



CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. 16

ENACTMENT NO. 94-022

AMENDING ORDINANCE 87-1, (R.O. 1987) APPENDIX G (ZONE MAP AMENDMENT)
AND THE ZONE MAP, CHANGING ZONING DESIGNATION FROM UNZONED TO E-
1/ESTATE RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. **Purpose:** That the following properties in Unit 17, legally described below and as per the map attached hereto as Exhibit "A", shall have their zoning designation changed from "Unzoned" to E-1/Estate Residential District.

Block 55, Lots 10 thru 21
Block 56, Lots 28 thru 51
Block 57, Lots 1 thru 12
Block 58, Lots 1 thru 35
Block 68, Lots 1 thru 13
Block 69, Lots 1 thru 14
Block 73, Lots 1 thru 22

Block 74, Lots 1 thru 18
Block 75, Lots 1 thru 46
Block 76, Lots 1 thru 16
Block 77, Lots 1 thru 8
Block 78, Lots 1 thru 28
Block 182, Lots 1 thru 4

Section 2. **Nonconforming Clause:** Some already developed residential properties may not conform to the E-1/Estate Residential requirements. Therefore a nonconforming use certificate shall be granted to property owners upon request and at no cost to the property owner, as nonconformities are identified.

Section 3. **Severability Clause.** If any section, paragraph, clause, or provision of this Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this Ordinance or the regulation so challenged.

Section 4. **Compiling Clause.** This Ordinance shall be incorporated in and compiled as part of the City Code of Rio Rancho, R.O. 1987.

Section 5. **Effective Date.** This Ordinance shall become effective ten days after adoption.

ADOPTED THIS 11TH DAY OF MAY, 1994

Thomas E. Swisstack, Mayor

5/12/94
Date

ATTEST:

Tina Gonzales, City Clerk
[S E A L]

RE: 0-16

CITY OF RIO RANCHO
GOVERNING BODY
AGENDA BRIEFING MEMORANDUM

DEPARTMENT: City Development

AGENDA DATE: 05/11/94

SUBJECT: ZONE MAP ORDINANCE amending Appendix G (Zone Map Amendments) and the Zone Map (**Attachment I**)

PURPOSE: To Change the zoning designation of certain properties (later described) within Unit 17 (Phase I) from "Unzoned" to E-1/Estate Residential District.

BACKGROUND AND ANALYSIS:

This zone map ordinance was first heard at the Governing Body's meeting of April 13, 1994. Due to an error in the publication of the required legal notice, action was postponed to this meeting.

This zone map ordinance proposes to zone certain properties in Unit 17 (Phase I) that have not previously been zoned by the City. This zoning action is in accordance with the City's Comprehensive Plan.

This ordinance proposes to zone an area which was approved as an Estate Residential Zoning District Master Planning Area in 1990. The Estate Residential District Master Planning Area when approved addressed both properties in Unit 17 and Unit 11. This ordinance addresses only those properties in Unit 17. The properties in Unit 11 identified in the Resolution were zoned E-1/Estate Residential District at the Governing Body's meeting of April 13, 1994. In keeping with the intent of that approval and of Resolution 90-128 (**Attachment II**), the Department proposes to zone these properties E-1/Estate Residential District as per ordinance section 9-1-15 (**Attachment III**).

This zone map ordinance serves only to zone previously platted properties that have not been zoned pursuant to their annexation into the City limits. Properties/lots are primarily owned by various individual lot owners therefore, each lot will develop as each individual property owner applies for permits to do so. Consequently, issues such as parks and open space, drainage, platting, etc. while they are always important, are not applicable to this zone map ordinance.

At the meeting of April 13, 1994 (Governing Body) much discussion centered around potential amendments to the E-1 ordinance itself such as whether or not to allow the subdivision of properties, setbacks for the corralling of horses, etc. and Staff will note that all suggestions are being noted for future amendments to the E-1 ordinance (a change to setback requirements is in progress). It is recommended that further discussion of these issues not delay approval of this zone map ordinance.

