

§ 14-16-3-10 LANDSCAPING REGULATIONS.**APPLICABLE TO APARTMENT AND NONRESIDENTIAL DEVELOPMENT.**

- (A) **Basic Requirements.** Landscape is required for all apartment development and all nonresidential development in accordance with the regulations of this section.
- (B) **Intent and Purpose.**
- (1) The intent of these regulations is to establish landscape standards that enhance, improve and maintain the quality of the public environment by providing visual relief from urbanization while enriching Albuquerque's character and quality of life.
 - (2) The purpose of this section is to define and regulate landscape requirements that establish visually attractive, sustainable desert landscapes that aid in the creation of a quality public realm. The City recognizes landscape as a vital component to quality environments that enhance Albuquerque's overall appearance and provides public benefit through:
 - (a) Providing visual relief from urbanization; and
 - (b) Establishing a consistent, attractive streetscape that generates a sense of continuity and a strong, positive City image; and
 - (c) Improving the aesthetic appearance of commercial, industrial and multi-family residential development thereby protecting and enhancing public/private investments and property values; and
 - (d) Ensuring the use of native and/or adapted, low water-use or xeric species, regionally appropriate, sustainable design and maintenance techniques to conserve water resources; and
 - (e) Contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retention. Landscape should be designed to retain soil moisture, prevent erosion and help encourage the growth of abutting plantings, and mitigate urban, heat-island effects whilst aiding in the abatement of air and water pollution, dust, noise, heat and glare; and
 - (f) Providing shade and comfort for pedestrians and visually narrowing streets, which has been shown to reduce vehicle speeding and accidents.
- (C) **Landscaping Plan.** See also the definition of this term in §14-16-1-5 of this Zoning Code.
- (1) As to apartment and nonresidential developments, all applicants for building permits for construction of a new building or building addition over 200 square feet shall submit and have approved by the Planning Director a landscape plan prior to issuance of a related building permit; however, foundation permits may be issued on the basis of simple designation of appropriate areas of the site to be landscaped to meet the minimum requirements. Landscape plans shall include street trees for those parts of the lot abutting a major street, a major local street, or another street, where street trees are required.

- (2) Prior to design, the existence of underground utility lines shall be verified. Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs shall be planted no less than three feet from existing gas mains or gas service lines and/or underground electric utility lines.
- (3) All plans and plants depicted within the landscape plan shall be drawn to scale. The Planning Director and/or his/her designee shall create and maintain a checklist of plan requirements to assist applicants and staff at design and review. The landscape plan shall show at a minimum, the following:
 - (a) The common and botanical names of the plants and shrubs to be used; if there is no common name only the botanical name shall be used; the quantities of shrubs and trees and their mature height and spread shall be provided; and
 - (b) Topography in the form of finished contour lines; and
 - (c) The type of watering system; and
 - (d) The parties responsible for maintenance of the landscaping; and
 - (e) The square footage for each separate area of landscape and also a total for all landscape on the site.

(D) *Installation and Maintenance.*

- (1) Landscape shall be installed according to the approved plan; installation shall be completed within 60 days of the related building's occupancy.
- (2) Landscape shall have adequate maintenance. Landscapes which die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notification.
- (3) Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials, which have been approved by the applicable public utility as part of a plan for landscape on the public right-of-way, shall be the responsibility of such public utility. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscape materials and return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials.
- (4) Conflicts can occur with large trees near overhead electric utility lines and/or underground utility lines. The larger the tree, the farther it should be located from an electric utility line. Small growth trees (those fewer than 25 feet high at maturity) can be near the electric utility lines. If possible, locate medium growth trees (those under

40 feet high at maturity) at least 15 feet away from the electric utility lines and locate large growth trees (those under 80 feet high at maturity) at least 25 feet from electric utility lines. Trees that grow into or near electric lines may be trimmed back to prevent any growth into the lines.

