, in a residential zone; or, a dwelling unit containing not more than eight (8) units in the Agricultural Commercial zone, where lodging is provided, with or without meals, for compensation.

BEDROOM means any room used principally for sleeping purposes, an all-purpose room, a study, or a den, provided that no room having less than one hundred (100) square feet of floor area be so designated, and is separable from other rooms by a door.

BOARD OF TRUSTEES (BOARD) means the governing body of the Village of Los Ranchos de Albuquerque.

BREW PUB means a commercial business, which conducts the retail sale of beer (malt beverages with alcohol content as defined by federal law), which is brewed on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.



BUFFER means an area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

BUFFER, LANDSCAPING means an area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.

BUILD means construct, assemble, erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

BUILD TO LINE means a line drawn on a subdivision plat, a site development plan, or a plot plan, indicating a plane up to which structures must be constructed when such lines are approved by the Board if different from setbacks established in this Chapter.

BUILDABLE AREA means the portion of a lot upon which structures may be placed in accordance with the Floor Area Ratio (FAR), where such FAR has been imposed upon that zone; or the portion of a lot remaining after required setbacks have been provided.

BUILDING means a structure completely enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

BUILDING HEIGHT (see Height).

BUILDING MASS means structures that comprise the principal part of the development.

BUILDINGS, SINGLE STORY means a building (residential home, second dwelling, commercial, apartment, agricultural building, garage, accessory building) which contains all of its enclosed space on a single, at grade, floor; limited to seventeen (17) feet in height.

BUILDINGS, TRI-LEVEL means a building (residential home, second dwelling, commercial, apartment, agricultural building, garage, accessory building), which contains three different floor heights with one of the floors built below grade, one at grade and a third above grade.

BUILDINGS, TWO STORY means a building (residential home, second dwelling, commercial, apartment, agricultural building, garage, accessory building), which contains enclosed space on two floors, one at grade and the second floor located above the ceiling of the first floor. For Floor Area Ratio calculation, any portion of a building over seventeen feet in height constitutes a second story.

BULK means the size of buildings or structures, and their relationships to each other and to open areas and lot lines, and therefore includes: **(1)** the size of a building or structure; **(2)** the area of the lot upon which a building or structure is located, and the number of dwelling units within such building or structure in relation to the area of the lot; **(3)** the shape of a building or structure; **(4)** the location of exterior walls of a building or structure in relation to lot lines, to other walls of the same building or structure, to legally required windows, or to other buildings or structures; and **(5)** all open areas relating to a building or structure and their relationship thereto.

BULK MATERIALS means uncontained solid matter such as powder, grain, stone, sand, etc.



CAR WASH means an area of land and/or a structure with machine- or hand-operated facilities used primarily for cleaning, washing, polishing, or waxing of motor vehicles. A building or area that provides facilities for washing and cleaning motor vehicles, which shall use production line methods with a conveyor, blower, or other mechanical devices, and which shall employ some hand labor; provided, however, that occasional fund raising activities by charitable organizations shall not be considered to be “car washes.”

CERTIFICATE OF COMPLIANCE means a document issued by the Planning Director or Building Official setting forth that a non-residential building, structure, or site complies with the provisions required by this Article and therefore may be used or occupied for the purposes stated on the permit. Such a certificate is issued for non-residential construction or when a change in commercial use would require alterations or additions to the site or existing structures.

CERTIFICATE OF OCCUPANCY means a document issued by the proper authority (building inspector) allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes, ordinances and regulations.

CHARACTER AREA means a distinct section or neighborhood identified by unique characteristics such as lot patterns, density, prevalent uses, street character or historic structures. Nine distinct character areas have been defined in the 2020 Village Master Plan.

CHILD CARE means provision of care for children under the age of seventeen (17) distinguished among types of child care establishments, either family child care or group child care for a period of time less than twenty-four (24) hours.

CHILD CARE CENTER, GROUP, CLASS A means a building, structure, or facility where care, protection, and supervision are provided to children under the age of seventeen (17) on a regular schedule, for a fee for a period of time less than twenty-four (24) hours.

CHILD CARE HOME, FAMILY means a private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children under the age of seventeen (17) at one time, including children of the adult provider.

CHURCH means a building for public or private worship. (see MEGACHURCH)

CIDERY means the making of hard (alcohol content) cider from fruits such as apples, pears, peaches, plums in compliance with applicable state and federal laws.

CLEAR SIGHT TRIANGLE means an area of unobstructed vision at street intersections and driveways between three (3) and eight (8) feet above the roadway level and within a triangular area bounded by the street property lines of the corner lot, and a line connecting points twenty-five (25) feet distant from the intersection of the property lines of such lot.



CLINIC means a building designed and used by health care providers for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUB means an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

CLUSTER DEVELOPMENT means a subdivision in which lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space. Cluster development may include zero setback lot lines at common walls to maximize the potential for common open space.

CODE ENFORCEMENT OFFICER is the officer and other designated authority charged with the enforcement of this Article. A code enforcement official shall be a Village employee, contractor or agent, authorized by the Mayor.

COMMERCIAL USE means an occupation, employment, or enterprise that is conducted by the owner, lessee, or licensee. The purchase, sale, or transaction involving the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises including renting of rooms, business offices, and sales display rooms and premises.

COMMISSION means the Planning and Zoning Commission of the Village of Los Ranchos.

COMMON OPEN SPACE means that portion of an Open Space Development that is in perpetuity reserved for agricultural or recreational purposes or otherwise left in an unimproved state. Any portion of a Planned Development (subdivision) that is designated for the common usage of the development. These areas include green open spaces and may include such other uses as parking lots and pedestrian walkways. Maintenance of such areas is not the responsibility of the Village and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

COMMUNITY CENTER means a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

CONDITIONAL USE PERMIT means a land use specifically identified in this Article as being acceptable in a given zone at a place approved for this use under conditions and limitations approved by the Director, Commission or Board and upon the issuance of a Conditional Use Permit by the appropriate authority.

