

## § 9.2.16 SPECIAL USE ZONE

(A) **PURPOSE AND INTENT.** The purpose of this section is to recognize that certain areas within the Village were given a designation of “Special Use Zone” under a special use zoning ordinance which has now been repealed. Pursuant to previous ordinances, such zones were “recognized,” but no provision or other procedure was specified as to how the Special Use Zones could be modified, rezoned, or conditions stated therein amended. This revision is adopted to establish future use, modification and procedures relating to recognized Special Use Zones.

(B) **APPROVED SPECIAL USE ZONES.** The following projects or areas are hereby recognized as having been granted a Special Use Zone. No other projects or areas shall be approved and granted a Special Use Zone under existing ordinances of the Village.

- (1) 4803 Rio Grande Blvd., Los Poblanos Inn and Cultural Center
- (2) 324 Ranchitos Rd.
- (3) 328 Ranchitos Rd.
- (4) 330-380 Los Ranchos Rd
- (5) 6770 Fourth St.
- (6) 6798 Fourth St.
- (7) 6847 Fourth St.
- (8) 7010 Fourth St.
- (9) 7702 Fourth St.
- (10) 8223 Fourth St.
- (11) 8301 Fourth St.
- (12) 8601 Fourth St.
- (13) Los Poblanos Orchards Planned Development
- (14) Los Prados de Guadalupe Planned Development
- (15) Los Terrones Planned Development
- (16) Nara Visa Commons Planned Development
- (17) Ortega Compound Planned Development
- (18) Rancho Farms Planned Development

(C) **PERMITTED USES.** The permitted uses in each Special Use Zone shall be those specifically listed as “conditions” or “uses” as were adopted by the Village at the time the Special Use Zone was adopted or approved by amendment to the Special Use Zone in accordance with the provisions of this Ordinance. All uses not identified as permitted uses in a Special Use Zone shall be deemed a prohibited use.

(D) **ADOPTION OF PERMITTED USES.** It is the intent of the Village to incorporate into this Ordinance the permitted uses for each special use zone. Until such permitted uses are specifically incorporated herein or included herein by amendment of this Ordinance, the uses approved in the ordinance, resolution or other action adopting the Special Use Zone and those contained on the site plan or plat approved by the Village for each Special Use Zone shall be deemed permitted uses.



(E) **PROVISIONS APPLICABLE TO ALL SPECIAL USE ZONES.** The provisions of this section shall be applicable to each Special Use Zone unless specifically modified by ordinance, resolution, or other action adopting the Special Use Zone in the original approval or in an amendment to such Special Use Zone.

(1) **Floor Area Ratio.** All Special Use Zones shall be subject to the Floor Area Ratio as defined in §9.2.3(B) if any property in the Special Use Zone is used for residential purposes.

(2) Residential building height shall be limited to twenty-six (26) feet from the existing grade (the existing surface of the ground prior to fill and compaction [“Existing Grade”]) to the top of the parapet or top of the mansard roof line.

(3) The height of single-story building shall not exceed seventeen (17) feet in height from the Existing Grade. If any portion of the building exceeds seventeen (17) feet in height from the Existing Grade, that portion of the building shall be considered a second-floor and shall be regulated by the second-floor percentages and limitations as set out in §9.2.16(E)(5)

(4) Detached garages, including those for recreational vehicles, if permitted, shall not be more than seventeen (17) feet in height above the existing grade.

(5) For two-story buildings, the second floor areas, 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).

(6) No facade wall length shall be greater than fifteen percent (15%) of the calculated perimeter of facade walls of the first floor and shall not exceed seventeen (17) feet in height. Any portion of a façade wall exceeding fifteen percent (15%) of the perimeter length shall be stepped back by the greater of four (4) feet or equal to a forty-five degree (45°) plane drawn from a perpendicular point on the adjacent property line.

(7) Chimneys shall not exceed twenty-nine (29) feet in height.

(8) Flagpoles shall not exceed forty (40) feet in height.

(9) Noncommercial radio towers regulated by the Federal Communications Commission shall not exceed forty (40) feet in height.

(10) **Solar Access.** Building Height Limitations to Preserve Solar Access: For any new construction submitted after May 19, 2008, the height of any building shall comply with the following additional height to setback limitations, either:

(a) The building height shall not exceed the following height, determined by the setback distance cardinally south from the northern boundary of the lot as follows:

Lot Line - Feet	Height - Feet
10	14
15	17
20	20
26	26



or:

(b) The height shall not exceed a thirty-one degree (31°) angle plane drawn upward from a horizontal line located two (2) feet above the existing grade, ten (10) feet within the northern property line. (See Illustration A).

