

STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 284

ADOPTING A PILOT PROJECT PROGRAM ALLOWING FOR UP TO THREE CONSERVATION DEVELOPMENT PROJECTS IN THE VILLAGE OF LOS RANCHOS; ADDING PILOT PROJECT APPROVAL PROCESS TO PLANNING & ZONING COMMISSION MATRIX; ADDING AND AMENDING DEFINITIONS; ADDING 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 based on the allowable built square footage from the Floor Area Ratio, rather than the standard number of dwelling units per acre as allowed in other zones, provides more housing by incentivizing smaller dwellings in the same amount of space that would be allowed for a single-family residence, which density bonus may increase in exchange for more undeveloped land; 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, 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; and

WHEREAS, the Board of Trustees encourage creative conservation development programs that conform to the 2035 Master Plan. However, the Board recognizes that, in the short term, there may be project submittals that do not align with all Village Ordinance requirements; and

WHEREAS, the Board of Trustees reserves the right to reject any conservation development project that does not adequately represent the Village in conformance with the 2035 Master Plan.

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 to add a new Section 27:

ARTICLE 2.

ZONING AND ZONE MAP

SECTION 27. Conservation Development Standards Permit (CDP)

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

ACTION MATRIX	STAFF	COMMISSION	BOARD
(Code citation)			
R=Recommendation F=Final			
Amendment to Conditions of Approval Sec. 9-2-25(D)(1)	Director		
<u>Conservation Development Standards Permit</u>		<u>R</u>	<u>F</u>
Conditional Use Sec. 9-2-25(D)(2)	Director		
Conditional Use – adverse comments Sec. 9-2-25(E)(2)		F	
<u>Pilot Project – Project Proposal</u>			<u>F</u>
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	
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		R	F

Sec. 9.2.14(C)(1)(b)(4)			
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.

~~**CLUSTER 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 dedicated land open space. ~~Cluster development may include zero setback lot lines at common walls to maximize the potential for common open space.~~ This development concentrates buildings in specific areas on a site to allow the remaining land to be used for open space conservation, agriculture, and/or recreation.

CONSERVATION DEVELOPMENT STANDARDS PERMIT means a permit issued to allow development standards which meet the requirements specified in §9.2.27 *et seq.* and may involve exceptions authorized and approved by the Board of Trustees. This permit requires approval by the Board of Trustees.

~~**COMMON OPEN SPACE**~~ means ~~that portion of an Open Space Development that is in perpetuity reserved for agricultural or recreational purposes or otherwise left in an unimproved state. Any portion of a Planned Development (subdivision) that is designated for the common usage of the development. These areas include green open spaces and may include such other uses~~

~~as parking lots and pedestrian walkways. Maintenance of such areas is not the responsibility of the Village and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.~~

DEDICATED LAND means land set aside in perpetuity for the purpose of agriculture, recreation open space, and/or conservation open space in a conservation development. Maintenance of such areas is not the responsibility of the Village and shall be set forth in the form of restrictive covenants or an easement, which shall guarantee the maintenance of these areas.

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

OPEN SPACE, ACTIVE RECREATION means open space that may be improved and set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, or picnic tables, etc.

~~OPEN SPACE, COMMON means an open space within a residential development reserved for the exclusive use of residents of the development and their guests.~~

~~OPEN SPACE, DEDICATED means land set aside in perpetuity for the purpose of providing open space for public use.~~

~~OPEN SPACE, DEVELOPED means open space substantially free of structures but possibly containing improvements that are part of a development plan or are appropriate for the residents of any residential development.~~

OPEN SPACE, PASSIVE CONSERVATION means open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or for the use and enjoyment of owners or occupants, which is comprised of plant or wildlife habitat.

OPEN SPACE, PRIVATE means a usable space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

~~OPEN SPACE PLANNED DEVELOPMENT means a building development that concentrates buildings in specific areas on a site to allow the remaining land to be used for open space, and/or preservation of environmentally sensitive areas.~~

CONSERVATION DEVELOPMENT PILOT PROJECT means an initial small-scale implementation of three (3) projects or less used to test potential alternatives to traditional development by providing initial regulations for applicants to follow, allowing alternative development to occur, and reviewing results prior to making a decision on a more widespread adoption.

SECTION 4. A new Chapter 9, Article 2, Section 27 is hereby added as follows:

§9.2.27 CONSERVATION DEVELOPMENT STANDARDS PERMIT (CDP)

(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, in conformance with the Master Plan. It is the intent of this Section to allow a density bonus while maintaining Village style, scale, and character. The density bonus shall be implemented through a form-based approach based on the Village's Floor Area Ratio. 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 in the Guadalupe Trail and Fourth Street Character Areas if the conditions set forth herein are met, under a Conservation Development Pilot Project. 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. Any unaddressed standards in this Section 27, not addressed in the balance of the Village Code, may be considered and approved by the Board of Trustees. [The Board of Trustees may grant exemptions from this Section 27 and any section of Chapter 9 Land Use Regulation.](#)

(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 properties in the Village.

