

STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 299

AMENDING ORDINANCE 284, RESCINDING THE PILOT PROJECT PROGRAM ALLOWING FOR UP TO THREE CONSERVATION DEVELOPMENT PROJECTS IN THE VILLAGE OF LOS RANCHOS, AND ESTABLISHING PROVISIONS FOR CONSERVATION DEVELOPMENTS; REMOVING PILOT PROJECT APPROVAL PROCESS FROM PLANNING & ZONING COMMISSION MATRIX, ADDING APPROVAL PROCESS FOR CONSERVATION DEVELOPMENTS, AND CORRECTING AN OMISSION; AMENDING AND REMOVING DEFINITIONS; AMENDING A SECTION ON CONSERVATION DEVELOPMENT STANDARDS.

WHEREAS, alternative housing options such as conservation development (cluster housing) are supported in the 2035 Master Plan and Section 8.1.2 Residential Development Policy B Action Steps supports the creation of a pilot project ordinance to explore alternative housing options in a limited capacity; and

WHEREAS, conservation development (cluster housing) is an alternative that provides smaller building footprints to accommodate the needs of all generations, especially older generations who wish to downsize, while preserving more contiguous undeveloped land for agricultural or open space purposes, said purposes highly valued by the Village; and

WHEREAS, conservation development (cluster housing) has been allowed in the Village, as cluster housing and as open space developments, and there are several subdivisions in the Village which are cluster housing developments or have elements of cluster housing, the majority of which have retained the Village's values of agriculture and open space; and

WHEREAS, a density bonus allowing additional dwelling units beyond the standard number of dwelling units per acre as allowed by the property's zone, incentivizes a portion of the property being set aside as undeveloped Conservation Area; and

WHEREAS, the proposed uses of a conservation development (cluster housing) are the same as those allowed in the Village's residential zones, therefore the option is available as a set of design standards; and

WHEREAS, on March 9, 2022, the Board of Trustees approved a pilot project program for conservation developments would allow the Village to test the small-scale implementation of certain land use concepts and further explore the concept of conservation development (cluster housing) without widespread adoption, thus allowing for revisions to the Village Code prior to Village-wide adoption (or not) of a conservation development standard under Ordinance 284; and

WHEREAS, as noted in Ordinance No. 284, it is the desire of the Village of Los Ranchos to provide alternative housing options such as conservation development (cluster housing), as supported in the 2035 Master Plan in Section 8.1.2 Residential Development Policy B Action Steps; and

WHEREAS, the pilot project option set out in Ordinance No. 284 was intended to allow for testing and revision as necessary, and the Board has determined that revisions to §9.2.27 Conservation Development Standards Permit and related land use sections are necessary.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE:

SECTION 1. Chapter 9, Article 2 is hereby amended as follows:

ARTICLE 2.

ZONING AND ZONE MAP

[SECTION 27. Conservation Development](#)

SECTION 2. Chapter 9, Article 2, Section 2 is hereby amended as follows:

ACTION MATRIX (Code citation)	STAFF	COMMISSION	BOARD
R=Recommendation F=Final			
Amendment to Conditions of Approval Sec. 9-2-25(D)(1)	Director		
<u>Conservation Development</u> <u>(See Site Development Plans and Subdivision – Major)</u>			
<u>Conservation Development – Deviations Sec. 9.2.27(N)(3)</u>			<u>F</u>
Conditional Use Sec. 9-2-25(D)(2)	Director		
Conditional Use – adverse comments Sec. 9-2-25(E)(2)		F	
Sign Permit Sec. 9.2.22(D)	Director		
Site Development Plans – Sketch Plat Sec. 9-2-25(E)(4)(c)(1)		No action	
Site Development Plans – Preliminary Sec. 9-2-25(E)(4)(c)(2)		R	
Site Development Plans – Final Sec. 9-2-25(E)(4)(c)(6)			F
Special Use Permit Sec.9.2.17 and Sec. 9-2-25(E)(5)		R	F
Subdivision – Minor Sec. 9.1.7(B)	Director		
Subdivision - Major Sketch Plat Sec. 9.1.7(C)(2)		No action	
Subdivision - Major Preliminary Plat Sec. 9.1.7(C)(3)		R	F
Subdivision - Major Final Plat Sec. 9.1.8.(A)(4)		F	F**