(11) **Fences and Walls.**

(a) No open fence shall exceed six (6) feet in height. Open fence as used herein shall mean a fence constructed in a manner which allows not less than fifty percent (50%) visibility through the fence from a position that is perpendicular at a right angle to the fence.

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

(c) No solid wall or fence located within the front yard setback area shall be more than four (4) feet in height.

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

(e) No solid wall or solid fence located within the specified setback area and along a public or private right-of-way shall be more than four (4) feet in height.

(f) No solid wall or solid fence shall be constructed unless a permit has been approved by the Village.

(g) Concertina wire (razor wire) is prohibited in all cases.

(h) Lands within a Special Use Zone shall not be subdivided, except upon application under and in compliance with all Village Subdivision Ordinances, Chapter 9, Article 1.

(12) Residential setback requirements as set out in §9.2.7(E)(2) and (3) shall apply to all Special Use Zones.

(13) Except as specifically set out herein or in the Ordinance adopting the Special Use Zone, all projects/properties in the Special Use Zone shall be subject to all provisions of Chapter 9, Article 2; excepting, however, land uses within a Special Use Zone shall not be eligible for a Special Use Permit under §9.2.17, nor the continued existence and/or occupation of a Nonconforming Use as defined in §9.2.23, unless approved in the Special Use Zone conditions.

(14) All facilities in a Special Use Zone generating liquid waste shall be required to connect to the public sanitary sewer system, regardless of the distance of the property from the public sanitary sewer line.

(15) Sixty percent (60%) of the area within each lot in a Special Use Zone shall have a permeable surface.

(16) Open-space set-asides, floor area ratio or density requirements in any Special Use Zone shall not entitle the owner of the parcel to transfer any development credits as provided in §9.2.6.



(F) **AMENDMENT.** A Special Use Zone may be modified or amended by application and approval of a text amendment pursuant to §9.2.25(E)(6).

(G) **LOS POBLANOS INN AND CULTURAL CENTER.** The approved uses and conditions for the Special Use Zone for the Los Poblanos Inn and Cultural Center (“Inn”) are as follows:

(1) **Approved Uses.**

- (a) Hotel/inn with guest rooms;
- (b) Dining/restaurant facilities;
- (c) One single detached single family dwelling;
- (d) Farm shop for retail sale of agricultural and related products;
- (e) Bakery to provide fresh baked goods for the restaurant and for sale in the Farm Shop
- (f) Farming, husbandry and other related agricultural uses, including processing of products with due regard for surrounding residential areas as to scale;
- (g) The sale, dispensing and manufacture of alcoholic beverages;
- (h) Maintaining facilities for public and private events and gatherings.
- (i) Accessory Uses to support the above listed uses including housekeeping, laundry, parking, storage, office, education, recreation, and small-scale processing facilities, which shall not cumulatively exceed 15,000 square feet of enclosed area.

Such Approved Uses are further qualified as set out in subsections (2) through (12) below.

(2) **Guestrooms.**

(a) The Inn shall have a maximum of fifty (50) guestrooms and/or suites. Twenty-six (26) of the guestrooms/suites may be new construction, with the remaining suites either existing within the Inn or repurposed areas within existing structures. Guestrooms/suites may include individual guestrooms and/or suites of up to two (2) bedroom units with seating areas and kitchenettes. The location of all new construction for guestrooms/suites and/or repurposed structures shall be as shown on an approved site plan.

(3) **Dining (Non-Event Related).** The Los Poblanos Inn and Cultural Center may provide on-site food-service for guests and the general public pursuant to the following limitations:

- (a) The restaurant area is allowed internal seating for no more than one-hundred (100) patrons. Attached verandas and patios shall be limited to seating for not more than fifty (50) patrons.
- (b) Restaurant non-event operating hours shall be limited as follows:
  - 1. Outdoor dining areas may not open prior to 7:00 AM and must close by 10:00 PM.



2. There shall be no time limit for opening of the indoor dining, but indoor dining facilities must close at 11:00 PM with the exception of New Year's eve, when dining may continue until 1:00 AM on January 1 of each year.

3. Outdoor food-service shall be permitted prior to 7:00 AM during the Balloon Fiesta and beginning one (1) day prior to the Balloon Fiesta.

(c) The Farm Shop shall be permitted to sell packaged foods and beverages for consumption on or off the property; provided, however, food consumption on patios and verandas not in accordance with the foregoing hour limitations shall not be permitted.

