

### § 9.2.13 GD - GATEWAY DISTRICT ZONE

(A) **SHORT TITLE.** This Section may be cited as the Gateway District Zone Code.

(B) **PURPOSES.** The purpose of the Gateway District Zone, referred to as “GD,” is to encourage the development of a transit-supportive mixed-use neighborhood of commercial and residential uses that fosters pedestrian activity and a sense of community. It recognizes the importance of linkages to the broader community and the importance of public transit as a viable alternative to the automobile by providing appropriate densities and land uses within walking distance of bus terminals, bike and pedestrian formal trails and the Rail Runner Los Ranchos/Journal Center Station. It is the intent of this Section that the Gateway District Zone should focus on maintaining Village style, scale and character. The Gateway District Zone will permit both commercial and residential uses on the same lot or tract.

(C) **DEFINITIONS.** As used in the Gateway District Zone Code of the Village of Los Ranchos.

(1) **GENERAL TERMS.**

(a) The word “person” includes a firm, association, organization, partnership, trust, company, limited liability company and corporation, as well as an individual.

(b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(c) The words “shall,” “will” and “must” are always mandatory and not merely directory. The word “may” is permissive.

(d) All references to “he” or “she” herein are deemed to be gender-neutral, unless specifically indicated otherwise.

(e) The definitions in this Section shall supersede any dictionary definition.

(2) **DEFINITIONS.**

**CONDOMINIUM DECLARATION** means a condominium declaration meeting the requirements of the New Mexico Condominium Act, NMSA 1978 § 47-7A-1, *et seq.*, as amended and having been approved by the Village pursuant to the Subdivision Code.

**GATEWAY DISTRICT** means that specific area beginning on Fourth Street at the southeast corner of Villa Christina Road to El Pueblo Road and continuing east parallel to El Pueblo Road to Second Street as shown on the accompanying Zone Map for the Gateway District.

**KIOSK** means a permanent freestanding structure or mobile cart located within a pedestrian circulation area, but not in a pedestrian way, and used for the purpose of sale of food, flowers, newspapers or other goods, with a Village issued license.

**LOW IMPACT DEVELOPMENT** means an approach to land development (or re-development) that treats stormwater as a valuable resource and not a waste product and works with nature to manage stormwater as close to its source as possible, in accordance with standards adopted by the Village. Low Impact Development practices and principles



include on-site water retention, water harvesting and recycling, swales, berms, artificial streams and infiltration systems.

**MULTI-RESIDENTIAL UNIT** means residential units which have a common wall(s) such as condominiums or townhouses. Multi-Residential Units do not include multifamily or apartment developments designed as rental properties.

**MULTI-USE BUILDING** means a building specifically designed for residential and commercial use such as live/work where part of the building is commercial space and part is residential. Residential and commercial use may be independent of each other.

**PEDESTRIAL WAY** means a designated area specifically designed for pedestrian traffic and designated as a “Pedestrian Way” on the Site Development Plan approved by the Village.

**(D) ESTABLISHMENT OF GATEWAY DISTRICT ZONE.**

(1) Each lot, parcel or tract of land in the Gateway District is hereby zoned Gateway District Zone.

(2) The boundaries of the Gateway District are shown on the attached map and are incorporated into this Section. The Village Zone map is hereby amended to include the Gateway District and the Gateway District Zone.

(3) In the event the properties east of Fourth Street shown within the area designated future Gateway District on the attached map are annexed into the Village, such properties shall become a part of the Gateway District and shall be zoned Gateway District Zone.

**(E) PERMISSIVE USES.**

(1) **COMMERCIAL USES AND MIXED RESIDENTIAL AND COMMERCIAL USES.** The following uses shall be permissive uses in commercial and in mixed residential and commercial developments; mixed residential and commercial developments shall be permitted on a single parcel or on separate parcels:

(a) All uses permitted in §9.2.7 A-1 Zone except as may be specifically modified or prohibited herein.

(b) All uses permitted in §9.2.12 C-1 Zone except as expressly modified or prohibited herein.

(c) Kiosks. Kiosks may freely move, but shall not block the Pedestrian Way, bicycle or vehicular travel path. Kiosks may not exceed 28 square feet in total size. Kiosks must be permitted in accordance with the procedures adopted by the Village and NMED if selling food. Signage shall be limited to identification of products or services sold by the Kiosk.

(d) All residential uses as permitted in subsection § 9.2.13(E)(3) hereof.