- (1) The minimum conservation development size shall be thrice the net minimum lot size for the underlying zone, unless otherwise authorized and approved by the Board of Trustees for a Conservation Development Pilot Project.

- (2) Within the conservation development, the minimum lot area and lot width shall be the size of the dwelling unit. 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) ~~Except as provided in §9.2.27(E)(3)(b) of this Section,~~ The minimum setbacks from the property line or access easement to the nearest structure shall be the setbacks of the underlying zone, unless otherwise authorized and approved by the Board of Trustees for a Conservation Development Pilot Project.

- (4) Permeable surfaces shall be a minimum of sixty percent (60%) of the conservation development exclusive of access easements.

(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, unless otherwise authorized and approved by the Board of Trustees for a Conservation Development Pilot Project, and, except as specifically modified herein.

(1) Barns and agricultural related buildings are not excluded from floor area ratio calculations.

(2) Unless otherwise authorized and approved by the Board of Trustees for a Conservation Development Pilot Project, the Floor Area Ratio calculation follows the 20% All Village FAR TABLE for each pre-conservation development original acre or fraction thereof up to the minimum lot size of the underlying zone, after which the calculation resets for the next acre(s) or fraction(s) thereof up to the minimum lot size of the underlying zone. The calculation shall be for the net acreage of the conservation development, exclusive of access easements. Fractions of acres smaller than the smallest lot size listed on the FAR table shall not be considered for calculations. For every ten percent (10%) of additional dedicated land provided above the minimum, the conservation development may have an additional five percent (5%) in allowable FAR (e.g. 50% dedicated land with 30% FAR).

Example:

3.25 acres net underlying zone R-3:

0.33 acre = 3,100 sq ft * 9 → 27,900 sq ft

0.25 acre = 2,800 sq ft

Total allowable built square footage: 30,700 sq ft

3.25 acres net underlying zone A-1:

1 acre = 8,600 sq ft * 3 → 25,800 sq ft

0.25 acre = 2,500 sq ft

Total allowable built square footage: 28,300 sq ft

3.25 acres net underlying zone A-2:

2 acres = 12,760 sq ft

1.25 acres = 9,900 sq ft

Total allowable built square footage: 22,660 sq ft

(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: Dedicated land ~~shall~~ may not be divided by fences or walls, unless fences or walls are

related to the implementation of the use of the dedicated land. Fences and walls between dedicated land and private conservation development property may be up to six feet (6') solid. Fences and walls between dedicated land and abutting properties is limited to four feet (4') solid and an additional two feet (2') open unless otherwise authorized and approved by the Board of Trustees for a Conservation Development Pilot Project.

(H) EXISTING BUILDING.

~~(1) Existing buildings shall be considered legally non-conforming and follow the regulations of §9.2.23 Non-Conforming Uses and Structures.~~

(1 2) 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 Pilot Project.

(2) Abandonment of irrigation rights by the landowner(s) is prohibited as a condition of approval unless allowed otherwise by the Board of Trustees.

(J) DEDICATED LAND.

(1) Amount. Unless otherwise authorized and approved by the Board of Trustees for a Conservation Development Pilot Project, thirty percent (30%) of the net conservation development area shall be dedicated land for the purposes of agriculture, recreation, and/or conservation use. For every ten percent (10%) of additional dedicated land provided above the minimum, the conservation development may have an additional five percent (5%) in allowable FAR (e.g. 50% dedicated land with 30% FAR). Roadways, driveways, parking areas, private yards, and easements for purposes other than agriculture, recreation open space, or conservation open space cannot be calculated as dedicated land. Utility easements may, however, be overlaid on easements that count towards dedicated land.

(a) Dedicated land may form one or more areas within the conservation development provided that at least one area is not interior to the conservation development.

(2) Uses. Dedicated land shall be used for the following or some combination thereof:

(a) Agriculture.

(1) Agricultural uses shall be those identified in A-1 Permissive Uses §9.2.7(B)(2), (3), (4), and (9). ~~Unenclosed and~~ Enclosed structures shall count towards the Floor Area Ratio (FAR). Unenclosed structures shall not count towards the Floor Area Ratio (FAR). Outdoor storage of materials must be screened, and landscaping may provide screening.

- (b) Recreation Open Space.
 - (1) Paved sports courts are limited to one-quarter (1/4) of the total dedicated land.
 - (2) Golf driving ranges are prohibited.
 - (3) Unenclosed and enclosed structures shall count towards the Floor Area Ratio (FAR).
- (c) Conservation Open Space.
 - (1) May include unenclosed structures for shade or picnic areas. Unenclosed shade structures shall not count towards the Floor Area Ratio (FAR) but are limited to 20% of the conservation open space.
 - (2) Trees are encouraged in general and as an alternative to shade structures.
 - (3) Preservation of existing natural landscapes and features, such as cottonwood trees, native vegetation, acequias, and existing grades and slopes, is encouraged.

(3) Additional Requirements.