(4) **Retail.** The Farm Shop shall be permitted to conduct retail sales including value-added farm products, regional specialty items, Los Poblanos branded goods, baked goods, and packaged foods and beverages pursuant to §9.2.16(G)(2)(c).

(5) **Farming.** The Los Poblanos Inn and Cultural Center may grow, process and commercially produce crops, livestock, poultry, honeybees, and the products thereof. The farming production may include wholesale use and the processing and sale of value-added products grown off site. Animal populations are limited to one cow, horse, mule donkey or alpaca per 10,000 square feet of open lot area or more than 2000 square feet of open lot area for any other livestock, excluding fowl and rabbits which have no area requirement.

(6) **Events.**

(a) "Events" may include, but are not limited to, meetings, retreats, seminars, dinners, classes, social occasions, memorials, weddings and receptions.

(b) The Inn may schedule events subject to the following limitations:

1. Fewer than 85 invited guests – no limitation;

2. 86 to 150 invited guests – not more than three (3) per week;

3. 151 to 250 invited guests – not more than four (4) per month, but limited to two (2) in any seven (7) day period.

4. 251 to 300 invited guests – four (4) per year, but may not exceed one (1) in any seven (7) day period.

(c) Events shall not exceed a total of 300 invited guests or attendees, whichever is lesser, at any given time, with the exception of possible community events pursuant to §9.2.16(G)(4)(e). This maximum does not include guests at the Inn, Farm Shop, or restaurant dining not specifically invited as guests.

(d) Subject to the foregoing limitations, events may be held in the hay barn only between 7:00 AM and 7:00 PM.

(e) Community events of up to 500 attendees may be held no more than twice per year. However, these events require sponsorship by the Village of Los Ranchos or a non-profit organization which is aligned with the Inn's mission of agritourism, education and sustainability. These events require Village approved off-site parking, shuttles, or other form of non-vehicular access.



(f) The property may be used for the filming of movies/television and advertisements under the same terms, if at all, as permitted on C-1 zoned properties within the Village. Promotional filming, journalistic coverage and documentaries shall be permitted for marketing purposes.

(7) **Alcohol.** The Inn shall be permitted to own and use liquor dispensers' licenses or restaurant licenses subject to compliance with all state of New Mexico and federal regulations. The Inn shall be permitted to produce and sell or serve alcoholic beverages (beer, wine or distilled spirits); provided, however, if production of alcoholic beverages requires production from off-site deliveries, the Village may impose traffic volume or other limitations. Permits for construction or installation of any production facilities must be approved by the Village and shall be subject to appropriate state and federal regulations.

(8) **Operational Hours and Music.**

(a) Outdoor events, including dining, may not take place prior to 7:00 AM and must conclude outdoors by 10:00 PM. Outdoor music, food service and alcohol service shall end at 10:00 PM. Additional time will be permitted for participant dispersal, but shall be completed by 11:00 PM.

(b) Indoor events, including dining, may continue until 10:30 PM with the exception of New Year's Eve when events may continue until 1:00 AM. Food service and alcohol service shall end at 10:30 PM (or 1:00 AM on New Year's Eve). Additional time will be permitted for participant dispersal, but shall be completed by 11:30 PM (or 2:00 AM on New Year's Eve). The portals are integral to the interior building spaces and may not be disassociated from the interior spaces but are subject to the conditions set out in subsection (d) below. Minimal amplification is allowed for speeches from speakers on the Portals associated with La Quinta events.

(c) Events shall be permitted prior to 7:00 AM during Balloon Fiesta.

(d) Outdoor, un-amplified music is permitted between the hours of 10:00 AM and 9:00 PM. Portals shall not be used after 10:00 PM or when amplified music is present at an indoor event.

(9) **Parking.**

(a) Two hundred (200) parking spaces shall be maintained at all times with parking stalls to be a minimum of 9 x 18 feet with a fifteen (15) foot backup area for valet parking and twenty-four (24) foot backup area for all other spaces. Valet parking shall be required for events anticipated to have 150 or more cars.

(b) Not more than twenty-five (25) parking spaces may be located in the southeast service court beside La Quinta.

(c) Except during community events, parking on Rio Grande Boulevard, Rio Grande Place or Rio Grande Lane shall not be permitted.

(10) **Ingress and Egress.**



(a) The north service road exiting onto Rio Grande Place shall not be used for La Quinta or Restaurant guests.