- (5) Property owners acknowledge that approved landscaping and trees installed and maintained in public rights-of-way abutting private properties are the property of the City, and that the City reserves the right to remove it if necessary for a transportation project without compensation, but at no cost to the property owner. Landscaping installed in the abutting public right-of-way by property owners and later removed by the City shall not impact previously approved Net Lot Area calculations for required landscaping as described in §14-16-3-10(E)(2).

(E) Landscape Area Requirements.

- (1) A minimum of 15% of the net lot area of each development shall be landscaped.
- (2) NET LOT AREA is defined as means the total area of the lot minus the following:
 - (a) The area of the lot covered by buildings;
 - (b) The portions of the lot that are not required for off-street parking or a parking lot and which are fully screened from view from any abutting lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscape will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening;
 - (c) The area of any approved landscape that the property owner installs and maintains in the abutting public right-of-way, exclusive of the area of any existing or planned public sidewalk.
- (3) Required Vegetative Coverage. All landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as trees, grasses, vines, shrubs, or flowers. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Coverage will be calculated from the realistic, mature spread of the plants, including the mature canopies of trees, all calibrated for Albuquerque's desert climate/environment, and as follows:
 - (a) The total landscaped area shall have at least 75% coverage by living, vegetative materials; and
 - (b) A minimum of 30% coverage of the total landscaped area shall be achieved by ground-level plants (shrubs, groundcover, grasses, etc.); and
 - (c) A minimum of five species must be used on the site to have a mix of living vegetative materials represented in understory plantings; and
 - (d) Trees selected from the Official Albuquerque Plant Palette and Sizing List and included on a landscape plan contained within a Site Development Plan or a Building Permit set that satisfy the requirements of the landscape regulations

contained within Section 14-16-3-10, subsections (E) - Landscape Area Requirements, (F) - Special Landscape Standards and (G) - Street Tree Policies Abutting the Public Right-of-Way may also be counted provided that the provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met. Any street trees required by the City that are planted within 20-feet of the back of curb of the abutting street may be used to help fulfill section 14-16-3-1(H) and landscape regulations for off-street parking areas abutting a street frontage, street tree and coverage requirements.

- (4) Plant Palette and Plant Sizes. The Planning Director or his/her designee, appropriate staff and entities such as the ABCWUA, the local chapter of the American Society of Landscape Architects, local landscape maintenance firms, and local nurseries, shall create an official, Albuquerque-specific tree and plant palette (Official Albuquerque Plant Palette and Sizing List). Except as otherwise specified in this section, the minimum acceptable sizes of plants or amounts of seed, at the time of planting, are as follows:
 - (a) Trees.
 1. Deciduous Trees: Two inches in caliper measured six inches above grade;
 2. Evergreen Trees: six feet in height;
 3. Multi-trunk Trees: Minimum of two trunks, with a combined minimum caliper of two inches
 - (b) Shrubs: one gallon;
 - (c) Ground cover: adequate to provide general ground coverage within one growing season after planting.
- (5) Right-of-Way Landscape. The installation of an adequate irrigation system that meets the minimum technical requirements of the City of Albuquerque with a separate meter for the landscape area in the public right-of-way, or a separate valve(s) at the property line allowing isolation of the irrigation to the landscape within the public right-of-way. Drip irrigation systems and artificial turf shall not be allowed within the public right-of-way.
- (6) Clear sight areas as specified in the Development Process Manual (DPM) shall be maintained at all exits of parking areas. The clear sight triangle (at street corners), as defined in §8-2-2-15, Traffic Code, and also in §14-16-1-5 of this Zoning Code, shall be kept clear.
- (7) Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. On sites controlled by the shopping center regulations (§14-16-3-2) and planned development areas controlled by site development plans, these requirements shall be based on the entire area of the planning site unless otherwise approved by the Planning Commission. Landscape buffers may be crossed by driveways connecting to abutting land. No parking is permitted within a required landscape buffer area.