CONDITIONS OF APPROVAL means restrictions attached to a specific use by the Board or Commission.

CONDOMINIUM DECLARATION means a condominium declaration meeting the requirements of the New Mexico Condominium Act, NMSA 1978, § 47-7A-1, *et seq.*, as amended and having been approved by the Village in zones which allow condominiums.



CONTIGUOUS means property directly connected to one another; property that touches other property or shares a property line.

CONTRACTOR'S YARD means a parcel used for the outdoor storage of a contractor's equipment and materials customarily used in the trade carried on by the construction contractor. Does not include the storage of chemicals, fertilizers or other toxic chemicals.

CORRIDORS mean the three major north/south areas of the Village, Rio Grande, Guadalupe Trail and Fourth Street, as defined in the Village Master Plan.

DAY CARE CENTER (see **CHILD CARE, FACILITY**).

DAY CARE HOME (see **CHILD CARE, HOME**).

DENSITY means the number of dwelling units permitted per acre, or part of an acre, of land.

DETACHED means, when used in reference to a building or structure, not attached to the exterior wall or walls of another building or structure.

DEVELOPMENT means all structures and other modifications of the natural landscape above and below ground or water, on a legal lot. The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

DEVELOPMENT AGREEMENT means a contract entered into between the Village of Los Ranchos and any person, corporation or agent setting forth specifically a plan for development of real property. The Agreement shall contain a time schedule for the proposed development and surety or guaranty, in a form deemed sufficient by the Village based upon the scope of the development to ensure the project and its infrastructure is completed in a timely manner at no expense to the Village.

DIRECTOR OF PLANNING AND ZONING (PLANNING DIRECTOR) means the Director of the Planning and Zoning Department of the Village of Los Ranchos.

DOMESTIC ANIMALS (see **HOUSEHOLD PET**).

DOUBLE FRONTAGE (see **LOT, DOUBLE FRONTAGE**).

DRAINAGE PLAN means a document prepared by an engineer, licensed in New Mexico, which describes the expected on and off-site drainage impacts, structural and non-structural stormwater management plans of a proposed subdivision, land use change or building construction project and which meets the requirements of § 4.2.1 *et seq.*, Flood Damage Prevention and § 4.3.1 *et seq.* Storm Water Management .

DRIVE-IN, DRIVE-THROUGH, DRIVE-UP FACILITY means an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product while in a motor vehicle on the premises or to be entertained while remaining in an automobile. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

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



DWELLING, MULTI-FAMILY means one (1) of two (2) or more residential buildings having a common or party wall that separates living facilities, each having a kitchen facilities for sleeping, sanitation, bathing and living; a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominium; also multiple dwellings.

DWELLING, MULTI-RESIDENTIAL UNITS means residential units that have a common wall(s) such as condominiums or townhouses. Multi-Residential Units do not include multifamily or apartment developments designed as rental properties.

DWELLING UNIT means a single, on site built, modular unit or mobile home a minimum of eight (8) feet wide and forty (40) feet long providing a minimum of 320 square feet of heated living area, that provides the complete independent facilities for one or more persons, including permanent provision 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.

ECONOMIC DEVELOPMENT PLAN means a plan developed for the Project Area of the Village Center Zone to address the justification of the development for the type of commercial, residential and open space proposed. The justification shall specifically address: site coverage, residential density, heights, setbacks, entrances, parking, open space and operating plan for the commercial portion of the development.

(a) Site Development Plans for the Project Area shall have an Economic Development Plan included as part of the application.

(b) Site Development Plan applications for Village Center zoned properties (VC Zone) that are not in the Project Area and do not require a platting action shall be processed under the regulations set forth in § 9.2.25.(E)(4).

(c) Site Development Plan applications for Village Center zoned Properties that are not in the Project Area, but do require a platting action may be processed without an economic development plan to justify the development for the type of commercial, residential and open space proposed.

ENCLOSED AREA means all areas of a building enclosed by a continuous perimeter wall.

FACADE means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY means one or more persons occupying a single dwelling unit, provided that unless all are related by blood, marriage, or legal adoption, no such family shall contain over five (5) unrelated persons. This provision shall not apply to dwellings for persons who are disabled as that term is used in the Americans with Disabilities Act.



FENCE means an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement but not including hedges, shrubs, trees or other natural growth.

FENCE, OPEN means a fence (including any gates in said fence) that permits direct vision through at least 90 percent of any one square foot segment of vertical fence surface area, excluding pilasters.

FENCE SOLID means an enclosure or barrier, including solid entrance and exit gates, that effectively conceals from viewers in or on adjoining properties, streets, alleys, or public ways, materials stored and operations conducted behind it. A barrier constructed of solid material, wood or masonry, through which no visual images may be seen.

FIRE ACCESS ROAD means a roadway designed to the most recently adopted International Fire Code including, but not limited to twenty (20) foot wide unobstructed all weather road, with a thirteen (13) foot overhead clearance leading from a right-of-way to a private lot.

FIRE EQUIPMENT ACCESS means the nearest location where a fire truck can access a structure.

FIRE HYDRANT means a fire water source as defined by the most recently adopted International Fire Code.

FLAG LOT (see LOT, FLAG).

FLEA MARKET means an occasional or periodic commercial sales activity held within a building or structure where groups of individual sellers offer goods, new and used, for sale to the general public, not to include private garage sales, shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization.

