

**STATE OF NEW MEXICO  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
ORDINANCE NO. 294**

AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, CHAPTER 9, ARTICLE 2, SECTION 12, C-1 COMMERCIAL ZONE; REPEALING ORDINANCE No. 260.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE:**

The Board of Trustees hereby finds that the changes as shown in the Ordinance attached hereto are necessary for the clear interpretation and application of the 2013 Codified Ordinances and are substantive in nature.

The changes as shown on the Ordinance attached hereto are hereby adopted and approved and that such changes shall be incorporated in the 2013 Codified Ordinances.

**SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, phrase, 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, clause, phrase and every part thereof separately and independently of every other part.

**EFFECTIVE DATE, REPEAL, AND PUBLICATION.** This Ordinance shall take effect and be in full force five (5) days after publication of this Ordinance.

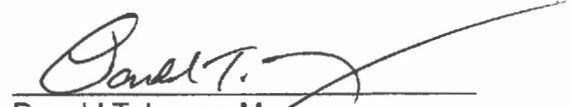
**PASSED, APPROVED and ADOPTED** by the Governing Body of the Village of Los Ranchos de Albuquerque this 12<sup>th</sup> day of April 2023.



ATTEST:

  
Danielle Sedillo-Molina, Clerk

APPROVED:

  
Donald T. Lopez, Mayor

**§ 9.2.12 C-1 RETAIL COMMERCIAL ZONE**

(A) **PURPOSE AND INTENT.** The purpose of the C-1 Retail Commercial Zone is to allow commercial, residential, and mixed-use development in conformance with Section 8.2 of the 2020 the Master as may be amended from time to time. The goal is to retain a village character through:

(1) Diversified residential land uses.

(2) Density and intensity of Village scale commercial development appropriate to Village needs, 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 and limited below. This zone includes the Fourth Street corridor developed as commercial, agricultural, residential, mixed-use, and mixed parcels of diverse uses. The termini of Fourth Street at the Village municipal limits serve as Gateways to the Village, and denote segments of the original "US Route 66" and *El Camino Real*.

(B) **USES.** Properties within the C-1 Commercial Retail Zone are required to conform to the Use Table below. Uses designated as "Permissive" may be denied if the proposed use is deemed by the Village to be a nuisance or injurious to adjacent property, the neighborhood, or the Village of Los Ranchos.

Use Table	
Key:	
Permissive Uses	P
Conditional Uses	C
Prohibited Uses	X
All uses must comply with ordinances and regulations for permits and development as required by the Village Codified Ordinances.	
<b>Agricultural</b>	P
<b>Cannabis (as qualified below)</b>	P
Facilities shall not be located within three-hundred (300) feet of a school or daycare in existence at time of state application. Facilities shall not be located within three-hundred (300) feet of one another, based upon distance at time permit is sought.	
Neither cannabis nor hemp shall be grown in landscaping.	
Cultivation, provided that it not exceed ten percent (10%) of the lot size. Structures shall be equipped with an activated carbon HVAC filtration system sized to effectively abate odor emissions and shall be fully enclosed and not open-air. Greenhouses used to grow cannabis shall be limited to one thousand (1,000) square feet in enclosed area.	P
Retailer excepting that sale between 8:00 pm to 9:00 am is prohibited.	P
Cannabis consumption area.	X
Product manufacturing, provided that structures shall be equipped with an activated carbon HVAC filtration system sized to effectively abate odor emissions and shall be fully enclosed and not open-air.	C
<b>Residential (as qualified below)</b>	P