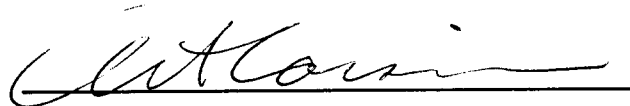
Attached for your review is the Zone Map Ordinance and Exhibit "A" which shows the zone map ordinance boundary, and all other applicable attachments.

DEPARTMENT AND/OR ADVISORY COMMITTEE RECOMMENDATION:

The Department recommends approval of the proposed Zone Map Ordinance.

At their regularly scheduled meeting of March 8, 1994 the Planning & Zoning Commission unanimously voted to recommend approval of the proposed zone map ordinance (**Attachment IV**).

DEPARTMENT DIRECTOR:



CITY ADMINISTRATOR:



Attachment(s):

Attachment I:	<u>Proposed Zone Map Ordinance</u>
Attachment II:	<u>Resolution; Approving Estate Residential District Master Planning Area.</u>
Attachment III:	<u>E-1/Estate Residential Ord. Section</u>
Attachment IV:	<u>Minutes; P&Z; March 8, 1994</u>
Attachment V:	<u>Response letters from notification</u>

RESOLUTION NO. 90-128

ESTATE RESIDENTIAL ZONING DISTRICT
MASTER PLANNING AREA

WHEREAS: The City of Rio Rancho recognizes the need for a variety of land use districts including low density residential districts such as the E-1/Estate Residential Zoning District; and

WHEREAS: Areas of Unit 11 and Unit 17 have large lots and access to open space which make them suitable for an Estate Residential Zoning District, thus requiring a Land Use Plan; and

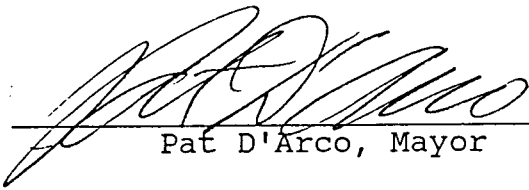
WHEREAS: Phase I of the Estate Residential Zoning District Master Planning Areas shall be identified by attachments A and B to include portions of Unit 11 and Unit 17.

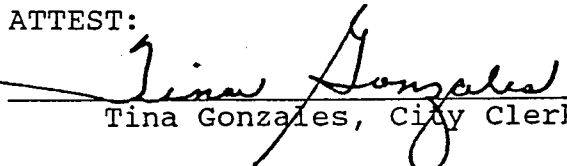
WHEREAS: The Planning & Zoning Commission recommends APPROVAL of this Master Planning Area to the Governing Body of the City of Rio Rancho;

NOW, THEREFORE, BE IT RESOLVED:

That the Governing Body of the City of Rio Rancho approve and adopt Phase I of the Estate Residential Zoning District Master Planning Area.

APPROVED THIS 14th DAY OF November, 1990.


Pat D'Arco, Mayor

ATTEST:

Tina Gonzales, City Clerk

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9-1-15 E-1: Estate Residential District

This district permits a very low density of population in which the principal land use is single family dwellings:

A. Permissive Uses:

- (1) one single family dwelling per lot;
- (2) accessory buildings or structures, including stable facilities for the housing and maintenance of horses but not to include structures for other types of domestic livestock or fowl;
- (3) horses are allowed by the following criteria:
 - (a) the minimum lot size required for the first horse is one acre;
 - (b) thereafter, each additional horse shall require one-half acre per horse in addition to the minimum.
- (4) noncommercial gardens, swimming pools, tennis courts;
- (5) parks, open spaces and public utilities;
- (6) home occupations;
- (7) construction trailers for a period not to exceed 21 days before construction, plus the entire period of construction up to 180 days, and no later than 30 days after construction has finished for a total of 231 consecutive days maximum. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days.
- (8) temporary, emergency, construction and repair dwelling units for a period not to exceed 21 days before construction, plus the entire period of construction up to 180 days, and not later than 30 days after construction has finished for a total of 231 consecutive days maximum. If an extension is needed, application to the Administration is necessary and may be granted for up to 120 days.