FLOODPLAIN means any land area as identified by the Federal Emergency Management Agency susceptible to being inundated by water from any source, or any area subject to the unusual and rapid accumulation of run-off or surface waters from any source.

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.

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.

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:

- (g) Basements and below grade wine cellars not accessible to grade



- (h) Open porches, portals, gazebos;
- (i) Non-enclosed outdoor “living areas” or other such non-enclosed spaces.

FRONT YARD (see SETBACK, FRONT).

FRONTAGE (see LOT, FRONTAGE).

GARAGE, PRIVATE means a building for the use of the occupants of a principle building, situated on the same lot as the principle building, for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature, or storage of commercial vehicles.

GARAGE, PUBLIC means a building or portion thereof designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GARAGE, REPAIR (see AUTOMOBILE REPAIR SERVICES).

GAS STATION (see SERVICE STATION).

GRADE means the average of the surface of the existing ground measured from the proposed façade of the building at a ninety-degree angle to nearest property line.

GREENHOUSE (see NURSERY) means a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other plants.

GREEN INFRASTRUCTURE means the creation of plant or tree areas, gardens, etc. on an individual lot or throughout an area to reduce greenhouse gas emission and urban heat effects and clean the air and storm water. Used in conjunction with Low Impact Development (LID).

GROUP HOME means a residential facility in which no more than six (6) persons are provided, for remuneration, lodging and/or care consisting of counseling and/or therapy. Such lodging and care is provided for persons who are physically, developmentally, mentally challenged, or who are persons who have disabilities associated with aging, or as the term “disability” is defined by the Americans with Disabilities Act. A group home may include additional persons acting as house parents or guardians or caregivers. Care of infants is excluded from this definition.

GUEST HOUSE means a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the guest house for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

GUEST RANCH means a use incorporating two or more guest rooms, other than a boarding house, hotel, or motel, and including outdoor recreational facilities, such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended primarily for use by the guests of the guest ranch.

HAZARDOUS MATERIALS means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious



properties, shall be detrimental or deleterious to health of any person handling or otherwise coming into contact with such material or a substance defined as hazardous by the most recently adopted International Fire Code.

HEALTH/FITNESS FACILITY or HEALTH CLUB/SPA means an indoor facility where members or nonmembers use, for a fee, game courts, exercise equipment, locker rooms, ‘Jacuzzi,’ and/or sauna, or other customary and usual recreational activities and related retail sales.

HEIGHT means the vertical distance measured from grade, the finished surface of ground, to the highest point of the roof or coping of a building or structure, including freestanding signs and telecommunications facilities.

HEIGHT OF BUILDING means the vertical distance measured from grade, as defined herein, (the existing surface of ground), to the top of the pitch, top of the parapet or top of the mansard roofline.

HOME OCCUPATION (see also **HOME OCCUPATION, DE MINIMIS**) means an occupation or activity regulated by § 9.2.25(D)(4)/(5), Planning Director/ Commission issued permits that is clearly incidental and subordinate to the use of the residence as a dwelling unit and must not change the residential character of the dwelling unit or adversely affect the character of the surrounding neighborhood. Home Occupation involves the design, preparation, production or distribution of goods and/or services.

HOME OCCUPATION, DE MINIMIS means a classification of home occupation activity that produces no visible or invisible effect at the property such as providing an internet service, and which can be approved by the Planning Director after administrative review.

HOUSEHOLD PET (see **ANIMALS, DOMESTIC**) means animals that are customarily kept for the use or enjoyment within the home.

HOTEL (see also **MOTEL**) means a facility offering transient lodging accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, and recreational facilities, and is not a Group Home as defined herein.

INCIDENTIAL means “nonessential to the whole.”

INFRASTRUCTURE, SIGNIFICANT means private or public improvements required by the subdivision code, changes in land use, or residential or commercial building construction. Such improvements shall include water, sewer, electrical and gas utilities, communications utilities, fire protection access, roads, fire access lanes, drainage improvements, irrigation improvements, street improvements, sanitary sewer, landscape improvements, or any other necessary changes to allow the land to be used for its intended purpose.

IN-HOME CARE means care provided for a person who is a resident otherwise authorized by the Zoning Code to reside in a Dwelling, Single Family, by an In-Home Care Giver.

IN-HOME CARE GIVER means a person or persons, not a family member, who resides temporarily or permanently at the residence of a person requiring In-Home Care, for the primary purpose of caring for such individual(s). Family member as used in this definition, but not for other purposes outside the Zoning



Code, shall mean a person(s) related by blood or by marriage to the person requiring In-Home Care, but does not include any person who is related only by a community of interest.

IN-HOME CARE GIVER, ANCILLARY KITCHEN means the addition of kitchen appliances or facilities normally used for food preparation, which are not otherwise allowed by the existing zoning in an existing Dwelling, Single Family, for the purpose of use by the In-Home Care Giver.

IN-HOME CARE PERMIT means a permit issued to allow an In-Home Care Giver, in accordance with §9.2.7(B)(12), In-Home Care Permit, which may or may not include a permit for an Ancillary Kitchen for the In-Home Care Giver.

JUNK means scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage, including but not limited to old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste or parts that have been abandoned from its original use.

JUNKYARD means a parcel of land or building, or portion thereof, on which junk, waste material or inoperative vehicles and other machinery, waste paper, rags, bottles, rubber tires, or discarded materials are collected, stored, salvaged, or sold.

KENNEL means an establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business, which is not accessory to an agricultural use.

KITCHEN means an area of a dwelling where there are cooking facilities, water/sink for food preparation and dishwashing, and a refrigerator, not including a bar, butler's pantry, or similar room adjacent to or connected with a kitchen. Facilities for cooking - storing, cooking and cleaning - shall normally be considered as establishing a kitchen.

