

### § 9.2.12 C-1 RETAIL COMMERCIAL ZONE (one single family residential unit/one third (.33) acre)

**(A) PURPOSE AND INTENT.** The purpose of this Section is to allow commercial and residential development permitted in this zone at one single family dwelling unit per one third (.33) acre in conformance with the Master Plan 4.02, except as noted below in §9.2.12 (E)(1). The goal is to reflect a village character through:

- (1)** Relatively low density and diversified residential land uses.
- (2)** Density and intensity of Village scale commercial development appropriate to Village needs and primarily focused on Fourth Street.

Commercial activities include office, service, institutional, specific retail uses as well as light manufacturing uses along Fourth Street as identified below. This zone includes the Fourth Street corridor developed as commercial, agricultural, residential, and mixed parcels of diverse uses. The termini of Fourth Street serve as Gateways to the Village, and denote segments of the original “US Route 66” and *El Camino Real*.

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

- (1)** Residential, single family detached dwelling (site-built or modular) units to a maximum of one dwelling units per one third (.33) acre.
- (2)** Residential, condominium dwelling units with common wall(s) to a maximum of six (6) dwelling units per acre.
- (3)** Display and sale of agricultural products, including animals raised on the premises and products incidental to the sales activity.
- (4)** Accessory structure or use customary and incidental to and on the same lot with a permitted use, to include garages, barns, corrals, and animal pens.
- (5)** Agricultural activities, including the raising, harvesting, and storage of fruits, vegetables, grain, hay, and feed, poultry, rabbit, and livestock keeping and raising, for commercial or non-commercial purposes. All animal activities shall be conducted in accordance with §7.2.1 *et seq.*, Animal Control and, if commercial enterprise, issued an annual animal permit.
- (6)** Keeping and raising of animals for non-commercial purposes not named in paragraph (B)(5) of this Section as permitted and regulated by §7.2.1 *et seq.*, Animal Control.
- (7)** Parking incidental to uses permitted in this zone, provided that vehicles not parked inside a building are operative.
- (8)** Permitted Home Occupations.
- (9)** Government buildings and accessory uses customarily incidental to that use.
- (10)** Public parks and accessory uses customarily incidental to that use.
- (11)** Garage sales, estate sales, home distribution 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, and is conducted on residential property. In the case of a garage sale or estate sale, one sign no larger than six (6) square feet in area may be placed on the premise for the duration of the sale.



**(12)** Outdoor sale of food and agricultural products must adhere to the NMED and/or Bernalillo County environmental regulations.

**(13)** Institutions such as:

**(a)** Club, provided there is no liquor license.

**(b)** Library.

**(c)** Museum.

**(14)** Alcohol package sales (Retailer License) and restaurant beer and wine sales (Restaurant Beer and Wine License) are permissive, provided that proper permits and/or licenses have been obtained through the New Mexico Alcohol and Gaming Division and the Village of Los Ranchos and that all applicable state and local laws are complied with.

**(15)** The following are also permissive commercial uses in the C-1 Zone:

**(a)** Animal care, pet shops, and grooming, including veterinary care, but not boarding of animals.

**(b)** Bank or lending institution, providing there is no drive-through.

**(c)** Childcare facilities.

**(d)** Health/Fitness facility/spas.

**(e)** Hotels or motels.

**(f)** Galleries.

**(g)** Light repair shops such as alterations, tailoring, locksmiths, bicycle, computer, and office machine repair.

**(h)** Light manufacturing such as jewelry, pottery, ceramics, glass, and metal art.

**(i)** Medical or dental clinic.

**(j)** Office and Professional Office, and related uses such as: lawyers, engineers, architects, landscape architects, accountants, audiologists, economists, physicians, dentists, chiropractors, insurance agents, opticians, physical therapists, counselors, court reporters, bookkeepers, consultants, or other professions similar to those listed above.

