

**VILLAGE OF LOS RANCHOS
ORDINANCE NO. 161**

AN ORDINANCE CREATING A PLANNING & ZONING COMMISSION

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

WHEREAS, the Village of Los Ranchos de Albuquerque is known as a place of great diversity that includes among other things agricultural, commercial and residential interests, unique historical, archaeological and ditch irrigation elements, distinct architectural and land use patterns and uses within each of the Village’s corridors and character zones, as well as a mix of older, younger, and newer residents; and

WHEREAS, the Village is populated by a wide variety of residents of diverse skills, abilities and interests who desire to help the Village endure and prosper; and

WHEREAS, the Governing Body of the Village of Los Ranchos desires to provide constituents with the most careful review and most complete due process possible for planning and zoning matters; and

WHEREAS, the New Mexico State Statutes, Chapter 19, provide that a municipality may establish a planning commission; and

WHEREAS, the Statutes further state that the municipality may delegate to the Commission the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning; and other power, authority, jurisdiction and duty

incidental and necessary to carry out the purpose of Section 3-19-1 through 3-19-12 NMSA 1978; and

WHEREAS, the Governing Body may still retain as much of this power, authority, jurisdiction and duty as it desires; and

WHEREAS, the Governing Body, by Statute must hear appeals by any person in interest who is dissatisfied with the order or determination of the Commission;

NOW, THEREFORE, be it resolved by the Governing Body of the Village of Los Ranchos de Albuquerque that:

There is hereby created the Village of Los Ranchos Planning and Zoning Commission (hereinafter referred to as the Commission), which will carry out the requirements of Chapters 11, 14, 26 and 31 and Articles 19, 20 and 21 of Chapter 3 of NMSA, 1978.

MEMBERSHIP

The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the advice and consent of the members of the Governing Body. To the extent practicable, the Commission should reflect and support the diversity of the Village and the unique land uses within the Village. The members shall serve staggered terms of two years so that there will be an overlapping of tenures with terms of four members expiring at the end of one, one year period and the terms of three members expiring at the end of the following one year period. Members shall reside within the Village limits. No member shall be appointed

to a term that will extend their tenure beyond five (5) full years. A member who is absent from two consecutive regularly scheduled Commission meetings without being excused in advance by the Chair is subject to removal from the Commission by the Mayor.

VACANCY

A vacancy in the membership of this Commission shall be filled by appointment by the Mayor with the advice and consent of the Governing Body. The appointed members shall serve out the unexpired term of the persons replaced.

CHAIRMAN, REGULAR MEETINGS, RECORDS

The Commission shall:

- a. Elect one (1) of its members to be chair for a one-year term.
- b. Create and fill other offices, to include a vice-chair and a secretary.
- c. Hold at least one (1) regular meeting each month.
- d. Adopt rules for the transaction of business, which will include, as a minimum, those rules established below.
- e. Keep a public record of its transactions, findings, resolutions, and determinations.

AUTHORITY DELEGATED

The Commission shall have the authority to:

- a. Review the final drafts of a zoning ordinance; assure that final drafts are widely disseminated to the public and that public comment is carefully considered, and assist Village staff in presenting the final proposed ordinance to the Governing Body of the Village for adoption.

- b. Oversee the periodic review and updating of both the Master Plan and the zoning ordinance and preparation of amendments for adoption.
- c. Conduct hearings and make decisions on all permit applications provided for under the Zoning Code with the exception of those matters reserved by the Code for decision by the Board of Trustees or to the Director of Building and Planning.
- d. On matters reserved for the Board of Trustees, the Commission shall hold hearings and make recommendations to the Board of Trustees, conduct work sessions where outside experts are invited to give information or advice and create subcommittees on particular planning issues. In particular, the Commission should be supported by a panel of volunteer design professionals recruited for advice on design issues. The Board specifically reserves final action on applications for major subdivision approval, zoning map and code changes and site development plans for the 4th Street Commercial Corridor and Village Center.

RULES AND PROCEDURES

The Commission shall adopt the rules below and whatever other rules are necessary to govern the Commission process:

- a. Duties of the Chair include presiding at all meetings of the Commission; calling special meetings as necessary; in coordination with the Planning and Building Director, reviewing agenda for all meetings; assuring that all applications are acted upon by the Commission in accordance with Village Ordinances and other relevant laws and regulations, signing official documents; and all other duties as may be established by law.
- b. Duties of the Vice-Chair include all the duties of the Chair, in the absence of the Chair.