LANDSCAPING means the planting and maintenance of live plants including trees, shrubs, ground cover, flowers or other low-growing plants that are native or adaptable to the climate and soil conditions, sufficient to soften building lines, provide shade and generally produce a pleasing visual effect of the premises. Landscaping may include other natural and manufactured materials, such as bark mulch or rock, which does not constitute more than twenty-five percent (25%) of the total required landscaping square foot area.

LANDSCAPING BUFFER (see BUFFER, LANDSCAPING).

LAUNDRY, SELF-SERVICE (also LAUNDROMAT) means a facility where patrons wash, dry, iron, or dry clean clothing or other fabrics in machines operated by the patron.

LEGAL ACCESS means that which is described in the Warranty Deed for a specific lot or parcel, whether private easement or public right-of-way.



LIGHTING, PEDESTRIAN SCALE means light standards or placements no greater than fourteen (14) feet in height located along walkways or other rights-of-way.

LOCALIZED STORMWATER means surface water deposited on a particular area of land by direct precipitation and not by an overflow of surface waters from other land areas.

LOT means a parcel or tract of land platted by metes and bounds description and recorded with the Bernalillo County Clerk in accordance with the appropriate laws of the State of New Mexico and the 2013 Codified Ordinances of the Village of Los Ranchos de Albuquerque in effect at the time of recording.

LOT OF RECORD means a Lot that is part of a recorded subdivision or a parcel of land that has been recorded with the Bernalillo County Clerk's office, but does not include Middle Rio Grande Conservation District Tracts.

LOT AREA means the area of horizontal planes bounded by the vertical planes through front, side, and rear lot lines. The total horizontal area within the boundary lines or lot lines of a lot, exclusive of any area in a public or private right-of-way open to public uses.

LOT AREA, GROSS means the total area of Lot.

LOT AREA, NET means the total of Lot excluding road or access easement.

LOT, CORNER means a platted parcel of land abutting two road rights-of-way (either public or private) at their intersection.

LOT COVERAGE means an area determined by dividing that area of a lot which is occupied or covered by buildings, roofed areas or impermeable paving surfaces, including covered porches and accessory buildings, by the net area of that lot.

LOT, DOUBLE FRONTAGE means, when used in reference to a lot for purposes of determining setback requirements, frontage on two (2) parallel or approximately parallel streets, as distinguished from a corner lot.

LOT, FLAG means a lot or parcel that the Village has approved, with less frontage on a public street than is normally required. The access corridor to a flag lot or parcel located behind lots or parcels with normally required street frontage is a private right-of-way adequate for public safety purposes.

LOT, FRONTAGE means that part of a lot or lot line abutting on a street or way; except that the ends of incomplete streets, or streets without a turning circle, shall not be considered frontage.

LOT, INTERIOR means a lot other than a corner lot.

LOT LINE, FRONT (see also YARD, FRONT) means a line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way. the line separating the front of the Lot from the street. When a lot, or building site, is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

LOT LINE, REAR means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot



meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

LOT LINE, SIDE means any lot line not a front or rear lot line.

LOT LINE, STREET means a side lot line separating a lot from a street.

LOT, SUBSTANDARD means a lot or parcel of land that has less than the required minimum area or width, as established by the zone in which it is located, and provided that such lot or parcel was of record as a legally created lot on October 27, 2003.

LOT WIDTH means the horizontal distance between side lot lines, measured along a line that is parallel to the front lot line and located the minimum exterior setback distance from the front lot line. When a lot has more than one street lot line, the required lot width shall be measured along the narrowest street lot line.

LOW IMPACT DEVELOPMENT means an approach to land development or re-development that treats stormwater as a precious resource and not a waste product and works with nature to manage stormwater as close to its source as possible. Low Impact Development practices and principles include on-site water retention, water harvesting and recycling, swales, berms, artificial streams and infiltration systems.

LUMINAIRE (LIGHT FIXTURE) means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

LUMINOUS TUBE LIGHTING means gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.

MANUFACTURED HOUSING means a manufactured or mobile home that is a single family dwelling with a heated area of at least thirty-six (36) by twenty-four (24) feet in dimension and at least eight hundred 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 Home Construction and Safety Standards Act of 1974, 42 U.S.C. § 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.

MANUFACTURING, HEAVY means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of the manufacturing process.

MANUFACTURING, LIGHT means the manufacture, predominantly, from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.



MANUFACTURING, MEDIUM means the processing and manufacturing of materials or products predominately from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

MANUFACTURING, SECONDARY means establishments engaged in the manufacture of products for final use or consummation. This involves the secondary processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.

MEGACHURCH means a large, specialized type of house of worship that includes such nontraditional accessory uses as retail sales, residential uses, amusement parks, and sports and entertainment facilities, as an integrated part of the development.

MOBILE HOME means a moveable or portable housing structure which was originally constructed with a chassis allowing portability, being a minimum of eight (8) feet in width, forty (40) feet in length and providing a minimum of 320 square feet of heated living area.

MODIFICATION means any physical change or alteration to use or structure from what was approved by the Village at the time of the issuance of the necessary permits or authorizations.

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.

MORTUARY means a building or part thereof used for human funeral services. Such a building may contain space and facilities for the following: a) embalming and the performance of other services used in preparation of the human dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and, d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall be permitted. This classification excludes cemeteries, crematoriums, and columbariums.

MOTEL (see also HOTEL) means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for transient guests and having a parking space adjacent to or nearby to a sleeping room, offered to the public for compensation. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel.

NIGHTCLUB or BAR means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing, television, and musical entertainment is permitted.



