

**§ 9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)**

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

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

- (1)** One (1) dwelling (site built or modular) unit per lot of record.
- (2)** Display and sale of agricultural products, including animals raised on the premises and products incidental to the sales activity.
- (3)** Accessory building, structure, or use customarily incidental to and on the same lot with a permitted use, including garages, barns, corrals, and animal pens.
- (4)** Agricultural activities, including, but not limited to the raising, harvesting, and storage of fruits, vegetables, grain, hay and feed, poultry, rabbits, and the keeping and raising of livestock, riding stables and academies. All animal activities shall be conducted in accordance with §7.2.1 *et seq.*, Animal Control.
- (5)** Parking incidental to uses permitted in this zone.
- (6)** Permitted Home Occupations.
- (7)** Bed and Breakfast Establishments.
- (8)** Public parks and accessory uses customarily incidental to that use.
- (9)** Outdoor storage of materials incidental to agricultural uses is permitted as long as it is orderly and not a threat to health, safety and welfare up to one thousand (1,000) square feet in area per acre.
- (10)** Storage of two (2) inoperable motor vehicles provided they are completely screened by a solid fence from the public right-of-way and/or adjacent properties. Agricultural vehicles are excluded from this regulation.
- (11)** Garage sales, estate sales, home distributor parties, trunk shows or other similar activities provided the activity does not run for more than three (3) consecutive days and is conducted a maximum of four times a year.
- (12)** In-Home Care Permit.
  - (a)** An In-Home Care Permit may be issued by the Village upon application therefore by the Homeowner, accompanied by a statement from a Licensed Medical Doctor who is the primary treating physician of the person needing In-Home Care outlining the circumstances surrounding the need for In-Home Care and that an In-Home Care Giver is necessary for the well being of the resident.
  - (b)** If an Ancillary Kitchen for In-Home Care is requested, the application shall describe the kitchen facilities and appliances to be added and shall designate the area in which the Ancillary Kitchen will be placed for the convenience of the In-Home Care Giver, including a site plan and floor plan drawn to scale.
  - (c)** The In-Home Care Permit shall be time limited dependent upon the need for In-Home Care.



**(d)** Upon receipt of the application for an In-Home Care Permit, the Director of Planning and Zoning shall review the application, make an on-site visit to the residence and determine if the permit should or should not be issued. If the Director determines the In-Home Care Permit is justified and if an Ancillary Kitchen is reasonably required for the In-Home Care Giver, if requested, findings shall be made to support such conclusions. If the In-Home Care Permit is denied, the Director shall state the reasons for denial. If the In-Home Care Permit is granted, the Director may also make additional requirements and/or conditions so as to assure that the additional kitchen facilities and the location thereof do not create an area conducive for rental to third parties after termination of the In-Home Care Permit.

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

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

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

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

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

**(C) CONDITIONAL USES.** The following uses may be allowed when approval has been obtained as set forth in §9.2.25(D)(2), §9.2.25(E)(2):

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

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

**(3)** Place of worship, excluding a Megachurch.

**(4)** Mobile home used as a dwelling during the construction of a dwelling on the same premises, provided such use shall be limited to a maximum period of one (1) year; or as approved by the Planning and Zoning Commission per §9.2.25(E)(2); a one thousand dollar (\$1,000.00) bond must be posted to ensure compliance with the conditions of the use. The one year period shall commence on the date that conditional use approval is granted or the date the use actually began, if earlier, or as approved by the Planning and Zoning Commission.

**(5)** Guest house or additional dwelling.

**(a)** The guest house is limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen (microwave, coffee pot, etc.), sleeping and sanitation

**(b)** Guest houses may not have a garage.

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

**(d)** Guest houses shall not have a separate address.

**(e)** Area Regulations:



**(f)** Upon lots with at least twice the minimum lot area, one (1) dwelling per minimum lot area, but limited to a maximum of three (3) dwellings per lot. One (1) dwelling shall be the principal single family dwelling and any additional dwelling shall be for use as a guest and/or caretaker's house limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen i.e. microwave, coffee pot, etc.), sleeping and sanitation and providing the structures have access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.

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

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

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

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

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

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

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

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

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

**(a)** Except as provided in §9.2.7(E)(3), (G)(4)(a) and (H) of this Section, the setbacks from the property line to the nearest structure shall be as follows:

**1.** Front setback shall be: twenty-five (25) feet.

**2.** Side setback shall be: fifteen (15) feet.

**3.** Rear setback shall be: twenty-five (25) feet.

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

**(3) Preservations of Open Space and Vistas.**

**(a)** For all properties which border on Rio Grande Boulevard, as described in South Rio Grande Area A Illustration §9.2.7(E)(3)(a), roughly bounded on the west side of Rio Grande Blvd., to the south by the north boundaries of Tinnin Farms, and Rob Lee Meadows subdivisions to the south; and west side of Rio Grande Boulevard, to the west by the Village of Los Ranchos de Albuquerque municipal boundary [at the Atrisco Feeder Canal] to the west; and to the north by the southern boundary of the Guadalupe Woods subdivision to the north; and on the west east side of Rio Grande Boulevard, to the north by



Chamisal Road; to the east by the Pueblo Lateral; and to the south by Green Valley Road, and for the South Rio Grande Area B Illustration §9.3.7(E)(3)(a), roughly bounded on the west side of Rio Grande Blvd., to the south by Montano Road; to the west by the Village of Los Ranchos de Albuquerque municipal boundary [at the Atrisco Feeder Canal]; to the north by the southern boundaries of Tinnin Farms, and Rob Lee Meadows subdivisions, and on the east side of Rio Grande Blvd. to the north by the Gallegos Lateral; to the east by the Griegos Drain; and to the south by Montano Road, a setback of two hundred eighty (280) feet from the centerline of Rio Grande Boulevard is established. (See Map A & B).