Landscape approved within the abutting public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscape and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer locations and minimum widths shall be as follows:

- (a) Front
 1. Ten feet, if there is/are no building(s) or forecourt(s) within ten feet of the front property line;
 2. The landscape buffer can be reduced or eliminated if the building(s), forecourt(s) and/or frontage(s) are located within ten feet of the front property line as allowed by underlying zoning;
 3. Adequate room and spacing for required Street Trees (§14-16-3-16 10(H)) may be accommodated/provided in the public right-of-way and/or on the site immediately abutting the public sidewalk: minimum 60 square feet planting area with a minimum width of four feet for each tree; and maximum of 25-30 feet spacing on-center. For planting areas with over 1,000 cubic feet (CF) of uncompacted soil, tree spacing may be increased to up to 35 feet on-center.
- (b) Side - Six feet, where the side yard of a property abuts and/or fronts a street.
- (8) Special Buffer Landscaping/Screening Requirements. Where a nonresidential zone is developed after April 2, 1990 for a nonresidential purpose and the site abuts a residential zone, special buffer landscape is required to minimize noise and sight impact of the non-residential activities in the residential area. Buffers shall meet required vegetative coverage.
 - (a) The standard buffer landscape shall be a landscape strip at least ten (10) feet wide where located along the residential/nonresidential boundary.
 - (b) The buffer landscape shall include trees, capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees; where utilities and/or utility easements may interfere with tree placement and/or growth, the number of trees may be reduced and/or the trees may be grouped to minimize conflicts with utilities and/or utility easements. Trees shall not be planted near existing or proposed street light poles.
 - (c) Where parking or vehicle circulation areas abut the landscape buffer, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area from the abutting residential zone; chain link fence with slats shall not constitute acceptable screening; the landscape area may be reduced by up to 25% if the surface of the parking or vehicle circulation area is of a permeable material and approved by the Planning Director or her/his designee.

- (d) This division (8) requirement does not apply to lots which were entirely developed as of January 1, 1976.
- (9) Special Screening Requirements for Certain Uses. In addition to the above requirements in division (4), an additional screening requirement applies where a principal business is:
 - (a) A mobile home sales lot; or
 - (b) Outdoor vehicle storage where the vehicles are typically not moved for one week or more: if the site is so developed after April 2, 1990, 27 and abuts a residential zone or is separated only by public right-of-way from a residential zone, a minimum eight foot high opaque wall or fence shall be required to visually screen the parking or display area from the abutting residential zone; chain link fence with slats shall not constitute acceptable screening.

(F) Special Landscape Standards.

- (1) Off-Street Parking Area Landscape. Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:
 - (a) One tree is required per ten parking spaces;
 - (b) No parking space may be more than 100-feet from a tree trunk;
 - (c) The minimum size of tree planters within off-street parking areas shall be 60 square feet per tree; the open tree planter area may be reduced to 36 square feet if the surface of the parking or vehicle circulation area adjacent to the tree planter is of a permeable material, and combined with the open tree planter area, meets the 60 square foot per tree requirement;
 - (d) At least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.
- (2) Street Trees. Street trees meeting the requirements of § 14-16-3-10(H), Street Trees, are required along all arterial and collector street frontages.
- (3) Artificial turf/grass. Artificial turf/grass shall not be counted as living vegetative material or to meet the Required Vegetative Coverage Requirements section referenced under §14-16-3-10(E)(2) above.
- (4) Tree Requirements for Multi-Family Residential Developments. In addition to the above requirements, multi-family residential sites must provide trees in areas around residential structures as follows:
 - (a) Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two second-story dwelling units. No additional trees are required for units above the second story;