NONCONFORMING BUILDING means any structure or building the size, dimensions, or location of which was lawful prior to the adoption of, revision, or amendment to the Zoning Code, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.

NONCONFORMING LOT or LOT, NONCONFORMING means a lot not in compliance with the dimensional regulations of the Zoning Code, but which was in compliance prior to the adoption of, revision, or amendment to the Zoning Code. Does not include Middle Rio Grande Conservancy District tracts.

NONCONFORMING USE or USE, NONCONFORMING means a use or activity which lawfully existed prior to the adoption, revision, or amendment of this Article, but which fails by reason of such adoption, revision, or amendment to conform to the zone in which it is located.

NON-PERMEABLE SURFACE means any surface which does not allow the absorption of water into the ground; a hard surface such as roofing materials, concrete and asphalt driveways, walkways, concrete pool decks or other such materials which does not allow water to be absorbed.

NPDES: "National Pollutant Discharge Elimination System" means the name of the surface water quality program authorized by Congress as part of the 1972 Clean Water Act. This is EPA's program to control the discharge of pollutants to waters of the United States (see 40 CFR 122.2).

NURSERY (PLANT NURSERY) means any land primarily used to raise trees, shrubs, flowers, and other plants for sale or for transplanting, and accessory items directly related to their care, and which requires licensing and inspection by the New Mexico Department of Agriculture. An establishment for the growth, display and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

OCCUPANCY REQUIREMENT means that no building or structure shall be occupied unless a Certificate of Occupancy or a Certificate of Completion has been issued by the Building Inspector and/or the Planning Director.

OFFICE means a building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations.

ON SITE means within the limits of the area encompassed by the tract, lot, or parcel on which the activity is conducted.

OPEN SPACE, ACTIVE means open space that may be improved and set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, picnic tables, etc.

OPEN SPACE, COMMON means an open space within a residential development reserved for the exclusive use of residents of the development and their guests.

OPEN SPACE, DEDICATED means land set aside in perpetuity for the purpose of providing open space for public use.



OPEN SPACE, DEVELOPED means open space substantially free of structures but possibly containing improvements that are part of a development plan or are appropriate for the residents of any residential development.

OPEN SPACE, PASSIVE means open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or for the use and enjoyment of owners or occupants.

OPEN SPACE, PRIVATE means a usable space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

OPEN SPACE PLANNED DEVELOPMENT means a building development that concentrates buildings in specific areas on a site to allow the remaining land to be used for open space, and/or preservation of environmentally sensitive areas.

OPEN STRUCTURE means all area of a building not enclosed by a continuous perimeter wall.

OPERABLE/OPERATIVE means vehicles physically capable of being driven legally on a public right-of-way.

OUTDOOR ADVERTISING DISPLAY (see also **SIGN**) means a fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, erected upon the ground, on the wall of a building, or above the roof of a building, and used and erected for the public display of posters, painted displays, electrical displays, pictures, or other pictorial or reading matter for the benefit of a person, organization, business, or cause.

OUTDOOR STORAGE means the keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding seventy-two (72) consecutive hours.

OUTDOOR STORAGE, SEASONAL means outdoor storage of items for retail sale that are, by their nature, sold during a peak season, including such items as fruits, vegetables, Christmas trees, pumpkins, lawn accessories, bedding plants, etc.

OWNER OF RECORD means one with whom legal or equitable title rests; and may include more than one person, any part owner, joint owner, owner of a community or partnership interest, trust, estate, life tenant in common, or joint tenant, of the whole or part of such building or land.

PARAPET (see **COPING**) means that portion of a wall that extends above the roofline.

PARCEL means a tract or plot of land created by partition, subdivision, deed, or other instrument and recorded with the Bernalillo County Clerk.

PARK means an area that is predominately open space, used principally for recreation, or any area designated by the Village as a park.

PARKING AISLE means the clear space for either one or two-way traffic movement and maneuvering between rows of parking stalls.

PARKING LOT (see also **GARAGE, PUBLIC**) means an open, hard-surfaced area, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and/or commercial vehicles,



and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

PARKING, OFF STREET means a space adequate for parking a motor vehicle with room for opening doors on both sides, with access to a public street or alley, a minimum of ten (10) feet in width and twenty (20) feet in length.

PARKING, ON-STREET means the storage space for an automobile that is located within the street right-of-way.

PARKING, SHARED means the development and/or use of parking areas on two or more separate properties for joint use by more than one business or residence.

PARKING SPACE means an area designated for parking of automobiles, RV campers, trucks, or other motorized vehicles, which meets the dimensions required by § 9.2.18 *et seq.*, Off-Street Parking Regulations.

PARKING SPACE, HANDICAP means a space not less than thirteen (13) feet in width and twenty (20) feet in length clear dimension, on a hard-surfaced paved area, reserved exclusively for an automobile registered with the NM handicapped license plates and/or displaying an official city- or state- issue handicapped placard.

PAVED SURFACE AREA means ground surface covered with clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. Permeable paving may also be permitted.

PEDESTRIAN ORIENTED DEVELOPMENT means development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings, rather than on auto access and parking areas. The building is generally placed close to the street, and the main entrance is oriented to the street sidewalk, with streetscapes. There are generally windows or display cases along building facades that face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

PEDESTRIAN WAY means a designated area specifically designed for pedestrian traffic and designated as a “Pedestrian Way” on the Site Development Plan approved by the Village.

PERFORMANCE BOND means a document issued by a surety, in return for a fee or premium, guaranteeing the performance of the terms and conditions of a development agreement.

PERFORMANCE GUARANTEE means any security that may be accepted by this municipality as assurance that improvements required as part of an application for development are satisfactorily completed without expense to the Village.