(2) **CONDITIONAL USES.** The following uses may be allowed when approved as set forth in § 9.2.25(D)(3); §9.2.25(E)(2):

(a) Animal keeping in excess of that allowed by permissive use.

(b) Animal boarding kennels, provided animal smells and noises are mitigated.



(c) Assisted living (adult) facilities, provided the facility complies with Village, State and Federal regulations.

(d) Bars, lounges, or restaurants serving liquor, provided hours of operation and associated impacts such as noise are mitigated.

(e) Bed and Breakfast establishments, without limitation on number of units, which meet §9.2.25(E)(1) Application and Approval Process.

(f) Contractor yards with approved hours of operation, dust control, storage, buffering from adjoining neighbors and noise mitigation.

(g) Dry cleaning, laundry, clothes pressing operation and laundromat, provided:

1. Only non-flammable or non-combustible materials are used in the cleaning process;

2. That portion of the structure in which any cleaning process is done is at least fifty (50) feet from any residential use.

(h) Group home, with proper approvals and/or licenses as required by the State of New Mexico.

(i) Indoor amusement enterprise such as auditorium, billiards or pool hall, bowling alley, dance hall, theater or indoor shooting range.

(j) Mobile home, only if used as an office or dwelling during the construction of a dwelling on the same project, provided such use may be limited to a maximum period of one (1) year. A bond in the amount of \$1,000.00 or the then current cost of removal must be posted to ensure compliance with the conditions of the use. The one (1) year period shall commence on the earlier of the date that conditional use approval is granted or the date the mobile home is first located on the premises after approval. Recreational Vehicles (RVs) and campers are not allowed as a dwelling unit. Mobile homes may not be used as a permanent dwelling unit except in existing approved mobile home parks.

(k) Public utility structures such as a transformer, switching, pumping, or similar technical installation essential to the operation of a public utility.

(l) Service and gasoline stations, including the retail sale of petroleum products, tube and tire repair, but not including automobile repair services.

(m) Schools, public and private, educational facilities, or learning centers, provided hours of operation are in compliance with all applicable Federal, State and Village laws, Code, Ordinances and Regulations.

(n) Wineries, breweries and distilleries, including on-site consumption and sale of products, in accordance with State and Village regulations.

(o) Wireless telecommunication (“cellular tower”) facilities, when disguised as some other structure such as a flagpole, tree, light fixture or is incorporated into a building and meets all requirements of § 9.6.1 *et seq.*

**(3) RESIDENTIAL USES.** The following uses shall be Permissive Uses in residential developments which are not commercial or mixed residential/commercial developments:



**(a)** All uses permitted in §9.2.7 A-1 Zone except as may be specifically limited or modified herein.

**(b)** Single-family Residential dwelling units (site-built or modular) with a maximum of one dwelling unit per one twelfth (.0833) acre.

**(c)** Multi-Residential Units with a maximum of twelve (12) dwelling units per acre.

**(d)** Garage sales, estate sales, home distribution parties, trunk shows or other similar activities, provided the activity is conducted on single family dwellings or residential condominium property, does not run for more than three (3) consecutive days and is conducted a maximum of four (4) times a year. In the case of a garage sale or estate sale, one (1) sign no larger than six (6) square feet in area may be placed on the premises four (4) hours prior to and for the duration of the sale.

**(e)** Public parks and accessory uses customarily incidental to that use.

**(f)** Outdoor sale of food and agricultural products must adhere to the NMED, Bernalillo County and Village environmental or other regulations.

**(4) CONDITIONAL USES.** The following uses shall be allowed when approval has been obtained as set forth in § 9.2.25(D)(2), §9.2.25(E)(2) Application and Approval Process, of the Zoning Code:

**(a)** Childcare facilities provided the facility abides by Village and State regulations, and traffic, noise and hours of operation are mitigated.

**(b)** Public utility structures such as a transformer, switching, pumping, or similar technical installation essential to the operation of a public utility.

**(c)** Place of worship, excluding a Megachurch as defined in § 9.2.3(B) of the Zoning Code.

**(d)** Mobile home used as a dwelling during the construction of a dwelling on the same premises, provided such use may be limited to a maximum period of one (1) year; or as approved by the Planning and Zoning Commission; a one thousand dollar (\$1,000.00) bond must be posted to ensure compliance with the conditions of the use. The one-year period shall commence on the date that conditional use approval is granted or the date the use actually began, if earlier, or as approved by the Planning and Zoning Commission.