**Final approval may come back to BOT if requested			
Variance Sec.9.2.15(E)(7)		F	
Village Center Project Area Economic Plan/Site Development Plan Sec. 9.2.14(C)		R	F
VC Final Development Plan Sec. 9.2.14(C)(1)(b)(3)			F
VC Economic/Site Development Plan Amendment Sec. 9.2.14(C)(1)(b)(4)		R	F
Zone Changes and Zone Map Amendment Sec. 9-2-25(E)(8)			
Bed and Breakfast Permits Sec. 9.2.25(E)(1)		F	
Business Registrations – new Sec 3.1.2.	Director		
Business Registrations – renewal Sec.3.1.3	Staff		
Home Occupation – License Sec. 9.2.25(D)(4)(a)	Director		
Home Occupation – Renewal Sec. 9.2.25(D)(4)(d)	Director		
Home Occupation Adverse Comment/Revocation Sec. 9.2.25(E)(3)		F	
Zone Review for Building Permits Sec. 9.5.1**	Staff		
Reconstruction/Temporary Permits Sec. 9.2.25(D)(7)&(10)	Director		
Sidewalk Café Sec. 9.2.25(D)(9)	Director		
Tract Real Estate Office Permits Sec. 9.2.25(D)(11)	Director		

** The Uniform Building Code establishes a building department for the Village. Because the Village has a joint powers agreement with Bernalillo County for building permits and inspections, the Village only does a Zone Review for building permits.

All Ordinances may be viewed at Village Hall, Planning and Zoning, or www.losranchosnm.gov.

SECTION 3. Chapter 9, Article 2, Section 3 is hereby amended as follows:

§9.2.3 DEFINITIONS

(B) SPECIFIC DEFINITIONS.

CONSERVATION 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 Conservation Area(s) This development concentrates buildings in specific areas on a site to allow the remaining land to be used solely for open space conservation, agriculture, habitat, and/or recreation.

CONSERVATION AREA means land set aside and maintained in perpetuity for the purpose of agriculture, recreation open space, and/or conservation open space in a Conservation

Development. The Conservation Area is dedicated, designated, or reserved for public or private use.

DENSITY BONUS means the additional dwelling units allowed in a Conservation Development beyond the number allowed in the property's zone, the total square footage of said dwelling units meeting the requirements specified in §9.2.27(F).

SECTION 4. Chapter 9, Article 2, Section 27 is hereby amended as follows:

§9.2.27 CONSERVATION DEVELOPMENT

(A) PURPOSE AND INTENT. The purpose of this Section is to encourage residential development that provides an alternative means to preserve village character with particular emphasis on agricultural land and open space, while maintaining Village style, scale, and character in conformance with the Master Plan. It is the intent of this Section to allow a modest density bonus in addition to the designation of a Conservation Area that provides for agriculture, recreation preservation of habit, and/or other features important to the Village. Conservation development standards may be applied to any property or properties in the A-1, A-2, A-3, R-2, or R-3 zones that meet the minimum lot size. Where the provisions of these development standards conflict with the provisions of another section of this Zoning Code, the provisions of these development standards shall prevail.

(B) PERMISSIVE USES. A building or premises 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 may be allowed when approval has been obtained as set forth in §9.2.25(D)(2), §9.2.25(E)(2):

(1) Any conditional use as allowed and regulated in §9.2.7 A-1 Zone.

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

(E) AREA REGULATIONS. These regulations apply to all Conservation Development projects in the Village.

(1) The minimum conservation development size shall be the minimum lot size for the property's zone.

(2) Structures shall not cross property lines unless an easement for maintenance and ownership is identified on the plat.

(3) Setback requirements shall apply to the Conservation Development as a whole, but not to dwellings or lots within the site. Setback limits apply to all buildings and structures, including swimming pools.

(a) The minimum setbacks from the property line to the nearest structure shall be the setbacks of the property's zone.

(F) DEVELOPABLE AREA. The Developable Area is the property intended for residential development and does not include the Conservation Area. To determine the number of total dwelling units and lots allowed in a Conservation Development, use the following steps.