PERMEABLE SURFACE means any surface which allows the absorption of water into the ground; open area of soil, landscaped areas, agriculture, grass, etc.; a surface covered by crusher fine, brick without mortar joints, pavers or similar materials which allow water to be absorbed into the ground through its surface.



PERVIOUS SURFACE (PERMEABLE SURFACE) means a surface that presents an opportunity for water to infiltrate into the ground.

PET SHOP means a retail sale establishment primarily involved in the sale of animals, such as dogs, cats, fish, birds, and reptiles, but excluding facilities selling only horses, goats, sheep, poultry, and other livestock.

PHARMACY or DRUG STORE means a place where drugs and medicines are prepared and dispensed.

PLANNED DEVELOPMENT means land under unified control to be planned and developed as a whole in a single development operation or a programmed series of development operations or phases. A planned development includes principle and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the planned development district, but which will not be provided, operated, or maintained at general public expense.

PLANNING AREA means the area directly addressed by the master plan. The Village's planning area encompasses the municipal limits and potentially annexable land.

PLANNING AND ZONING, DIRECTOR (also PLANNING DIRECTOR) means the person empowered by the Board to administer and enforce this Article, who is the agent of the Village for code enforcement and all other tasks assigned by the Village.

PLANNING AND ZONING COMMISSION means a public body of a local government consisting of five to seven members, appointed pursuant to NM statutes relating to planning boards, having the powers and duties set forth by NM statutes, the 2013 Codified Ordinances of the Village, or as specified by the Board.

PLANTING STRIP means a section of land not less than ten (10) feet in width intended to contain plant materials and for the purpose of creating a visual separation between uses or activities.

PLAT means a document, prepared by a registered surveyor or engineer, in accordance with the NM Standards for Professional Surveyors and Engineers, that delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

PLAT, FINAL means the final map of all of a portion of a subdivision or site plan that is presented to the proper review authority for final approval.

PLAT, PRELIMINARY means a map of a subdivision of land showing required features that is submitted to the platting authority for purposes of preliminary consideration and approval.



PLAT, SKETCH means a rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

PLAZA means an open space that may be improved, landscaped, or paved and often surrounded by buildings or streets, open to the public, provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians.

PLOT means land occupied or to be occupied by a building or use, and its accessory buildings and accessory uses, together with such yards and open spaces as are required, not defined as a LOT for legal purposes.

PLOT PLAN means a plat of a lot drawn to scale, showing the actual measurements, the size and location of any existing structures, or structures to be erected, the location of the lot in relation to abutting streets, and other such information as required by law.

POLICY means a specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction, that a governmental agency sets to follow in order to meet its goals and objectives before undertaking an action program.

POOL/BILLIARD HALL means a business establishment containing more than two pool or billiard tables for the use of patrons.

PREDOMINATELY means more than fifty percent (50%) of the subject.

PRINCIPAL BUILDING means a building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE means the main use of land or structures, as distinguished from a secondary or accessory use. The primary use and chief purpose of a lot or structure.

PRINT SHOP means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

PRIVATE ROAD (see **STREET**) means a thoroughfare or street not owned or maintained by any public entity.

PROCESSING means to subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; examples include saw mill, alfalfa pellet mills, food canning or packing, creation of glass, ceramic or plastic materials, gravel crushing, cement manufacture, concrete batching and the like.

PROJECT IMPROVEMENTS means the site improvements and facilities that are planned and designed to provide for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

PROJECT SITE means that portion of any lot, parcel, tract, or combination thereof that encompasses all phases of the total project proposal.



PROPERTY, ABANDONED means personal property of any type the owner of which has failed to make satisfactory claim and proof of ownership within sixty (60) days after notice has been provided.

PROVIDER, CARE means a person residing in the home where a personal care facility operates, whose duties include, but are not limited to, direct care, supervision, and guidance of personal care recipients.

PUBLIC ACCESS means physical approach to and along areas available to the general public.

PUBLIC IMPROVEMENT means any improvement, facility, or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television, or similar services.

PUBLIC NOTICE means notification of the public as provided in § 9.2.25(F) of this Article and New Mexico law.

PUBLIC RIGHT-OF-WAY means dedicated and accepted public land deeded to the Village, reserved by plat, or otherwise acquired by the Village, Bernalillo County, or the State of New Mexico. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

PUBLIC UTILITY STRUCTURE means a facility that supports gas, electricity, and telephone, with the exception of wireless facilities.

REAR YARD (see SETBACK, REAR).

RECREATION, COMMERCIAL means any establishment that serves the general public with an activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard hall, but not movie theaters.

RECREATIONAL VEHICLE (RV) means any building, structure, or vehicle designed and/or used for temporary living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers, but not meeting the specifications required for a manufactured home or mobile home and which shall not be used as a residential dwelling.

REDEVELOPMENT means to demolish, increase or decrease the overall floor area existing on a property irrespective of whether a change occurs in land use, however internal remodel and repair/replacement of portions of existing buildings for structural integrity is not considered redevelopment.

RELIGIOUS INSTITUTION means a church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent; private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

REPAIR OR MAINTENANCE means an activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition. Activities that change the



character, size, or scope of a project beyond the original design are not included in this definition.

RESEARCH AND DEVELOPMENT means a business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology.

Development and construction of prototypes may be associated with this use.

RESEARCH AND DEVELOPMENT CENTERS (also “THINK TANKS”) means research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.

RESIDENCE means a structure or part of a structure containing dwelling units or rooming units, including single-family or multifamily dwellings, boarding or rooming houses, or apartments. Residences do not include: such transient accommodations as hotels, motels, tourist cabins, or trailer courts; or dormitories; in a mixed-use structure, that part of the structure not used for any nonresidential uses, except accessory to residential uses; recreational vehicles.