B. Conditional Uses (requiring use permit):

- (1) family day care home;
- (2) a second kitchen may be allowed in a single family dwelling provided that the second kitchen is incidental to occupancy of the entire house by members of one family.
- (3) guest house or servants quarters provided that such a structure;
 - (a) will not be used for the purpose of rent or lease income;
 - (b) does not contain a kitchen;
 - (c) the minimum lot size required in order to add a guest house or servants quarters to a lot is one and one-half acre, and;
 - (d) the guest house or servants quarters shall be a maximum of 900 square feet.
- (4) churches, Sunday school buildings, parish houses and other places of worship intended to house educational or religious functions provided that:
 - (a) such building shall not be located on sites containing less than 5 acres;
 - (b) the buildings or structures shall not occupy more than fifteen percent (15%) of the total lot area;
 - (c) the buildings or structures shall be set back from all lot lines a distance of not less than one (1) foot for each foot of building height or the standard E-1 setback, whichever is greater;
 - (d) appropriate landscaping, landscape buffering and parking shall be provided as per the site plan which will be approved by the Planning and Zoning Commission;
 - (e) the facility be located on an arterial or collector street; and
 - (f) only those accessory uses directly affiliated with the principal land use shall be permitted.
- (5) hobby breeder
 - (a) as per conditions listed under the R-1 Single Family Residential District

PLANNING, ZONING, LAND USE MANAGEMENT**(91-027)**

- C. Area:**
- (1) Every lot must have an area of not less than 21,780 square feet.**
 - (2) Setbacks (minimum): front – 35 feet; Rear and Side – any occupied building or accessory structure shall be set back from all rear and side lot lines a distance of not less than one (1) foot for each foot of building height in order to assure adequate solar access to adjacent lots. Setbacks apply to solar collectors and satellite dishes.**
- D. Restrictions:**
- (1) Height: No building shall exceed 32 feet in height above the high point of the facing street grade. Exceptions include flagpole, spire, belfry, wind generator or other accessory object usually required to be placed above the roof level and not intended for human occupancy. Satellite dishes may not exceed the height of the building they are attached to, or sixteen (16) feet above grade if they are attached to the ground.**
 - (2) Subdivisions: No subdivisions will be allowed. Replats may occur but only at a density equal to or less than that which existed before the replat.**
 - (3) Grading and Drainage: No grading of sites will be allowed until the City Engineer has approved both the grading and the drainage for the site.**
- E. Off-Street Parking: Off-street parking must be provided as set forth in section 9-1-18.**

(90-021)

MINUTES

PLANNING & ZONING COMMISSION

MARCH 8, 1994

CITY HALL; MUNICIPAL COURTROOM

7:00 p.m.

ITEM ONE. OPENING.

ITEM TWO. ROLL CALL.

Present were Chairman Ramaeker, Commissioners Ayer, Garret, Donnell, Soto, Taylor and Hawley.

ITEM THREE. APPROVAL OF PRIOR MINUTES: FEBRUARY 22, 1994
Approved with corrections. Vote: 7-0

ITEM FOUR. APPROVAL OF AGENDA.

Item six withdrawn from agenda. Agenda approved. Vote: 7-0

ITEM FIVE. PUBLIC HEARINGS.

D. ZONE MAP ORDINANCE: To change the zoning designation of certain properties within Unit 11 from "Unzoned" to E-1/Estate Residential District.
Recommend approval to change the zone map designation to E-1/Residential to the Governing Body.

E. ZONE MAP ORDINANCE: To change the zoning designation of certain properties within Unit 17 from "Unzoned" to E-1/Estate Residential District.
Recommend approval to change the zone map designation to E-1/Residential to the Governing Body.