**(k)** Outdoor events including festivals and street fairs, as approved by the Board.

**(l)** Parking lots and parking structures.

**(m)** Retail sales of the following goods and services, plus incidental retailing of related goods and the incidental service or repairs, provided that such are not listed as conditional uses in this zone. Unless otherwise indicated temporary display and sales shall occur within or near an enclosed structure:

Abstract and Title Company;

Actuary;

Acupuncturist;

Advertising agency;

Air charter;

Air cleaner services;

Airline travel services;

Alarm systems;

Answering services and machines;



Antiques and vintage products;  
Appliances;  
Arts and crafts objects and hobby supplies;  
Audio/Visual, dealer;  
Automobile parts and supplies;  
Awards dealers;  
Awnings;  
Baby Products;  
Bagel Shop;  
Bakery goods or confectionery;  
Banquet facilities;  
Barber and beauty shops;  
Bedding and Bath products;  
Bicycle and moped sales and rentals;  
Billiards;  
Books, magazines, newspapers, and stationary;  
Boots;  
Building supplies;  
Butcher shops, including game processing;  
Cabinets and cabinet makers;  
Cameras and darkroom supplies;  
Camper supplies;  
Candles;  
Carpet and carpet care;  
Catering;  
Cellular (wireless) communications, retail;  
Ceramic tile, retail;  
Chimney sweeps;  
Christmas trees, roasting and hanging chiles, pumpkin patches  
and seasonal merchandise, including outside sales, provided the use is  
limited to sixty (60) days in one (1) calendar year;  
Clocks, retail and services;  
Closets, retail and services;  
Clothing, or shoes;  
Communications services;  
Computers and related sales and services;  
Copiers and copier services;  
Cosmetics;  
Counter tops, sales and services;  
Crafts, supplies;  
Credit unions;  
Delicatessen;  
Delivery service;  
Detective agency;  
Disc jockeys;



Electrolysis;  
 Entertainment agencies;  
 Fabric, yarn, and related handwork supplies;  
 Fasteners;  
 Feed Stores;  
 Ferrier services;  
 Fireworks, only with appropriate permits issued by the Village Fire  
 Department;  
 Flea market, indoor;  
 Flowers and plants, including florist;  
 Furniture, upholstery and related products;  
 Greeting cards;  
 Grocery stores;  
 Hardware stores;  
 Income tax services;  
 Instruction in music, dance, martial arts, fine arts, crafts,  
 modeling, and training of dogs that are not boarded on the premises;  
 Interior decorating, designing, and supplies;  
 Internet services;  
 Investment services;  
 Jewelry;  
 Lawn and garden supplies, including farm machinery;  
 Mortgage company;  
 Musical instruments or supplies;  
 Nursery and/or greenhouses;  
 Office machines and office supplies;  
 Paging services;  
 Paint stores and painting supplies;  
 Pharmacy;  
 Photography and photographic equipment;  
 Photocopy, photocopying and photo developing;  
 Printing and print shop;  
 Public relations;  
 Publishing;  
 Real estate;  
 Rental equipment;  
 Screen printing;  
 Shipping and mailing services;  
 Shoes, shoe repair shops, shoeshine stands;  
 Signs;  
 Ski equipment;  
 Software sales and services;  
 Spas (whirlpools, Jacuzzis, hot tubs) and pool sales and supplies;  
 Sporting goods;  
 Sprinkler systems;



Statuary;  
 Stenographic, secretarial, and word processing services;  
 Stereo and high fidelity sound/music systems;  
 Stock broker;  
 Studios for dance, art, martial arts, music, or photography;  
 Sunrooms;  
 Talent agency;  
 Taxi services;  
 Taxidermy;  
 Television and VCR sales and service;  
 Tire stores;  
 Tractor sales and service;  
 Trailer sales;  
 Training;  
 Tree services;  
 Upholstery;  
 Vacuum sales and services;  
 Variety stores;  
 Vending machine services;  
 Video rentals, sales, services;  
 Wallpaper and wall coverings;  
 Water (drinking);  
 Well drilling;  
 Windows, sales and repair.