RESIDENTIAL means land designated in the Village master plan and Zoning Code for buildings consisting only of dwelling units and accessory structures. May be improved, vacant, or unimproved.

RESIDENTIAL COMPLEX means a residential development with fifteen (15) or more dwelling units situated on the same parcel.

RESIDENTIAL STORAGE STRUCTURE means a structure to be used, or intended to be used, for the private noncommercial, non-industrial storage uses by the property owner and may be in place prior to the construction of a residence on the property.

RESTAURANT means a commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than eighty percent (80%) of the gross sales receipts for food and beverages.

RESTAURANT, CARRY-OUT/TAKE-OUT means a restaurant where food, frozen dessert, or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer primarily off the premises.

RESTAURANT, ENTERTAINMENT means an establishment where food and drink are prepared, served, and consumed, within a structure that includes, as an integral component of the facility, music, electronic or mechanical games of skill, simulation, and virtual reality, play areas, video arcades, or similar uses, billiards, and other forms of amusement.

RESTAURANT, FAST FOOD means an establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or



window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

RESUBMITTAL means the act of re-submitting an application.

RETAIL SALES means sales of small amounts of product sold directly to the consumer on a daily basis.

RETAIL SALES ESTABLISHMENT means a business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the “primary function” of the business when such sales equal at least eighty percent (80%) of the gross sales of the business.

RETREAT CENTER means a facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only.

RIDING STABLE/RIDING ACADEMY means an establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

RIGHT-OF-WAY means an area of land that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including, but not limited to, water lines, sewer lines, power lines, and gas lines).

ROAD, PRIVATE (see also **RIGHT-OF-WAY AND STREET**) means a way open to vehicular ingress and egress which may or may not be established as a separate tract for the benefit of certain, adjacent properties or for designated persons. This definition shall not apply to driveways.

ROAD, PUBLIC (see also **RIGHT-OF-WAY** and **STREET**) means right-of-way reserved, used, or dedicated for vehicular traffic for the general public dedicated to and maintained by the Village.

ROADWAY means that portion of a public right-of-way or private access easement that is primarily devoted to vehicular use.

ROOF LINE means the highest point on any building. The term “roof line” includes the top of any parapet wall, or coping, providing said parapet wall or coping extends around the entire perimeter of the building at the same elevation. A horizontal line intersecting the highest point or points of a roof.

SCENIC BYWAY means a road or street that, in addition to its transportation function, provides opportunities for the enjoyment of natural and man-made scenic resources and access or direct views to areas or scene of beauty or historic or cultural interest. The aesthetic values of scenic routes often are protected and enhanced by regulations governing the development of property or the placement of outdoor advertising.

SCENIC BYWAY CORRIDOR means the area outside a byway right-of-way that is generally visible to persons traveling on the byway.

SCHOOL means a facility that provides a curriculum of preschool, elementary and/or secondary academic instruction, including nurseries and kindergartens, elementary schools, middle schools, and high schools, but not including DAYCARE CENTERS.



SCREENING (see also **BUFFER, BUFFERING**) means a method or materials used to visually conceal one (1) element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

SEARCHLIGHT (see also **SIGN, PROHIBITED**) means searchlights that are considered to be signs that are used to announce, direct attention to, or advertise businesses. A sign, which in its entirety or in part, moves in a revolving or similar manner. Such motion does not include methods of changing copy.

SEPTIC SYSTEM means a sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen, and approved by the NM Environment Department, and which has obtained a permit specifying the volume of tank and linear measurements of the infiltration lines (drain field), as well as the horizontal distance from wells on the subject property and on adjacent properties.

SERVICE STATION means any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

SETBACK means the minimum distance by which any portion of a building or structure (not including fences, walls and signs), must be separated from the boundary line of the lot upon which such structure is located or a street right-of-way.

SETBACK, FRONT (see also **LOT LINE, FRONT**) means a minimum distance of clear unoccupied space extending along the full width of a front lot line between side lot lines and which depth is established for the zone in which the premises is located.

SETBACK, REAR means a minimum distance of clear unoccupied space extending across the full width of a rear lot line between the side lot lines and which depth is established for the zone in which the premises is located.

SETBACK, SIDE means a minimum distance of clear unoccupied space lying between the sideline of the lot extending from the front yard to the rear yard. The side yard width shall be measured at right angles to side lines of the lot and shall intersect with a roadway and which width is established for the zone in which the premises is located.

SETBACK LINE means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses.



SHIELDING means a technique or method of construction, which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixtures.

SHOPPING CENTER means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SHRUB means a woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like or single stemmed.

SIDEWALK means an improved pedestrian surface that is typically located adjacent to a roadway.

SIDEWALK CAFÉ means an area adjacent to and directly in front of a street-level eating or drinking establishment located near, but not within the public right-of-way exclusively for dining, drinking, and pedestrian circulation.

SITE PLAN means a plan, drawn to scale containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular road and pedestrian access, grading and drainage/stormwater management plans, the provision of improvements, and the interrelationship of these elements.

SLOPE (see **GRADE**).

SPECIAL USE PERMIT means a use, which meets the requirements specified in §9.2.17 *et seq.*, and requires the approval of the Board.

STREET means a public or private thoroughfare used, or intended to be used, as passage or travel by motor vehicles. Streets are further classified by the functions they perform.

(a) Residential access streets have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.

(b) Residential subcollectors are access streets that provide frontage for residential lots and shall carry a small amount of residential through traffic collected only from tributary residential access streets.