Mr. Art Corsie addressed the Commission and informed the Commission and the public what an E-1/Residential Zone was, why the zone map amendment need to be done and the history behind this zoning. Quite a few member of the public were present and expressed several types of concerns over this zoning. There were concerns about the horses in this area, such as amount of land needed to have adequate room for the horses. Several members of the public had objections to having horses on this land at all, stating that they did not want horses coming right up to their property lines, drawing flies and eating natural vegetation. There were questions and concerns about setbacks and land usage. There were several questions about the ability to have "guest quarters", but not allowing for a kitchen in these quarters. Mr. Corsie stated that this was to deter people from using these "guest quarters" as rental units.

Concerns were also raised about the part of the zoning ordinance that prohibits subdividing within this zoning district. Mr. Corsie stated that the ability to apply for a variance was possible, and would be decided on a case by case basis. Mr. Corsie also stated that it was imperative to get this land zoned as soon as possible in order to be able to regulate what kind of building went on in that area and to prohibit people starting businesses, such as junkyards. He also stated that without this zoning, regulations could not be enforced and in fact any one could basically build anything or start any kind of business they wanted. Chairman Ramaeker listen to public opinion for approximately one hour. Chairman Ramaeker and the Commission stated that the ordinance itself could be revised at a later date, but at this time the zoning needed to go through. Chairman Ramaeker also informed the public in the audience that all of their concerns and suggestions would be taken under advisement and into consideration.

MOTION 0308945D: Commissioner Donnell made a motion to recommend approval to the Governing Body to change the zoning designation of certain properties within Unit 11 from "Unzoned" to E-1/Estate Residential. Commissioner Hawley seconded the motion. Vote: 7-0

MOTION 0308945E: Commissioner Hawley made a motion to recommend approval to the Governing Body to change the zoning designation of certain properties within Unit 17 from "Unzoned" to E-1/Estate Residential. Commissioner Soto seconded the motion. Vote: 7-0

ITEM ELEVEN. ADJOURNMENT. Meeting adjourned at 8:51 pm

Dean Ramaeker, Chairman
Planning & Zoning Commission



City of Rio Rancho

3900 Southern Blvd. • P.O. Box 15550
Rio Rancho, New Mexico 87124

DEPARTMENT OF CITY DEVELOPMENT
March 7, 1994

(505) 891-7206

ZONING & CODE ENFORCEMENT DIVISION

RE: Zone Map Amendment Request from "Unzoned" (no zoning designation) to E-1/Estate Residential District for the properties in Unit 17 legally described below as:

Block 55, Lots 10 thru 21
Block 58, Lots 1 thru 35
Block 73, Lots 1 thru 22
Block 76, Lots 1 thru 16
Block 182, Lots 1 thru 4

Block 56, Lots 28 thru 51
Block 68, Lots 1 thru 13
Block 74, Lots 1 thru 18
Block 77, Lots 1 thru 8

Block 57, Lots 1 thru 12
Block 69, Lots 1 thru 14
Block 75, Lots 1 thru 46
Block 78, Lots 1 thru 28

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the Planning & Zoning Commission and the Governing Body of the City of Rio Rancho will conduct two public hearings on the above referenced matter on:

Planning & Zoning Commission March 8, 1994
Governing Body April 13, 1994

Both meetings are scheduled for 7:00 P.M. in the City Hall, Municipal Courtroom.

You have received notification of these hearings as you are either a property owner in the subject areas or are a property owner within one hundred feet of the subject areas. Further, the notice serves to advise you that The City of Rio Rancho is taking the necessary steps to zone the properties described above as E-1/Estate Residential District. Attached is a copy of the E-1/Estate Residential Zoning District Ordinance section and a map which shows the subject areas.

Your comments may be heard at the meeting or may be submitted in writing to the City Clerk's Office. If you have any questions or require additional information, please contact Zoning & Code Enforcement at (505)891-7206.

Sincerely,

Tina Gonzales, CMC
City Clerk

Dolores Wood, CZO
Zoning & Code Enforcement Supervisor

If your address label contains ** prior to the address, your property is within the subject area.

If your address label does not contain ** prior to the address, your property is within 100 feet of the subject area.