**(e)** Guest house.

**1.** The guest house is limited to 1,000 square feet of heated floor area with facilities for cooking, (not necessarily a full kitchen, microwave, coffee pot, etc.), sleeping and sanitation

**2.** Guest houses may not have a garage.

**3.** Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

**4.** Guest houses shall not have a separate address.

**5.** Floor Area Ratio applies.

**(f)** Government buildings and accessory uses customarily incidental to that use. Government buildings and surroundings shall be constructed in



southwestern or compatible architectural style as determined by the Planning Director.

(g) Outdoor recreational facilities accessory to public or private schools.

(h) Public or private schools, educational facilities or learning centers.

**(5) PROHIBITED USES IN THE GATEWAY DISTRICT ZONE:**

(a) Adult entertainment establishments.

(b) Apartment buildings or other dwelling units designed primarily as rental units.

(c) Automobile sales.

(d) Commercial car washes.

(e) Drive through facilities for any business establishment.

(f) Hazardous material manufacturing, storage or handling activities.

(g) Hotels, motels or extended stay units.

(h) Manufactured or mobile homes (except as described under §9.2.13(E)(2)(j)).

(i) Mortuaries.

(j) Commercial outdoor storage facilities.

(k) Parking or storage of more than one motorized Recreational Vehicle (RV) per lot of record. Recreational Vehicles do not include small All Terrain Vehicles (ATV).

(l) Self storage units.

(m) Storage or sale of well drilling equipment.

(n) Tractor/Trailer sales and service.

(6) **ANCILLARY USES.** Uses that are customary and incidental to the primary use of the lot and in conformance with the zone. Ancillary Uses shall be permitted only as shown in the approved Site Development Plan.

**(F) SITE DEVELOPMENT PLANS.**

(1) **APPLICATION AND APPROVAL.** A Site Development Plan shall be required for (i) all new development; (ii) redevelopment of any lot(s) which shall include a change in use of the lot(s); (iii) for a structural alteration to 20% or more of an existing structure; and (iv) for the addition of square footage equal to 20% or more of existing square footage in any existing structure. Applications for a Site Development Plan or modification of an approved Site Development Plan shall be submitted in accordance with §9.2.25(E)(4) Application and Approval Process requirements for approval of Site Development plans, and in addition shall include the following:

(a) A Preliminary/Sketch Plat Site Development Plan Application shall be submitted to the Village in accordance with Village adopted procedures. The Application shall set out the commercial and residential building areas, egress, parking, setbacks and other schematic plans for the proposed development.

(b) The Preliminary Site Development Plan Application shall include the viability of the development and the justification of the size and location of the main elements of the proposed development.



**(c)** After the Sketch Plat Review (no vote taken) by the Planning and Zoning Commission, a Preliminary Site Development Plan Application shall be submitted providing required detail. The Preliminary Site Development Plan shall receive a recommendation from the Planning and Zoning Commission to the Board of Trustees.

**(d)** The Preliminary Site Development Plan shall include, but shall not be limited to, specifics to that particular development which shall include:

- 1.** Lot area coverage of structures – including Floor Area Ratio (if required) and number of dwelling units per acre.
- 2.** Height and number of stories per structure.
- 3.** Setbacks.
- 4.** Street layout and design.
- 5.** Pedestrian Ways and Bike Paths.
- 6.** Stormwater Management Plan, which includes grading, and drainage plan (Low Impact Development is recommended).
- 7.** A plan for noise, light and sound mitigation for the surrounding neighborhood(s).
- 8.** A list of all facilities/amenities maintenance responsibilities and to whom they are assigned.
- 9.** Architectural style and color.
- 10.** All other requirements of the Village Codified Ordinances relating to Site Development Plans.

**(e)** The Final Site Development Plan shall be submitted for final action by the Board of Trustees of the Village.

**(f)** All Site Development Plan approvals will require the developer of commercial projects or mixed residential/commercial buildings to comply with commercial construction standards.

**(G) AREA REGULATIONS.**

**(1)** Residential density shall be a maximum density of one dwelling unit per one twelfth (.0833) acre.

**(2)** Lot size shall be governed by the terms set out in the Site Development Plan approved by the Board of Trustees, but for a residential lot shall not be less than .12 acre (3,630 square feet).

**(a)** The Floor Area Ratio (FAR) requirements of the Village Wide FAR per the Zoning Code shall be met in single family residential developments calculated on the basis of the net lot area excluding right-of-ways and common areas, Bike Paths and Pedestrian Ways, (if included in the development).

**(b)** Commercial and mixed commercial/residential developments will be exempt from the Floor Area Ratio requirements of the Zoning Code.

