

§ 9.2.9 A-3 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/three acres)

(A) PURPOSE AND INTENT. The purpose of this Section is to preserve the rural/agricultural character of the area with particular emphasis on the protection of groundwater resources and open areas while allowing very low density residential development permitted in this zone at one (1) dwelling unit per three (3) acres in conformance with the Village Master Plan. This zone encompasses only the area of the Los Poblanos Estates Subdivision as shown on the plat thereof filed in Volume D3, Folio 134 of the Records of the Bernalillo County Clerk. (See map adopted with Ord. #129).

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

(1) Any Permissive Use as allowed and regulated in §9.2.7 A-1 Zone.

(C) CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in § 9.2.25, Application and Approval Process:

(1) Any Conditional Use as allowed and regulated in §9.2.7 A-1 Zone.

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

(E) AREA REGULATIONS.

(1) The minimum lot area shall be three (3) acres (130,680 square feet) and minimum lot width shall be one hundred fifty (150) feet.

(2) Setbacks. Setback limits apply to all buildings and/or structures including swimming pools.

(a) Except as provided elsewhere in § 9.2.9(E) of this Article, the minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet. For any property bounded by an irrigation ditch or drain, the minimum setback along the ditch or drain shall be twenty-five (25) feet.

(3) PRESERVATION 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 west by the Village of Los Ranchos de Albuquerque municipal boundary [at the Atrisco Feeder Canal]; and to the north by the southern boundary of the Guadalupe Woods subdivision; and on the 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) 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.

(c) To preserve development rights, all properties affected by this setback shall be allowed to be 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.

(d) Where 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 tripartite, 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.

(F) FLOOR AREA RATIO for residential buildings for all A-3 zoned properties in the Village with Floor Area, Total as defined in §9.2.3(B), Definitions.

(1) The floor area ratio of all single family residential units shall be determined by the allowable floor area listed in the adopted 20% All Village FAR TABLE for the lot area as defined in §9.2.3(B), Floor Area Ratio (FAR).

(G) HEIGHT LIMITATIONS.

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

(2) 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 §9.2.9(G)(3)(a).

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

(3) 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.

(4) Height Of Facades.

(a) 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 45° plane drawn from a perpendicular point on the adjacent property line. (See Illustration §9.2.7(G)(3)).

(5) Other Structures.

(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 generating 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 (4) foot solid wall to a maximum 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 solid 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) SOLAR ACCESS. Building Height Limitations to Preserve Solar Access: For any new construction submitted after May 19, 2008, the height of any building shall not exceed a 31° angle plane drawn upward from a horizontal line located two feet above the existing grade, ten feet within the northern property line (See illustration §9.2.7(G)(4)(a)).

(J) SUBDIVISION.

(1) 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.

(K) EXISTING STRUCTURES.

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

(L) PERMEABLE SURFACES.

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

(M) DARK SKIES REGULATIONS. As set forth in § 9.2.20.

