

What follows is a list of the changes I could see in the most recent revision of the Zoning Ordinances (02/2010), which I believe would affect Placitas. I have only listed changes from the previous draft. Some of the changes are relatively minor, while others might significantly change how zoning is done here. Regarding the West Placitas area, I would emphasize items #2, #3, #5, #15, #16, #18 and #19. Regarding the East Placitas area, I would emphasize items #1, #10, #11, #12, and #14. Also the sections about clustering and master planned district could affect the East Placitas area.

The point of this list is not to editorialize, but only to inform. I have tried to make clear when I inject my opinions instead of just reporting. If others find significant changes that I have missed, please let me know.

The Zoning Ordinances will come before the Planning and Zoning Commission on their next meeting, February 25.

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1. Added definition for “Acequia” (Definition 3). Also, at the very end of the document is a statement of “Acequia Information” to be distributed to purchasers of relevant properties. This statement seems to be in accord with what was requested by Placitas residents.
2. Added definition of “Brow” (Definition 11), “Overburden” (Definition 47), “Plane of a Slope” (Definition 50), “Ridge Top” (Definition 55), and “Slope” (Definition 60). These are used in District Standards for the West Placitas Community District, which is the residential area from the freeway (Highway 25) up to the Overlook subdivision (Section 9 (2.7) D). The language there reads:

A slope analysis shall be submitted with building plans for any new construction within this district. Such slope analysis shall be sealed by a land surveyor or professional engineer licensed to practice in the State of New Mexico. If the slope of the land is twenty percent (20%) or greater, the analysis will designate the brow of a slope, the proposed building envelope or footprint, and the plane of the slope. Retaining walls included on such plans for sites located on slopes of twenty percent (20%) or greater shall have no more than two feet exposed above the natural grade.

All building setbacks shall be as provided in the RRA zone district, except for the following:

On lots located on slopes twenty percent (20%) or greater, the setback shall be such that no part of a structure or associated retaining wall breaks the plane of the slope.

3. The definition for “Cluster Housing Development” (Definition 15) has remained essentially the same. Nothing is specified here regarding minimum lot size or minimum acreage within which clustering is allowed. A definition for “Common Open Space” is added (Definition 16), which refers to the area in a Cluster Housing Development left for open space.
4. Under Building Height for Rural Districts (Section 7F), the language now reads, “Unless otherwise specified herein, the maximum height of a building in any rural zoning district shall be 36 feet.” In the previous draft there were exceptions for flagpoles, antennas, etc. These exceptions do not appear in the latest draft. For the West Placitas Community District this is overridden so that there is a height limit of 28 feet (Section 9 (2.7) D4).
5. Under Permissive Uses in the West Placitas Community District, the previous draft excluded Mobile Homes as a permissive use. The present draft no longer excludes Mobile Homes. I believe that it may be illegal in this state to exclude Mobile Homes, at least within zoning ordinances. That may be the reason why the Development Department erased this exclusion.
6. Under District Standards for the West Placitas Community District (Section 9 (2.7) D), new standards have been added for slope analysis, etc. See #2 above.
7. In the statement on Building Heights for West Placitas Community District (Section 9D4), the maximum height remains 28 feet, but exceptions have been removed for flagpoles, antennas, etc.
8. In the statement on standards for dwelling units in the West Placitas Community District (Section 9 (2.7) D6c3) the minimum habitable size has been amended to include “(heated)”. It now reads, “A minimum habitable (heated) area of 1008 square feet.”
9. A statement has been added regarding overburden from excavation in the West Placitas Community District (Section 9 (2.7) D8). It reads, “The overburden from excavation of any building site shall not allowed (sic) to be disposed over any natural vegetated area.” This is a good provision.
10. In the section on the Las Placitas Community District (Section 9 (2.8)), there are two changes from the last draft. Under “Intent” (Section 9 (2.8) A) the sentence has been added, “This district will help to protect the irrigated agricultural tracts and the acequia systems within this part of Placitas.” The statement on “prior to transfer” (Section 9 (2.8) D6) now refers to the Acequia Information Packet, as mentioned in #1 above. Also a new District Standard has been added (Section 9 (2.8) D7): “Nothing herein prohibits a property owner from placing further restrictions and covenants on the use of his/her real property. Such enforcement of any further restrictions or covenants shall be the sole responsibility of those real property owners placing such covenants and restrictions.”