**(b)** For properties in the North Rio Grande Character Area, the setback shall be equal to a straight line connecting the fronts of the nearest dwelling on each side facing the same street when that straight line falls within a corridor of minimum eighty (80) feet from the center of Rio Grande Blvd to one half (.5) the distance of the depth of the lot. (See Illustration §9.2.7(E)(3)(b)).

**(c)** If the straight line connecting the fronts of the nearest dwelling on each side facing the same street falls in front of or crosses the eighty (80) foot minimum setback, then the setback shall be eighty feet from the middle of Rio Grande Blvd.

**(d)** If the straight line connecting the fronts of the nearest dwelling on each side facing the same street crosses or falls behind one half (.5) the distance of the depth of the lot, then the one half (.5) distance of the depth of the lot shall be the setback.

**(e)** Existing development is non-conforming and exempt from the setback, however redevelopment is not exempt, nor can new structures be added in the setback area of non-conforming lots.

**(f)** To preserve development rights, all properties affected by this setback shall be allowed to developed to the maximum overall density (FAR) that would have otherwise been allowed on the property, however, all development must take place behind the setback.

**(g)** When necessary to allow development in a conventional residential configuration, the rear setback may be reduced to fifteen (15) feet, side setbacks may be reduced to ten (10) feet, without requiring the Variance process, with Planning Director approval on a case by case basis.

**(4)** Where lots have double frontage, the required front setback shall be provided on both sides, except those houses facing Rio Grande Blvd. subject to the North Rio Grande Character Area and South Rio Grande Character Areas A & B.

**(5)** For very narrow (less than sixth (60) feet wide) tripa, unusually small, and/or unusual shaped lots, one side yard setback may be reduced to less than ten (10) feet providing building height meets the conditions of this Section.

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

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



**(1) FLOOR AREA RATIO APPLICATION IN SUBDIVISIONS WITH SUBSTANDARD LOT AREA.** In consideration of those previously approved subdivisions that were approved with SU-1 Zoning or Special Use Permit and less than one-third acre (.333) lot size, (those being Nico Trail, Rincones de Los Ranchos and Los Prados de Guadalupe), the Planning Director shall consider applications for building permits limiting the size of the dwelling to that which is reasonably consistent with other houses in the development, considering such factors as total lot coverage and average square footage of previously developed lots without applying the floor area ratio. All other code requirements such as height, step-back, setbacks, etc. must be met.

**(G) HEIGHT REGULATIONS.** The height of buildings shall be limited to twenty-six (26) feet from existing grade (the existing surface of the ground), to the top of the pitch, top of the parapet or top of the mansard roofline.

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

**(a)** If the single story height exceeds seventeen (17) feet, that portion of the building shall be considered a second floor and shall be counted as square footage for Floor Area Ratio purposes. Second floors shall be regulated by the second floor percentages and limitations of §9.2.7(G)(2)(a).

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

**(2) Two Story Buildings** shall not exceed twenty-six (26) feet in height measured from the existing grade, to the top of the pitch, top of the parapet, or top of the mansard roof line.

**(a)** Second floor areas, including all covered patios, porches, portals, balconies, and other open and accessible living areas, shall be limited to a total of sixty percent (60%) of the first floor enclosed square footage, as defined by §9.2.3((B) Enclosed Area.

**(3) Height of Facades.** No single façade wall length shall be greater than fifteen percent (15%) of the calculated perimeter of façade walls of the first floor, and exceed seventeen (17) feet in height. Any portion of a façade wall exceeding the fifteen percent (15%) perimeter length shall be limited to seventeen (17) feet in height or shall be stepped back by four (4) feet or equal to a forty-five degree (45°) plane drawn from a perpendicular point on the adjacent property line. See illustration §9.2.7(G)(3).

**(4) Solar Access.** Building Height Limitations to Preserve Solar Access: For any new construction in the A-1 Zone submitted after May 14, 2007, the height of any building shall not exceed a thirty-one degree (31°) angle plane drawn upward from a horizontal line located two (2) feet above the existing grade, ten (10) feet within the northern property line (See illustration §9.2.7(G)(4)(a)).

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



- (a) Chimneys shall not exceed twenty-nine (29) feet in height.
- (b) Flag poles shall not exceed forty (40) feet in height.
- (c) Non-commercial radio towers regulated by the Federal Communications Commission shall not exceed forty (40) feet in height.
- (d) Windmills (both wind generators and water) shall not exceed forty (40) feet in height.

**(H) FENCES AND WALLS.**

- (1) No open fence located in the setback areas shall exceed six (6) feet in height.
- (2) No solid wall or fence located within the rear or side setback area shall exceed six (6) feet in height.
- (3) No solid wall or fence located within the front setback area shall be more than four (4) feet in height. Open fencing may be placed upon the four foot solid wall to a maximum height of six (6) feet.
- (4) No solid wall or fence shall be located within the clear sight triangle of a driveway and a public or private right-of-way.
- (5) No solid wall or fence located within the side or rear setback area and along a public or private right-of-way shall be more than six (6) feet in height.
- (6) No wall or fence shall be constructed unless a building permit has been approved by the Village.
- (7) Concertina (razor wire) wire is prohibited.
- (8) Gate entrance pillars may reach a maximum height of eight (8) feet and must observe the clear sight triangle distance from the street and shall not exceed more than two (2) feet width on either side of the gate itself.

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

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

**(K) DARK SKIES REGULATIONS.** As set forth in §9.2.20 Dark Skies.