- (a) Dedicated land may be publicly accessible or limited to private access.
- (b) Walking paths, trails, or other means of pedestrian access must meet all then applicable Federal laws and regulations, up to and including pavement.
- (c) Structures necessary for operation and maintenance are permissive and shall count towards the Floor Area Ratio (FAR). Said structures shall be considered part of the dedicated land percentage.
- (d) If proposed use is water intensive, the Village may request proof of water availability. Uses that conserve water are encouraged.
- (e) Dedicated land must be identified on a plat as a separate lot(s) or easement(s).
- (f) Abandonment or vacation of dedicated land is prohibited as a condition of approval, unless allowed otherwise by the Board of Trustees.
- (g) Approval by the Board of Trustees shall be required for any substantial change to dedicated land.

(4) Ownership and Maintenance. Dedicated land shall remain dedicated in perpetuity through a land use or conservation easement, or restrictive covenant, so as to assure the dedicated land is not subject to further development and/or construction. The dedicated land and any structures thereon shall be owned and maintained by a homeowners' association, conservation association, individual, or entity that agrees to comply with the regulations of this section, and any applicable requirement of NMSA 1978 § 47-12-1 *et seq.*

- (a) The entity or individual that assumes ownership of the dedicated land shall bear all responsibility for maintenance of the land and all structures thereon. There shall be a land use easement or restrictive covenants recorded which prohibit the use of the subject land for any purpose other than what is designated as dedicated land in its

application. Such covenants shall run with the land and shall become part of the deed to each lot or parcel within the development. Such covenants shall be filed with the Bernalillo County Clerk simultaneously with, or prior to, the filing of the subdivision plat.

- (b) 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.

(K) 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.

(L) OTHER REGULATIONS. The regulations below apply to any property with a conservation development standards permit unless explicitly excepted in the approval conditions as authorized by the Board of Trustees:

- (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.

(M) APPLICATION AND APPROVAL PROCESS. Applicants meeting all requirements listed in this Section may apply for a conservation development standards permit. All applications for this permit must also apply for and follow the approval process of major subdivisions and site development plans, regardless of number of lots created or acreage involved, as set forth in §9.1 and §9.2.25(E)(4).

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

(a) A permanent land-use or conservation easement identifying ownership of the easement, and detailing responsibilities for maintenance of the dedicated land, or a document evidencing a permanent restrictive covenant for purposes of preserving dedicated land for agricultural, recreational, or conservation open space filed in the Bernalillo County Clerk's Office.

(b) 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.

(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) Fees. The application fee for conservation development permits is two-hundred-fifty dollars (\$250.00).

(N) 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.

(O) PILOT PROJECT.

(1) Duration. The conservation development standards permit shall be available only for the duration of permitting and development of up to three (3) pilot projects. When the Board of Trustees reviews the results of the pilot projects, the Board may adopt this Chapter 9, Article 2, Section 27 conservation development standards permit amended to reflect design standards and other observations learned from the implementation of any pilot project and without reference to a pilot project or this pilot project section.

(2) Location. The conservation development standards permit shall be available only within the Guadalupe Trail and Fourth Street Character Areas as identified in the Master Plan.

(3) Approval. The process for any pilot project approval shall be as follows:

(a) The applicant shall submit a complete pilot project application, which shall include at least the following:

1. Preliminary site plan and landscaping plan showing at a minimum proposed lot lines, buildable areas, number and size of dwelling units, use of dedicated land, and area of landscaping with general plant types (i.e. trees, shrubs, grasses) identified.

2. Letter of intent explaining the proposed site plan, amenities, compliance with §9.2.27, whether the applicant intends to sell or rent the units, reason for interest in an alternative form of development, and any additional information unique to the project (e.g. communal dining facility, communal guest dwelling(s), open space caretaker's unit(s), integration of an irrigation ditch or acequia).
 3. If the applicant intends to seek Board of Trustees authorization and approval of any requested deviation from: (E) Area Regulations, (F) Floor Area Ratio and (J) Dedicated Land, or, other requested authorization or approval, applicant shall, with specificity, identify each requested Board approval and justification for the same. The Board may consider and approve each such request.
- (b) Upon receipt of a complete application that meets the requirements of §9.2.27, the Planning Director shall schedule a hearing before the Board of Trustees at the next regularly scheduled meeting following §9.2.25(F) Public Notice. The Board of Trustees may approve the pilot project application and any requested deviations from this code.
 - (c) Upon approval of the pilot project application, the applicant shall proceed with the application and approval processes for a major subdivision, site development plan, and conservation development standards permit. The applicant shall not be required to submit a sketch plat application for the major subdivision or the site development plan.

(4) Conditions of Approval. Pilot project 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) Upon issuance of certificate of occupancy for half of the planned dwellings of the conservation development, applicant shall report to the Board of Trustees on results of development, including but not limited to: occupancy rate, use and maintenance of dedicated land, and the conservation development's impact on surrounding neighborhoods and infrastructure.


(5) Fees. The application fee for pilot projects is one-hundred dollars (\$100.00).

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 9th day of March 2022.



APPROVED:



Donald T. Lopez, Mayor

ATTEST:



Danielle Sedillo-Molina, Clerk