(1) Base Density. Establish the base density by applying the density allowed by the property's zone to the original parcel.

(2) Developable Area Density. Divide the Developable Area's square footage by the square footage of the minimum lot size required by the property's zone.

(3) Density Bonus. The density bonus is derived by multiplying the developable area density by 0.5. Round this number down to the nearest whole number for numbers less than 0.5 and up for numbers 0.5 or more.

(4) Total Density. The Total Density is determined by adding the number of dwelling units of the Density Bonus and the Base Density. The Total Density provides the number of total dwelling units and lots for the Conservation Development.

(5) Floor Area Ratio (FAR). 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, as applied to the Developable Area. The FAR is a running total to be divided among the lots as proposed by the developer. Variation in home and/or lot size is encouraged.

(a) Barns and agricultural related buildings in the Conservation Area are excluded from FAR calculations.

(G) HEIGHT REGULATIONS.

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

(2) Fences and walls. As regulated in the A-1 Zone, with the following modifications: Conservation Area may not be divided by fences or walls, unless fences or walls are related to the implementation of the use of the Conservation Area and are approved by the Village. Fences and walls between the Conservation Area and the Developable Area may be up to six feet (6') solid. Fences and walls between the Conservation Area and abutting properties not within the Conservation Development are limited to four feet (4') solid and an additional two feet (2') open as defined in §9.2.3.

(H) EXISTING BUILDING.

(1) 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.

(I) ACEQUIA IRRIGATION.

(1) Continuation of any existing ditch or acequia irrigation is a requirement of the Conservation Development standards. Subject to Middle Rio Grande Conservancy District approval as may be necessary, existing ditch or acequia irrigation may be relocated within any Conservation Development provided that the water allocated to the Conservation Area shall not be reduced.

(2) Abandonment of irrigation rights by the landowner(s) is prohibited as a condition of approval.

(J) CONSERVATION AREA.

(1) Amount. Thirty-five percent (35%) of the gross Conservation Development area shall be designated as Conservation Area for the purposes of agriculture, recreation, habitat, and other conservation uses as defined in this section.

(2) Configuration. The Conservation Area may consist of one or more areas within the Conservation Development provided that at least one area is not interior to the conservation development.

(a) For properties abutting Rio Grande Boulevard, the setback areas as defined in §9.2.7(E)(3) may be used as Conservation Area.

(b) The Conservation Area may be publicly accessible or limited to private access subject to the approval of the Village.

(3) Uses, Allowed. Conservation Area shall be used for the following or some combination thereof:

(a) Agriculture. Agricultural uses shall be those identified in A-1 Permissive Uses §9.2.7(B)(2), (3), (4), and (9).

(b) Outdoor storage of materials must be screened, and landscaping may provide screening. Storage of materials or equipment not specifically related to the Conservation Area uses shall not be allowed in the Conservation Area.

(b) Habitat. Including habitat for migratory wildlife and wildlife from the river area.

(c) Pedestrian and equestrian trails.

(d) Existing or new structures for the purpose of maintaining the Conservation Area or for support of the uses in the Conservation Area. Permissible structures the Conservation Area do not count towards the FAR.

(e) Unenclosed structures for shade or picnic areas. Trees are encouraged in general and as an alternative to shade structures.

(f) Preservation of existing natural landscapes and features, such as cottonwood trees, native vegetation, acequias, and existing grades and slopes is encouraged.

(g) Parks with customary playground equipment are an allowable use in the R-2

and R-3 Zones only.

(4) Uses, Prohibited.

(a) Golf driving ranges.

(b) Paved sports courts.

(c) Impervious surfaces, excluding (3) d or e above.

(d) Bleachers or similar structures to provide seating for guests or invitees.

(e) Other recreational uses that do not further the goals of agriculture, habitat, or natural features or preserving the natural landscapes.

(K) CONSERVATION AREA MANAGEMENT PLAN. A Conservation Area Management Plan is mandatory and shall include the following:**(1)** Current ownership information and a plan to be updated as needed and to be kept on file at the Village Planning and Zoning Department.

(2) Identify the type of ownership of the Conservation Area, including, but not limited to, a homeowners' association, conservation association, individual(s) or entity In compliance with the regulations of this section and any applicable requirement of NMSA 1978 §§ 47-12-1 to 47-12-6 all of which must agree to comply with regulations of the Village.

