

**§ 14-16-1-5 DEFINITIONS.**

(A) **Word Forms.** Unless a contrary intention clearly appears, the following words have, for the purpose of this article, meanings interpreted as follows:

- (1) Words used in the present tense include the future tense. Words used in the future tense include the present tense.
- (2) The singular includes the plural. The plural includes the singular.
- (3) The word **MAY** is permissive; the words **SHALL** and **WILL** are mandatory, subject to specific exceptions allowed by this article.
- (4) Words not defined herein but which are defined in the Building Code of the city (adopted in § 14-1-3) are to be construed as defined therein.

(B) **Definitions.** The following definitions apply:

**ACCESSORY BUILDING.** See **BUILDING, ACCESSORY.**

**ACCESSORY LIVING QUARTERS.** See **LIVING QUARTERS, ACCESSORY.**

**ADULT AMUSEMENT ESTABLISHMENT.** An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment that provides amusement or entertainment featuring one or more of the following:

- (1) A live performance, act or escort service distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities; or
- (2) Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ADULT MATERIAL.** Items consisting of one or more of the following:

- (1) Digital or printed books, magazines, periodicals, audio or video displays, computer displays, films, motion pictures, slides, or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of specified anatomical areas or the conduct or simulation of specified sexual activities; or
- (2) Devices, instruments, novelties or paraphernalia designed for use in connection with specified sexual activities or that depict or describe specified anatomical areas.

**ADULT STORE.** An establishment having 25% or more of its shelf space or square footage devoted to the display, rental, sale or viewing of adult material for any form of consideration.

**APARTMENT.** Structures containing two or more dwelling units each, including dwelling units which do not have a separate entrance leading directly to the outdoors at ground level.

**ARCHITECTURALLY INTEGRATED WIRELESS TELECOMMUNICATIONS FACILITY.** A wireless telecommunications facility which is camouflaged into the structure on which it is located by means of color, texturing, architectural treatment, massing, size, design, and/or shape. An architecturally integrated wireless telecommunications facility is a concealed facility.

**AUTOMOBILE DISMANTLING YARD.** A premises on which is conducted the dismantling of automobiles; there may be the selling of automobile parts and the storage of inoperative automobiles awaiting dismantling or removal. There is no hammering, mechanical cutting, grinding, or blasting.

**BACK TO BACK STRUCTURE.** A structure that includes two rows of retail outlets placed rear of outlet to rear of outlet.

**BATH.** A space or suite of adjacent spaces containing a wash basin, toilet, and a bathtub and/or shower.

**BED AND BREAKFAST ESTABLISHMENT.** A house with a permanent resident and a subordinate use of up to eight guest rooms which may be rented for short-term overnight lodging with breakfast served to overnight guests only; some or all guest rooms may be in accessory living quarters.

**BEDROOM.** Any room in a dwelling which is partitioned by walls and doors, other than one kitchen, one room which may be designated as a living room, one room which may be designated as a dining room or family room, and any number of baths, foyers, corridors, and closets; however, no room greater than 100 square feet can be considered a closet for the purposes of this definition.

**BLOCK.** An area no larger than ten acres which is bounded by but not crossed by public streets.

**BOARD OF APPEALS.** A Board consisting of five members which hears appeals from the Zoning Hearing Examiner.

**BOARDING OR LODGING HOUSE.** A dwelling unit containing at least one but not more than five guest rooms where lodging is provided, with or without meals, for compensation; it does not include community residential program or emergency shelter.

**BOAT.** A vehicle for traveling in or on water, not exceeding 30 feet in body length, 8 feet in width, or 11 feet in overall height. Height includes the trailer, if the boat is mounted on a trailer.

**BUILDING, ACCESSORY.** A building detached from and smaller than the main building on the same lot; the use of an accessory building shall be appropriate, subordinate, and customarily incidental to the main use of the lot.

**BUSINESS.** A legal entity operating an enterprise in a space separate from any other enterprise.

**CAMPGROUND.** A lot developed or used for occupancy by tents and/or recreational vehicles for transient dwelling purposes.

**CANOPY SIGN.** See SIGN, CANOPY.

**CARNIVAL.** A travelling enterprise offering a variety of amusements which are predominantly comprised of mechanical rides, side shows, or games of chance.

**CENTRAL URBAN AREA.** An area designated "Central Urban" by the Albuquerque/Bernalillo County Comprehensive Plan; generally, redevelopment or rehabilitation is appropriate.

**CERTIFICATE OF APPROPRIATENESS.** Written authorization required for alteration, demolition, or new construction in certain zones as provided for in Chapter 14, Article 12, Landmarks and Urban Conservation.

**CIRCUS.** A travelling enterprise that features feats of physical skill and daring, wild animal acts, and performances by clowns.