**(n)** Research and development, scientific design, and associated testing and evaluation.

**(o)** Restaurants, excluding drive-through.

**(p)** Recording and Broadcast studios with no visible external transmitting or receiving devices or antennas.

**(q)** 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.

**(C) CONDITIONAL USES.** The following uses may be allowed when approved as set forth in § 9.2.25, Application and Approval Process:

**(1)** Animal keeping in excess of that allowed by permissive use.

**(2)** Animal boarding kennels, provided animal smells and noises are mitigated.

**(3)** Assisted living (adult) facilities provided the facility abides by Village, State and Federal regulations.

**(4)** Banking or lending institution with a drive-through facility provided on the condition the vehicle movement plan is approved by the Village Engineer that allows for safe ingress and egress and does not impede pedestrian passage.



- (5) Bar or Lounge provided hours of operation and associated impacts such as noise are mitigated.
- (6) Bed and breakfast establishments, without limitation on number of units, according to the regulations for motels and hotels.
- (7) Daycare (adult) provided the facility abides by Village, State and Federal regulations.
- (8) Guest ranch or retreat center.
- (9) Mobile home used as a dwelling during the construction of a dwelling on the same premises, provided such use may be limited to a maximum period of one (1) year; a bond of one thousand dollars (\$1,000.00) or the current cost to remove must be posted to ensure compliance with the conditions of the use. The one (1) year period shall commence on the date that conditional use approval is granted or the date the use actually began, if earlier.
- (10) Public utility structures such as a transformer, switching, pumping, or similar technical installation essential to the operation of a public utility.
- (11) Place of worship, but excluding a Megachurch.
- (12) Car wash, provided that noise and contaminants are controlled and a vehicle movement plan has been approved by the Village Engineer.
- (13) Contractor's Yards provided hours of operation, storage and noise are mitigated.
- (14) Dry cleaning, laundry, clothes pressing operation, laundromat, provided:
  - (a) only non-flammable or non-combustible materials are used in the cleaning process;
  - (b) that portion of the structure in which any cleaning process is done is at least fifty (50) feet from any residential zone; and
  - (c) drive-through facilities permitted on the condition a vehicle movement plan is approved by the Village Engineer that allows for safe ingress, egress and does not impede pedestrian activity.
- (15) Group home with proper approvals and/or licenses as required by the State of New Mexico.
- (16) Indoor amusement enterprise such as auditorium, billiards or pool hall, bowling alley, dance hall, theater or shooting gallery.
- (17) Mortuaries.
- (18) Service stations, including the retail sale of petroleum products, tube and tire repair, but not including AUTOMOBILE REPAIR SERVICES.
- (19) Schools, public and private, educational facilities, or learning centers, provided hours of operation are mitigated, compliance with all applicable state regulations and the site plan and traffic plan have been reviewed and approved by the Village Engineer.
- (20) Restaurants with drive through.
- (21) Theaters.
- (22) Wineries, cideries, brewpubs and distilleries.
- (23) Recording and Broadcast studios with no visible external transmitting or receiving devices or antennas.



**(24)** Wireless telecommunications (“cellular towers”) facilities when disguised as some other structure such as a flagpole, light fixture or incorporated into a building and meets all requirements of § 9.6.1 *et seq.*

**(25)** Restaurants serving wine, beer and spirits (Dispenser or Interlocal License)

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

**(E) AREA REGULATIONS.**

**(1)** The minimum lot area shall be three-quarters of an acre (32,670 square feet) except where community water and sewer facilities are available the lot area shall be reduced to one-third of an acre (14,520 square feet). Minimum lot width shall be sixty (60) feet.

**(2)** Commercial buildings. Setback limits apply to all commercial buildings and/or structures with the exception of signs.