(3) Identify the parties responsible for maintenance of the Conservation Area, and their contact information along with a detailed maintenance plan, including a performance bond or letter of credit in the amount of the estimated annual cost of maintaining the Conservation Area. Maintenance costs must be updated annually.

(4) Homeowners' association or other recorded documents shall require that the sale of individual dwelling units must also include any associated interest in dedicated land, shared or common lands, structures, or facilities and shall require the buyer's continued responsibility for its share of those responsibilities.

(5) Plan shall include a detailed explanation of the proposed uses of the Conservation Area, including existing structures and an explanation of how it complies with the Village Master Plan and uses allowed in this section.

(6) Provide proof of water availability.

(L) SEWER SYSTEMS.

(1) All Conservation Development under this section 9.2.27 shall connect to the public sanitary sewer, regardless of distance from the nearest public sanitary sewer connection point.

(M) OTHER REGULATIONS. The regulations below apply to Conservation Developments:

(1) OFF STREET PARKING REGULATIONS. As set forth in §9.2.18 Off Street Parking.

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

(3) SIGN REGULATIONS. As set forth in §9.2.22 Signs.

(N) APPLICATION AND APPROVAL PROCESS. All applications for Conservation Developments must apply for and follow the approval process of major subdivisions and site development plans, as set forth in §9.1 and §9.2.25(E)(4) regardless of number of lots created or acreage involved.

(1) In addition to the requirements of §9.1, the following are required:

(a) The Conservation Area Management Plan shall be reviewed by the Planning Director, reviewed by the Planning and Zoning Commission, and approved by the Board of Trustees as part of the Site Development Plan.

(b) Perpetual covenants (i) for purposes of preserving the Conservation Area for agricultural, recreational, or conservation open space; (ii) requiring future use and development of the Conservation Development to comply with the Site Plan as approved by the Village; (iii) stating that the covenants were required as a condition of approval of the Conservation Development; and (iv) giving the Village the right (but not the obligation) to enforce the covenants must be recorded in the Bernalillo County Clerk's Office.

(c) In addition to §9.1.8(B)(3) Contents of the Final Plat, the following are required on the final plat:

1. Note that vacation or alteration of the easement or restrictive covenant as identified in §9.2.27(J) is prohibited unless through approval by the Board of Trustees.

2. Note that further subdivision of lots which create additional lots, not to include lot line adjustments, shall require approval by the Board of Trustees.

3. Note indicating the location of the Conservation Area(s) shall be required on the final plat.

4. Conservation Area must be identified on a plat as a separate lot(s) or easement(s).

(2) The requirements of §9.2.25(E)(4) shall be met except as otherwise specified in this section:

(a) §9.2.25(E)(4)(n)(1): Compliance with Section 19 Landscaping shall be voluntary.

(3) Requests for deviations from area regulations, FAR, Conservation Area, or other requested authorization or approval, shall obtain approval from the Board of Trustees, prior to site development plan and subdivision review. The applicant shall submit a

preliminary site plan and identify each deviation with written justification for each requested deviation. The Variance fee shall apply.

(4) Approval by the Board of Trustees shall be required for any significant change to the Conservation Area.

(O) IMPLEMENTATION, ENFORCEMENT AND PENALTIES. This Section may be enforced in accordance with §9.2.24. In addition, if any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Section, the Village may institute any appropriate action or proceedings to:

(1) Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) Restrain, correct, or abate the violation;

(3) Prevent the occupancy of such building, structure, or land; or

(4) Prevent any illegal act, conduct, business or use in or about such premises.

(5) Conditions of Approval. Conservation Development conditions of approval shall include but are not limited to the following:

(a) Construction must commence within one (1) calendar year from date of filing of the subdivision plat.

(b) Abandonment or vacation of designated/dedicated Conservation Area is prohibited.

This ordinance shall become effective upon adoption by the Governing Body of the Village of Los Ranchos de Albuquerque.

PASSED, APPROVED, and ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2024.

{SEAL}

APPROVED:

Joe D. Craig, Mayor

ATTEST:

Danielle Sedillo-Molina, Clerk