(c) Residential collectors are streets that conduct and distribute traffic between other residential streets of lower order in the street hierarchy and higher order streets or major activity centers. This is the highest order of streets appropriate to a residential neighborhood and residential frontage along it shall be prohibited or severely restricted.

(d) Higher order streets exist but do not belong within a residential area and shall be excluded. These include arterials, which are interregional roads conveying traffic between towns, boroughs, and other urban centers. Efficient movement is the primary function of arterial roads; hence, private access and frontage shall be controlled and limited to high-volume generators of vehicle trips.



STREET, COLLECTOR means right-of-way designed to carry short range traffic primarily originating in residential areas and to provide access to arterials from these areas.

STREET, LOCAL/RESIDENTIAL means right-of-way designed to carry only traffic within residential neighborhoods.

STREET, MAJOR ARTERIAL means a component of the regional transportation system. Major arterials passing through the Village include Montañño and Paseo del Norte on the south and north, with no access onto Rio Grande and, in the case of the latter, Fourth Street. Second Street is a major arterial passing to the east of the Village as is Alameda Boulevard to the north.

STREET, MINOR ARTERIAL means right-of-way designed to carry intermediate range trips between abutting communities and to connect principle arterials, within the Village municipal boundary, Rio Grande Boulevard, Fourth Street and Osuna Road. Outside of the Village limits or for territory that is annexed to the Village after October 27, 2003, it refers to street or roadways defined as such by Transportation Policy Board of the Mid Region Council of Governments, the Metropolitan Planning Organization for the Albuquerque area.

STRUCTURE means anything constructed or erected above, below or at ground level but not including a tent, vehicle, vegetation, paving, or public utility pole or line, and which exceeds six (6) square feet in area, or four (4) feet in height. Manufactured shipping containers, (vehicles manufactured for the transport of goods whether wheeled or unwheeled), are not structures and may not be used as structures other than for temporary storage units.

SUBDIVISION is the division of any real property or any interest therein into two (2) or more separate parcels, whether by metes and bounds description by deed, the filing of a plat, the filing of a condominium declaration or similar document, or the recording of a plat of survey, by court order or any similar document purporting to create separate parcels or ownership interest entities, regardless of the purpose for which such division is made. Refer to §9.1.1 *et seq.*

SUBSTANTIAL PORTION means fifty percent (50%) or greater of the total.

TENT means any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

TRANSFER OF DEVELOPMENT RIGHTS means that development rights may be purchased and conveyed by the local government and transferred to an area that then may be developed beyond its base development limits.

TRIPA (Spanish) means long narrow lots formed when land is sub-divided while also maintaining access to ditch irrigation and which by virtue of its shape receives special zoning consideration.

UNCONTAINED BULK MATERIALS means material directly off-loaded from a transport vehicle without restocking for retail sales.

VARIANCE means a variation from the strict application of the Zoning Code; however, use of premises shall never be changed via a variance. A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable departure from lot size or setback



regulations due to unusual or unique circumstances of the land. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property.

VEHICLE MOVEMENT PLAN means the proposed layout of a commercial drive-in, drive-up or drive-through facility, including all provisions for vehicle ingress and egress to that facility.

VIEW means a range of sight including pleasing vistas or prospects or scenes. Views include, but are not limited to, the sight of geologic features, open fields and vegetation, agricultural activity, waterways.

VIEW CORRIDOR, VIEW SHED means the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community, such as the Sandia Mountains and the Rio Grande Bosque from a defined observation point; the route that directs the viewer's attention.

VILLAGE MASTER PLAN means that group of goals and policies adopted by the Board that form the basis of all zoning and land use regulations in the Village.

VILLAGE SENSITIVE AREAS means areas of land determined and recognized by the Village of Los Ranchos de Albuquerque, to be of special environmental importance to preserve for wildlife and for vista preservation, and maintain free from development for the enjoyment of all residents and future generations, including but not limited to:

- (a) Wetlands as determined by a State or Federal Agency;
- (b) Open Space Trust lands;
- (c) Lands where the development rights have been transferred to another location in the Village for development purposes;
- (d) Designated walking trails.

WAIVER means release from a requirement granted by the Director or Commission/Board, but not release from requirements that need approval of a Variance (such as a requirement for an engineered drainage plan for a parcel that is laser leveled, irrigated farmland).

WALL means a constructed solid barrier of concrete, stone, brick, tile, wood or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

WAREHOUSE means a building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

WINERY means an agricultural processing facility operated in accordance with all Federal, State and local regulations, used for the purpose of processing grapes grown on the property, including grapes grown off-site, to produce wine. Processing includes crushing, fermenting, blending, aging, storage, bottling, administrative functions, wholesale sales, tasting facilities and retail sales of wine by the bottle, by the case, and by the glass. Sales of wine related items are



permissible, including but not limited to foods prepared on or off-site, wine glasses, accessories, reference books, decorative arts, and insignia clothing. Sales to the public may take place during hours when the winery is open to the public and during events as prescribed by this Article. Commercial and non-profit events may take place as allowed by Special Events Permit.

ZONE means a portion of the territory of the Village, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are permitted and within which certain yards and open spaces may be required and certain height limits are established for buildings. A mapped area to which a uniform set of regulations applies, or a uniform set of regulations described by a use designator, and an optional special area designator.

ZONE AMENDMENT means a revision, change, addition or deletion in the text of the Comprehensive Zone Code, or a change in a zoning classification of one or more properties within the Village and shown on the official Zone Map. An amendment shall include the placement of a zoning designation on property not before classified by a Village zoning designation, such as annexed property.

ZONE DISTRICT means an area within the jurisdiction, delineated on the official Zone Map with specific regulations for individual zones.

ZONE MAP means the map or set of maps that delineate the boundaries of the zoning districts within the Village.