(b) The south service road shall not be used between 9 p.m. and 6 a.m. A gate shall be installed east of the La Quinta parking lot and it shall be closed during these times.

(c) Kitchen and service staff shall not use the south service entrance at any time.

(d) Truck deliveries shall only be permitted between 8 a.m. and 7 p.m.

(11) **Landscape Buffer.**

(a) An eight (8) foot wide landscape buffer is installed and shall be continually maintained and irrigated along the southern and western perimeter of the tract that contains the Inn to screen the structures and associated parking from adjoining lots and MRGCD property. A solid coyote fence shall be installed and maintained along the southern property line from the service parking lot to the western boundary.

(b) A fifteen (15) foot wide landscape buffer along Rio Grande Place is installed and shall be continuously maintained and irrigated.

(c) Solid walls along Rio Grande Place shall not exceed six (6) feet in height and shall be south of the fifteen (15) foot landscape buffer. No solid walls shall be permitted at the perimeter of the property along Rio Grande Boulevard. The existing coyote fencing on the northwesterly side of the property may remain on the western 300 feet of the north property line.

(12) **Lighting.**

(a) All outdoor lighting shall be shielded and must shine only onto the property.

(b) Outdoor lighting shall comply with §9.5.1 (Commercial Lighting Code).

(c) Height above that permitted by the Dark Skies requirements contained in §9.2.20 may be permitted, after design approval by the Village, as required for security and safety; provided, however, the fixtures comply with the intent to minimize light pollution and trespass onto neighboring properties.

(13) **Design.**

(a) The architecture of new guest rooms shall incorporate one or more architectural elements similar to the existing buildings on site: southwestern or northern New Mexico architectural features such as, but not limited to, portals, vigas, pueblo style elements, territorial elements or early twentieth century agricultural buildings.

(b) For purposes of site development, Tracts A-1, A2A and A3A shall be treated as a single parcel pursuant to setbacks and lot coverage.

(c) Specific boundary setbacks are as follows:



1. Eastern boundary facing Rio Grande Boulevard: 280 feet.
2. Northern boundary facing Rio Grande Place: 15 feet, except new casitas shall have a northern setback of 30 feet.
3. Southern boundary: 20 feet.
4. Western boundary: 15 feet.
5. Structures constructed before December 1, 2014 shall be permitted as built.

(d) Building heights shall be set pursuant to §9.2.16(E)(3) and §9.2.16(E)(4). Agricultural buildings shall not exceed seventeen (17) feet in height from the existing grade.

1. Structures constructed before December 1, 2014 shall be permitted as built.

(e) Building massing shall not be subject to §9.2.16(E)(5) and §9.2.16(E)(6).

(f) All utilities installed or constructed after the date hereof shall be underground.

(14) **Open Space.**

(a) The site plan shall designate 12.5 acres of Open Space.

(b) The pond, roadways to and from the Inn and future farm tracts may be counted towards the 12.5 acre Open Space requirement.

(c) The remaining Open Space may be used for agricultural activities, including commercial agriculture and educational activities. Agricultural outbuildings may be constructed within the Open Space, but outside of the setback areas, to service husbandry or horticulture and animal shelter. Provided, however, structures in the Open Space shall not cumulatively exceed 5,000 square feet and shall not be more than seventeen (17) feet in height.

(d) In addition to the restrictions found in the Special Use Zone approval, the Open Space shall be preserved in perpetuity through a conservation easement approved by the Village prior to issuance of a certificate of occupancy for any new construction.

(15) **Other.**

(a) The Inn shall abide by the Village Fire and Safety Code (Chapter 5).

(b) The facilities which generate liquid waste shall comply with applicable ABCWUA sewer and water regulations.

(c) The structures in the Special Use Zone shall abide by §9.5.1.

(d) No modification shall be made to the Los Poblanos Inn and Cultural Center which jeopardizes the National or State Historic District Register Listings or designations.

(e) The Los Poblanos Special Use Zone shall be developed only in accordance with an approved site plan. Storage Buildings 1.A and 1.D, located in the SW corner of the site and as shown on the approved 2008 Site Plan shall be



allowed to proceed with construction and use prior to the approval of an updated site plan.

(f) The Village shall be entitled to conduct inspections of the property upon prior verbal or written notice to the owners or owners' managing agent to assure compliance with the provisions hereof.

(H) **IMPLEMENTATION, ENFORCEMENT AND PENALTIES.** All notices and prosecutions of violations of these conditions of approval shall follow §9.2.24(c)(1)-(4).