- c. Duties of the Secretary shall include: presiding or performing all the duties of the Chair during the absence, disability or disqualification of the Chair and Vice-Chair; keeping copies of and signing official documents and the minutes of all meetings, and preparing or informing the Commission of all correspondence relating to the business of the Commission.
- d. Regular meetings shall be held monthly. Special meetings may be called by the Chair or by a majority of Commissioners for a time and date certain at a location fully accessible to the public in the Village of Los Ranchos. Public notices of regular and special meetings shall specify the date, time, location and subject matter of the meeting. Notice shall be in accordance with the Open Meetings Act of the New Mexico Statutes and such Open Meetings Resolutions adopted by the Village of Los Ranchos Governing Body and the Commission.
- e. A majority of the members of the Commission shall constitute a quorum for transaction of business.
- f. All persons (other than NM –licensed attorneys appearing on behalf of a client) giving testimony before the Commission shall be sworn in under oath before proceeding and shall be obligated thereby to testify in a truthful manner.
- g. Roberts Rules of Order will be used for meeting procedure of the Commission.
- h. Decisions by the Commission shall be made on motion by a Commissioner, duly seconded. Approval of a motion shall occur on the affirmative verbal vote of a majority of Commissioners present. If the decision is unanimous, the Chair shall state so for the record. In event of a divided vote, the Chair will announce, and the minutes shall reflect, those Commissioners voting for, voting against and those abstaining. Commissioner

shall abstain from voting only when the commissioner has a conflict of interest, as set forth in NMSA § 3-10-4, 3-10-5, and 3-10-7.

- i. It will be the responsibility of the applicants to present all relevant written information in accordance with Ordinances and present all relevant testimony prior to decisions by the Commission. Applicants must make timely presentation of written materials to the planning and zoning staff. Applicants will not be allowed to provide materials directly to Commissioners, nor to supplement or add new documents after the Commission's action. All testimony, information and documents submitted to the Commission prior to its decision, and the minutes of the meeting and the transcript of the meeting will constitute the record in the event of an appeal.
- j. Following receipt of testimony, the Commission has the right to keep the record open for a period not to exceed the time until the next scheduled regular meeting, and reserves the right to postpone vote and decision making to a subsequent meeting, providing Village ordinances or laws do not require that a decision be made within a specified shorter time.
- k. It will be the responsibility of Village Staff to distribute, in boxes at the Village Hall, all written material needed for preparation for decision making by the Commission at least ten calendar days prior to regular or special meetings.
- l. When an item has been placed on the agenda, it becomes a matter under jurisdiction of the Commission, and subject to legal restraints on ex parte communications. If a Commissioner believes they have been contacted ex parte on a pending matter, it is their obligation to inform the other members of the Commission prior to the matter's consideration. If the contact was made in writing, the Commissioner shall submit it and it will become part of the record.

m. Applications presented to the Commission for decision may present the potential for conflicts of interest for individual Commissioners. A conflict could exist if a decision conferred a financial or personal benefit to a member of the Commission or benefit to someone with whom the Commissioner has a business or kinship relationship. It is the obligation of each Commissioner to declare for the record any instance where a conflict of interest or the appearance of a conflict of interest might exist with regard to matters pending before the Commission. Such Commissioner must then withdraw from further deliberations, including participation in discussion, and any decision making.

EFFECTIVE DATE

This Ordinance becomes effective five days after publication of final adoption.

APPROVED AND ADOPTED by the Board of the Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2000.

John H. Hooker, Mayor

ATTEST:

Annabelle Silvas, Village Clerk

PLANNING AND ZONING ACTION MATRIX						
	<u>Staff</u>	<u>Commission</u>	<u>Board</u>			
Business Registrations	X					
Home Occupation Licenses	X	X				
Building Permits without Variance	X					
Building Permits with Variance	X	X				
Other Variances	X	X				
Conditional Uses	X	X				
Special Use Zoning Permits	X	X	X			
Sign Permits	X	X				
Subdivisions						
minor	X					
major--preliminary platting	X	X	X			
major-final platting	X	X				
sketch plat	X					
zone map amendments	X	X	X			
Village Center	X	X	X			
Site Development Plans						
Rio Grande Corridor	X	X				
Guadalupe Trail Corridor	X	X				
4th Street Commercial Corridor	X	X	X			
All other Site Development	X	X				
Notes:						
The Board of Trustees will hear appeals for any final decision made by the Planning & Zoning Commission.						
All planning and zoning matters will start with staff, and if necessary proceed through hearings at the Commission and Board levels.						