- (b) At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.
- (G) **Street Tree Policies Abutting the Public Right-of-Way.** The following standards apply to trees planted on private property abutting the public right-of-way that may be counted toward the street tree requirement.
- (1) Required Street Trees.
 - (a) Street trees shall be installed no later than 30 days after the completion of construction and shall occur before final inspection as required in the Building Code.
 - (b) Street trees shall be maintained alive and healthy. Maintenance and trimming of street trees and replacement of dead trees are the responsibility of the owner of the lot on which the tree is located.
 - (2) The following city policies govern the placement of all street trees which are planted on private property, abutting the public right-of-way, or which are required to be planted near streets pursuant to city plans, policies and ordinances; the policies are applicable for all street trees:
 - (a) Size of the trees at maturity should be in proportion to the planting space provided for them. Spacing between evenly spaced street trees should be no greater than the diameter of the tree canopy at maturity, per the Official Albuquerque Plant Palette and Sizing List. Smaller species of trees will require closer spacing, and larger trees will require greater spacing. Spacing shall be approved as part of the plan approval process.
 - 1. Adequate room and spacing for Street Trees shall be accommodated / provided: minimum 60 square feet planting area for each tree.
 - 2. On sites where evenly-spaced street trees are not possible or do not conform to the overall design objectives of the site, random clustering of street trees may be acceptable, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly-spaced. But in no case shall there be a gap of more than 100 feet between street trees.
 - (b) Where less than three feet of space exists between the curb and the public sidewalk, street trees shall not be planted into the parkway strip. Any street trees required by the City shall be planted within 20 feet of the back of curb of the abutting street. In addition to fulfilling the street tree requirement, such trees can be included in the calculation described in §14-16-3-10(E)(2) Furthermore, if an off-street parking area is located along the frontage of the site, these trees may be used concurrently to fulfill the landscape regulations for these areas, in possible addition to the street tree and coverage requirements.

- (3) As it is desirable to have a mix of species and genera represented in the urban forest in order to protect against the loss of trees due to disease, insects or environmental conditions, the following guidelines shall be used:
 - (a) Plantings of ten or fewer trees may all be of the same genus;
 - (b) Plantings of more than ten trees must use at least two different genera, with roughly equal numbers of each;
 - (c) One of every three street trees planted may be an accent tree per the Official Albuquerque Plant Palette and Sizing List, provided the guidelines in §14-16-3-10(G)(1), above, are met.
- (4) Street Tree Programs.
 - (a) The Mayor or his/her designee shall prepare, distribute, and continue to keep available to the public a booklet or other printed material encouraging street trees, indicating recommended species, city regulations, appropriate street tree locations, and tree care.
 - (b) The Mayor or his/her designee shall, through the Capital Improvements Program, cause street trees to be planted near the street frontages of all city-owned lots, at least meeting the requirements of §6-6-2-1 et seq.
 - (c) The Mayor or his/her designee shall propose to the City Council appropriate major streets for special assessment districts for the planting and maintenance of street trees. The Mayor shall designate appropriate city staff to administer such supports.
 - (d) Whenever a city project on the public right-of-way removes or kills one or more street trees, the Mayor or his/her designee shall replace each such tree with one of the same species in approximately the same location, unless the species or location is contrary to §6-6-2-1 et seq. or to related regulations or plans, in which event each such tree shall be replaced with a tree of conforming species and location.
- (5) Regulations detailing the provisions of §6-6-2-1 et seq. should be enacted in coordination with and through the Parks and Recreation Department, and be amended by the Environmental Planning Commission at an advertised public hearing.
- (6) Waivers. The Mayor or his/her designee, upon application of land owners, may waive or modify requirements of §6-6-2-1 et seq., if it is found that:
 - (a) Street trees would necessarily contribute to unsafe conditions on the public right-of-way; and/or
 - (b) The lot frontage is sufficiently forested to be in general compliance with the intent of §6-6-2-1 et seq.; and/or
 - (c) Alternative landscape plans, in harmony with the surroundings and meeting the intent of §6-6-2-1 et seq. are proposed.

- (7) Appeals. Appeals from the decision of the Mayor or his/her designee on requests for waivers may be taken to the Environmental Planning Commission by filing written notice with the Planning Division within 15 days after the request for a waiver has been denied.

('74 Code, § 7-14-40J; O-16-5)