**(3)** Minimum setback limits for lots or parcels abutting property which is zoned residential and not within the Gateway District, shall be as follows:

**(a)** The front setback for all buildings shall be as approved in the Site Development Plan.

- 1.** For single family residential houses, staggered front setbacks shall be implemented to avoid the “row house” look.



2. The side yard setback shall be ten (10) feet.
3. The rear yard setback shall be fifteen (15) feet.
4. Minimum setback limits for properties abutting an M.R.G.C.D. irrigation ditch or drain shall be twenty-five (25) feet from the property line abutting the M.R.G.C.D. facility.
5. The maximum height of buildings or structures is twenty-six (26) feet measuring the vertical distance from the existing grade after grading and drainage plan implementation to the top of the parapet on a flat roof or the apex of a pitched roof.

**(4)** All condominiums, residential or commercial, to be sold to individual owners must have a Village approved Condominium Declaration prepared in accordance with § 47-7A-1, *et seq.*, NMSA 1978 and a condominium plat.

**(5)** All commercial buildings or mixed residential/commercial buildings must meet commercial building codes for the proposed usage.

**(6)** All buildings within the Gateway District Zone shall be built using conventional on-site or modular construction.

**(H) PEDESTRIAN WAY.** Pedestrian Ways and Bicycle Paths designated to enable the free movement of pedestrians or bicyclists with a specific development are encouraged in developments with the Gateway District Zone. Development design may include, where possible, the following elements:

**(1)** A Pedestrian Walkway, consisting of a stable permeable surface – pavers, permeable asphalt or concrete.

**(2)** A Bike Path consisting of a stable permeable surface – pavers, permeable asphalt or concrete, which shall be separate from the Pedestrian Way, shall be provided from public streets or other Bike Paths to a bicycle parking area within the project, from which the Pedestrian Walkway is accessed.

**(3)** A safety buffer separating the walkway and Bike Path from the street to promote pedestrian and bicycle safety.

**(4)** Pedestrian Ways and Bike Paths shall tie into other public Pedestrian Ways or Bike Paths wherever connection is possible.

**(5)** No walls or fences are allowed within a Pedestrian Way or Bike Path. Low planters no more than two feet, six inches (2.5 feet) in height are allowable in either side of the Pedestrian Walkway area or Bike Path.

**(6)** Vehicular driveways shall be perpendicular to Pedestrian Ways and clearly marked by color, pavers or texture and shall not block the continuous walkway surface.

**(I) DESIGN CRITERIA.**

**(1)** All new buildings are required to have a street facing entrance. The intent is to make major entrances to buildings obvious and welcoming using architectural details, lighting and signage.

**(2)** Massing articulation is required on all buildings.

**(a)** Massing articulation methods may include:

1. distinctive roof forms;
2. changes in materials;
3. window patterns;



4. different colors.

(3) Modulation shall extend to the roof, except at balconies. The purpose is, to the extent reasonably possible, avoid creating a rigid, rectangular building, but to break up the mass in creative ways.

(4) Flat, blank walls shall be prohibited for distances of more than a fifteen (15) foot length.

(5) All mechanical equipment located on the roof shall be concealed by architectural screening or treatment designed into the roof form. Merely painting rooftop mechanical equipment or surrounding it with fencing will not meet the requirements of this Section.

(6) Construction shall be appropriate for the architectural style. Materials such as aluminum siding, metal wall panels, mirrored glass and unstuccoed masonry units (except brick) or concrete are not allowed.

**(J) ENVIRONMENTAL AND STORMWATER MANAGEMENT.**

(1) All development, new or remodel, shall meet required Federal, State and local EPA National Pollutant Discharge Elimination System (NPDES) requirements and the Air Quality program administered by the City of Albuquerque. All sites shall provide for noise abatement.

(a) Low Impact Development practices and principals for on-site water retention, water harvesting and recycling, swales, berms, artificial streams and infiltration systems are recommended.

**(K) LIGHTING.**

(1) All lighting within the Gateway District Zone shall conform to §9.2.20, Dark Skies.

**(L) NON-CONFORMING USES.**

(1) Developed properties within the Gateway District which are existing on November 19, 2012 are an approved non-conforming use, if the use was in compliance with existing zoning. This Section shall not be interpreted to approve any use, development or construction that was not in compliance with existing zoning and development standards as of November 19, 2012. All future development on the non-conforming parcels shall be governed by the requirements of the Gateway District.

**(M) SUBDIVISION.**

(1) No land containing existing structures shall be subdivided into an area less than the allowable lot size for the Floor Area Ratio of the existing structures on the land.

