

**STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 280**

AMENDING AGRICULTURAL-COMMERCIAL ZONE APPROVAL PROCESS TO THE ZONE MAP AMENDMENT PROCESS.

WHEREAS Section 9.2.25(E)(8) of the Village Code provides in part:

Zone Map Amendments. Amendments to the official Zoning Map may be considered by the Board upon recommendation of the Commission, if an application to amend zoning for the same property has not been filed within twelve (12) months from the date of final action by the Board on a prior application; and

WHEREAS, conversely and as it applies to the Agricultural-Commercial (AC) Zone, Section 9.2.15(E) provides:

- (2) After consideration of the public comments, the Planning Director shall approve the change to AC zoning if the requirements are met and the proposed use is permissive in the AC Zone. ...
 - (a) If the Planning Director determines that substantive public comment requires a public hearing, the Director shall schedule the zone change request to be heard by the Planning and Zoning Commission at the first available meeting; and

WHEREAS, all amendments to the Zoning Map, except the AC Zone, require Board of Trustees approval “upon recommendation” of the Planning and Zoning Commission; and

WHEREAS the process for amendments to the official Zoning Map should be consistently applied as it concerns all designated zones; and

WHEREAS, all zone changes should be approved by the governing body upon recommendation of the Planning and Zoning Commission.

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

SECTION 1. Chapter 9, Article 2, Section 15 is hereby amended as follows:

§ 9.2.15 AC – AGRICULTURAL-COMMERCIAL ZONE

AC Zone status may be applied to any property in the A-1, A-2, or A-3 Zones in the Village if the conditions set forth herein are met and if at least one acre or 66% of the lot area, whichever is larger, is open space dedicated to agricultural use, exclusive of parking or access areas.

(A) PERMISSIVE USES. A building or premises shall be used only for the following purposes:
(1) Any permissive use as allowed and regulated in the A-1, A-2, or A-3 Zones.

(E) APPROVALS.

(1) Applicants with properties meeting all requirements listed above may apply for AC zoning. The applicant must submit a site plan detailing the proposed agricultural and accessory uses, as well as plans for parking, lighting, landscaping, irrigating and buffering sufficient to demonstrate compliance with the above-detailed requirements for the AC Zone.

~~(a) Each applicant shall be required to post a public notice sign describing the zone change request in a conspicuous location on the property. Each applicant shall also be required to provide written public notice to each property owner within three hundred (300) feet of the affected property boundary. Such notice must be provided by first class mail. The written response period for such notice shall be no less than fifteen (15) days after the postmarked date of the mailing.~~

~~(2) After consideration of the public comments, the Planning Director shall approve the change to AC zoning if the requirements are met and the proposed use is permissive in the AC Zone. Proposed uses that are conditional or require SEPs are advertised and considered as they are for any other zone.~~

~~(a) If the Planning Director determines that substantive public comment requires a public hearing, the Director shall schedule the zone change request to be heard by the Planning and Zoning Commission at the first available meeting. Public notice requirements for such hearing are as stated in § 9.2.25(F).~~

(2) The application and approval process for changes to AC zoning shall follow §9.2.25(E)(8) Zone Map Amendments. Public notice requirements shall follow §9.2.25(F).

SEVERABILITY CLAUSE: Should any section, subsection, paragraph, sentence, clause, phrase, provision, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board to pass each section, subsection, paragraph, sentence, clause, phrase, provision, and every part thereof separately and independently of every other part.


COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Los Ranchos de Albuquerque, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 8th day of September 2021.



APPROVED:



Donald T. Lopez, Mayor

ATTEST:



Danielle Sedillo-Molina, Clerk