11. In the section for Ideal Acres/San Francisco Community District (Section 9 (2.9)), the only significant change seems to be the same statement regarding restrictions and covenants as was added for the Las Placitas Community District, see #10 above.
12. In the Las Placitas Design Overlay section (Section 9 (2.10)), for the historic village, the only significant change is to the maximum footprint for a building (Section 9 (2.10) B2). It now reads, "The maximum footprint of any building shall be 10,000 square feet, although 6,000 square feet is preferred." In the previous draft the maximum footprint was 6,000 square feet.
13. In the section for I-25/Bernalillo Interface Design Overlay Zone (Section 9 (2.11)), the only change is regarding the buffer to outside residential development. It now reads, "Any development identified within this section shall include a 200 foot buffer between the perimeter of the development and any existing residential development outside of the Overlay Zone." (Section 9 (2.11) B4) In the previous draft the buffer was 300 feet.
14. A new section has been added for the Diamond Tail Master Planned District (Section 9 (2.12)).
15. A new section has been added for the West Placitas Design Overlay Zone (Section 9 (2.13)). This covers the existing parts of the West Placitas area that are zoned for nonresidential, commercial use. It presumably refers only to the Homestead Shopping area and La Puerta Realty area, though that is not spelled out in the ordinance itself. It sets a maximum footprint of 25,000 square feet, though 10,000 is preferred. It requires that a Site Development Plan be approved, and says that the Plan needs to include buffering between commercial and residential uses, but makes no detailed specifications regarding that buffering.
16. Cluster Housing (this applies to the entire county) remains under Special Uses (Section 10D). There is no minimum acreage for Special Use zoning, which would allow clustering in fairly small lots. In the previous draft the minimum lot area was 7500 square feet (about 1/6 of an acre), and the minimum lot width was 75 feet. In the present draft these minimum specifications have been removed, and instead the sentence has been added, "The setback requirements and minimum lot size within a Cluster Housing development will be established by the Site Development Plan as approved by the County Board." In other words, every request for cluster housing will be treated as an individual case with few restrictions provided in the ordinances, nor even guidelines. The major restriction that remains is this:

b. Housing Density. The total number of dwelling units per acre allowed within a Cluster Housing Development shall not exceed that which would have been allowed if the site were developed under its previous zoning designation. Special Flood Hazard Areas as mapped by the Federal Emergency Management Agency shall not be counted in determining housing density under this section.

The sentence about Special Flood Hazard Areas was added in the present draft. There are some small changes to the language about the Common Open Space in cluster housing areas, but these appear to be mostly technical. One Special

Consideration was added, “Reduction of road mileage within a development.” These are the considerations that might be used by the county to favor clustering in an area.

17. Lighting ordinances for Shopping Centers (Section 10D11) have been strengthened to preserve Night Skies. This would apply throughout the county.
18. In the section on Master Planned District (Section 11), the requirement for Master Planning has been changed such that it is required for developments with 100 or more dwelling units, while before it was for 500 or more dwelling units. It is unclear to me if this would hold for any development with 100 or more dwelling units, or only for those of this size that have other qualities, such as uses that are not permissive in residential zoning districts.
19. Under requirements for Application for Master Planned District, Section 11B2c now reads, “the location and acreage of various land uses, including the number of dwelling units in residential areas, provided that specific land uses are designated for the entire Master Planned District.” The underlined portion has been added in the present draft. I interpret this to mean that a developer of a Master Planned District needs only provide details as to land uses on a property if they are specified for all parts of the property. If this interpretation is right (and it may not be), then it would allow a developer to get Master Planned designation without specifying any uses. There are no other notable changes in the section on Master Planned Districts.