Multi-Family (including Assisted living, etc.) with a <u>maximum density of sixteen (16) dwelling units per acre</u> <del>minimum of ten (10) dwelling units per acre and a maximum of twenty (20) dwelling units per acre.</del>	C
<u>Adult or child d</u> Daycare facilities	P
Mixed-Use (where not less than <del>40</del> 50% ground floor area is retail) <del>with a minimum of ten (10) dwelling units per acre.</del> There is <del>no</del> maximum number of dwelling units per acre <u>is sixteen (16).</u>	P
<u>Mixed-Use (where not less than 50% ground floor area is commercial, including non-retail uses). The maximum number of dwelling units per acre is sixteen (16).</u>	<u>C</u>
Garage sales, estate sales, with a limit of 2 weekends each calendar year for each address. For Mixed-Use, Multi-Family and townhouse or condominium projects, all units in the project will be considered as one address for purposes of this section.	P
Single-family, detached, townhouse, <u>or</u> condominium <del>with a minimum of ten (10) dwelling units per acre and a</del> <u>The</u> maximum <u>number</u> of <del>twenty (20)</del> dwelling units per acre <u>is sixteen (16).</u>	P
<u>Single-familiiy detached, townhouse or condominium on more than one (1) acre of land and when over sixteen (16) dwelling units are proposed. The maximum number of dwelling units per acre is sixteen (16).</u>	<u>C</u>
<b>Institutional (as qualified below)</b>	P
Government buildings and accessory uses customarily incidental to that use	P
Place of worship	C
Schools, public or private, education facilities, or learning centers	C
Theaters	C
<b>Food, <u>beverage</u>, and alcohol service (as qualified below)</b>	P
Alcohol sales between 12:00 am and 2:00 am	C
Alcohol sales between 2:00 am and 8:00 am	X
<b>Lodging</b>	P
<b>Services (as qualified below)</b>	P
Dry cleaning, laundry, clothes pressing operations, laundromats	P
Ferrier services	P
Large animal boarding facilities	C
Mortuary	C
Rental centers	C
<b>Office</b>	P
<b>Retail (as qualified below)</b>	P
Adult bookstore or video store	X
Adult entertainment establishments	X

Fireworks stores, both temporary and permanent	X
Large format retail exceeding 50,000 square feet in a single level	X
<b>Light Manufacturing</b> such as <del>of materials, food, or beverage jewelry, pottery, ceramics, glass, and metal art</del>	P
<b>Auto-oriented Uses</b>	
Auto sales	C
Auto parts and supplies, including service stations	P
Farm equipment, sales and service	P
Commercial car washes	P
Construction yards and commercial storage facilities	C
Establishments with drive-up facilities	C
Self-storage units	C
Trailer or recreational vehicle sales or service	C
<b>Civic Support</b>	
Parking lots and parking structures	C
Public utility structures such as transformers, switching, pumping, or similar technical installations essential to the operation of a public utility	C

Conditional Uses as referenced herein must be approved in accordance with Section 9.2.25(E) of the Village Codified Ordinances.

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

(D) AREA REGULATIONS.

(1) Commercial buildings. All commercial buildings and/or structures with the exception of signs must comply with the following setback requirements.

(a) Except as provided in § 9.2.12(E)(2)(b), minimum setbacks when the lot does not abut a residentially zoned property shall be:

Front	Five (5) feet minimum
Side	Zero (0) feet minimum
Rear	Zero (0) feet minimum

(b) Where a C-1 lot abuts a residentially zoned lot, the minimum setback, on the side abutting the residentially zoned property, shall be:

Front	Five (5) feet minimum
Side	Ten (10) feet minimum
Rear	Fifteen (15) feet minimum

(c) Where lots have frontage on two public streets, the required minimum front setback shall apply to both sides of the lot abutting public streets.

(2) Setback limits for residential buildings.

(a) For any residential or mixed use building other than single family detached dwellings, the minimum setback (including swimming pools) is:

Front	Five (5) feet minimum
Side	Zero (0) feet minimum
Rear	Fifteen (15) feet minimum

(b) For any single family detached residential the minimum setback is:

Front	Fifteen (15) feet minimum
Side	Ten (10) feet minimum
Rear	Fifteen (15) feet minimum

(c) For any property adjoining an MRGCD maintained irrigation ditch or drain, the minimum setback along the ditch or drain shall be twenty-five (25) feet from the nearest bank/edge of the ditch, or the property line, whichever is greater.

(3) FLOOR AREA RATIO (FAR) In the C-1 Commercial Residential Zone the FAR shall only apply to single family detached residential properties.

(E) HEIGHT LIMITATIONS.

(1) ~~Height of commercial buildings~~ Building height in the C-1 Zone shall be limited to ~~twenty-six (26) thirty-nine (39)~~ feet from the predevelopment 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 thirty-nine (39) feet from the predevelopment grade, to the top of the pitch, top of the parapet or top of the mansard roof line.~~

(3) ~~Multi Story Buildings (Residential/Mixed Use) shall not exceed thirty-nine (39) feet in height measured from the pre-development grade, to the top of the pitch, top of the parapet or top of the mansard roof line.~~

(a) Second floor areas in single family detached buildings, 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. For all other development in the C-1 Zone, covered patios, porches, portals, balconies and other open and accessible areas may exceed sixty percent (60%) of enclosed area but must not extend beyond the footprint of the first-floor. Where a non-single family detached building abuts Fourth Street, balconies may extend up to five (5) feet beyond the first-floor footprint, even if within the setback, if it is supported from the structure and not the ground.