**(a)** Except as provided in § 9.2.12(E)(2)(b), the minimum front setback shall be five (5) feet; the minimum side setback shall be zero (0) feet; and the minimum rear setback shall be ten (10) 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.

**(b)** Where a C-1 lot abuts a residentially zoned lot, the minimum side setback shall be ten (10) feet, and the minimum rear setback shall be fifteen (15) feet.

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

**(3)** Setback limits for residential buildings, single family detached dwellings, and common wall condominiums, including swimming pools.

**(a)** The minimum front setback for a residential building shall be twenty (20) feet; the minimum side setback shall be ten (10) feet, and the rear shall be fifteen (15) 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.

**(b)** 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.

**(4) FLOOR AREA RATIO** for residential buildings for all C-1 zoned properties in the Village with Floor Area, Total as defined in § 9.2.3(B), Definitions.

**(a)** 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 net lot area as defined in § 9.2.3(B), Floor Area Ratio (FAR).

**(b)** The floor area ratio for all condominium common wall units shall be determined by the allowable floor area listed in the adopted 20% FAR TABLE for net lot area as per § 9.2.3(B), Floor Area Ratio (FAR).

**(F) HEIGHT LIMITATIONS.**



**(1)** Height of commercial buildings shall be limited to thirty nine (39) feet from existing grade to the top of the pitch, top of the parapet or top of the mansard roof line.

**(2)** 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.

**(3) Single Story Buildings (Residential)** 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 § 9.2.12(F)(3)(a).

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

**(4) Two Story Buildings (Residential)** 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.

**(b)** Condominium common wall units second floor 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.

**(5) 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 measured at the property line. (See Illustration §9.2.7(G)(3))

**(6) 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 generators and water) shall not exceed forty (40) feet in height.

**(G) 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 yard 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 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, with the exception for residential use (§ 9.2.12(G)(6)).

**(6)** Single family residences on Fourth Street may erect a solid wall, up to six (6) feet in height, in front of the residence not to encroach on any clear site triangle.

**(7)** No solid wall or fence shall be constructed unless a building permit has been approved by the Village.

**(8)** Concertina (razor wire) wire is prohibited.

**(9)** 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.

**(H) SOLAR ACCESS (RESIDENTIAL).** 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 (2) feet above the existing grade, ten (10) feet within the northern property line. (See illustration §9.2.7(G)(4)(a)).

**(I) SUBDIVISION (RESIDENTIAL).** 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 STRUCTURE.** 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.

**(K) PERMEABLE SURFACES.**

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

**(L) DESIGN REGULATIONS.** As set forth in § 9.2.21.

**(M) OFF STREET PARKING REGULATIONS.** As set forth in § 9.2.18.

**(N) LANDSCAPING REGULATIONS.** As set forth in § 9.2.19.

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

**(P) SIGNS.** As set forth in § 9.2.22.

**(Q) OUTDOOR STORAGE REGULATIONS.** In conjunction with a permitted use in this Section:

**(1)** Stored materials shall be fenced and screened.

**(2)** Stored materials shall be safely contained.

**(3)** Stored materials and inoperable vehicles shall be appropriately buffered from public view.

**(R) OUTDOOR DISPLAY OF MERCHANDISE.** In conjunction with a permitted use in this Section:

**(1)** The total area allowed for outdoor display of merchandise shall be less than five (5) percent of the total gross square footage of the lot.

**(2)** Displayed merchandise shall be safely stored and shall not utilize required parking spaces or impede pedestrian use of interior walkways.



**(3)** The displays shall be temporary and be erected during business hours only.

**(4)** Displays shall be located fifty (50) feet from any residential zone property.

**(S) TRANSIT REGULATIONS.** Provided there is an existing bus stop available directly adjacent to the property, an easement for a new sheltered bus stop shall be an on-site requirement, as approved by the Commission/Board.

**(T) APPLICATION AND APPROVAL PROCESS.** As set forth in § 9.2.25.