(b) ~~The square footage of the second floor of condominiums and townhouse common wall units shall be limited to a total of sixty percent (60%) of the square footage of the first floor Enclosed Area, as defined by § 9.2.3(B).~~

~~(4)~~ (2) Height of Facades.

(a) No single façade wall length shall be greater than fifteen percent (15%) of the total perimeter of the 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))

~~(5)(3)~~ Other Structures.

(a) Chimneys must not exceed ~~twenty-nine (29)~~~~forty-two (42)~~ feet in height. feet in height.

(b) Flag Poles must not exceed forty (40) feet in height.

(c) Non-commercial radio towers regulated by the Federal Communications Commission must not exceed forty (40) feet in height.

(d) Windmills (both wind generators and water) are limited to forty (40) feet in height.

(F) FENCES AND WALLS.

(1) No open fences located in the setback areas shall exceed six (6) feet in height.

(2) No solid wall or solid fence located within the rear or side setback area shall exceed six (6) feet in height.

(3) No solid wall or solid fence located within the front yard setback area more than four (4) feet in height will be permitted. Open fencing may be placed on top of the solid wall to permit a combined maximum height of six (6) feet.

(4) No solid wall or solid fence shall be located within the clear sight triangle of a driveway or public or private road or driveway and a public or private right-of-way.

(5) No solid wall or solid 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) No solid wall or fence of any kind shall be constructed unless a zone review 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.

(G) EXISTING STRUCTURE. If in a Site Development Plan approval an existing structure(s) is to be demolished, the demolition must be completed within one (1) year of the final approval of the Site Development Plan.

(H) DESIGN REGULATIONS.

(1) The design of the commercial and residential developments within the C-1 Zone (footnote 4), will be determined in the Site Development Plan application and approval process.

(2) Windowless walls shall not be permitted facing a public street. Facades that face Fourth Street must have transparent glazing for a minimum of 30% of the area of the façade.

(3) Lots that face Fourth Street must have buildings along a minimum of fifty (50) percent of the property line/setback line adjacent to Fourth Street.

(4) The primary entry of all buildings shall open onto a sidewalk readily accessible to the public. Secondary entries maybe accessible from private parking lots.

(I) OFF STREET PARKING REGULATIONS.

(1) Parking is permitted at the side and rear of a building. Parking cannot be located between the front of the building and the public sidewalk. If parking is located on the side of a building adjacent to a

public roadway, it shall be screened from the roadway by an opaque wall or evergreen hedge that shall be a minimum of thirty (30) inches and a maximum of forty (40) inches in height.

(2) The minimum requirements for off-street parking spaces for property shall be as follows:

Use	Required off street parking spaces
Amusement facility	Four (4) spaces per one thousand (1,000) square feet of gross floor area
Residential	One (1) space per residence
Dining, bar, nightclub	Five (5) spaces per one thousand (1,000) square feet of gross floor area
Retail, office	Two (2) spaces per one thousand (1,000) square feet of gross floor area
Assembly	Four (4) spaces per one thousand (1,000) square feet of gross floor area
Lodging	One (1) space per room
Light manufacturing	One (1) space per one thousand (1,000) square feet of gross floor area
Institutional	Three (3) spaces per one thousand (1,000) square feet of gross floor area

(J) LANDSCAPING REGULATIONS. As set forth in § 9.2.19.

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

(L) SIGNS. As set forth in § 9.2.22.

(M) OUTDOOR STORAGE REGULATIONS. If outdoor storage is allowed 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.

(N) OUTDOOR DISPLAY OF MERCHANDISE. If outside display of merchandise is permitted in conjunction with a permitted use in this Section. Publicly owned sidewalks of roadways may not be used for outdoor display of merchandise.

(1) The total area allowed for outdoor display of merchandise. Is limited to five (5) percent of the total gross square footage of the lot upon which the display is located.

(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 not less than twenty (20) feet from any residentially zoned property.

(O) TRANSIT REGULATIONS. If there is an existing bus stop located directly adjacent to a property, granting of an easement for a new sheltered bus stop will be a development requirement, as approved by the Commission/Board.

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