**CITY.** The city of Albuquerque, New Mexico.

**CITY COUNCIL.** The governing body of the city.

**CLEAR SIGHT TRIANGLE.** An area of unobstructed vision at street intersections between three and eight feet above the gutter line and within a triangular area at the street corner, which area is bounded by:

- (1) The street property lines of the corner lot and a line connecting points 25 feet distant from the intersection of the property lines of such lot; or
- (2) The curb lines of an intersection and a line connecting points 35 feet distant from the corner of the intersection  $\cap$  such corner determined by projecting the curb lines out to a specific point, whichever is the lesser.

**CLINIC.** See **OFFICE**.

**CLUB.** An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes which are not conducted for profit; includes lodge.

**COLLOCATION.** The location of more than one wireless telecommunications facility on the same structure by more than one wireless telecommunications facility owner, or the location of one or more wireless telecommunications facility on a public utility structure.

**COMMERCIAL SURFACE PARKING LOT.** An area of land used to provide parking, as a commercial enterprise, for four or more motor vehicles for a fee. Such parking is not primarily associated with any other use. The term does not include a commercial parking garage which is a building primarily used for the provision of parking for a fee.

**COMMERCIAL VEHICLE.** Any vehicle that is not a noncommercial or a recreational vehicle.

**COMMUNITY RESIDENTIAL CORRECTIONS PROGRAM.** A community residential program for persons currently in the custody of, or recently released by, correctional authorities which is designed to offer an alternative to imprisonment and/or to facilitate ex-offender reintegration into community life.

**COMMUNITY RESIDENTIAL PROGRAM.** A dwelling unit(s) providing to its residents a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy, and assistance in the development of daily living skills; such residence and program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities associated with aging. A community residential program does not include skilled nursing care.

**COMMUNITY RESIDENTIAL PROGRAM FOR SUBSTANCE ABUSERS.** A community residential program for persons who require such services by reason of the effects of alcohol or drug abuse.

**CONCEALED WIRELESS TELECOMMUNICATIONS FACILITY.** A wireless telecommunications facility which is architecturally integrated with existing buildings, structures,

and landscaping, including height, color, style, massing, placement, design, and shape, and which does not stand out as a wireless telecommunications facility when viewed with the naked eye.

**CONDITIONAL USE.** One of those uses enumerated as conditional uses in a given zone. Such uses require individual approval on a given lot.

**CONTIGUOUS.** Abutting or separated by nothing more than an alley.

**CORNER LOT.** See LOT, CORNER.

**CUSTOMER SERVICE AREA.** See SERVICE AREA, CUSTOMER.

**DAY CARE CENTER.**

- (1) Any place other than an occupied residence which receives children for day care; or
- (2) An occupied residence which receives more than 12 children for day care.

**DAY CARE HOME.** See *FAMILY DAY CARE HOME*.

**DETACHED OPEN SPACE.** Required open space which is not on the same lot(s) as the dwellings for which the open space is required.

**DEVELOPING AREA.** The area designated "Developing Urban" on the Metropolitan Areas map of the Albuquerque/Bernalillo County Comprehensive Plan; generally it was not developed, subdivided for urban-size lots, or in an area where the city has approved a subdivision plat as of January, 1975.

**DISMANTLING YARD, AUTOMOBILE.** See *AUTOMOBILE DISMANTLING YARD*.

**DRIVE-IN RESTAURANT.** A restaurant or refreshment stand which has one or more of the following:

- (1) No inside tables or counters for customer eating, and food is served with any dishes and utensils which are customary for eating the food; or
- (2) Carhop service to parked vehicles.

**DRIVE-UP SERVICE WINDOW.** A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

**DRIVEWAY.** An unobstructed paved area leading from the street to a garage or other permitted off-street parking area.

**DWELLING.** A dwelling unit or a mobile home.

**DWELLING UNIT.** One or more connected rooms and a single kitchen designed for and occupied by no more than one family for living and sleeping purposes, permanently installed on a permanent foundation which has received a permit from the city pursuant to Chapter 14, Article 1, and the structure is either:

- (1) Constructed to the standards of the city Building Code and other technical codes adopted in § 14-1-3, as of the date of the unit's construction; or
- (2) A single family detached dwelling with a heated area at least 36 by 24 feet and 864 square feet, constructed in a factory to the standards of the U.S. Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards Act of

1974, 42 U.S.C. 5401 et seq., HUD Zone Code II, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978), regulation Sec. 1007, ground level installation, and regulation Sec. 1009, ground anchors; such dwelling shall be consistent with applicable historic or aesthetic standards which may be adopted by city ordinance.

**ELECTROMAGNETIC INTERFERENCE.** Disturbance caused by intruding signals or electrical current.

**EMERGENCY SHELTER.** A facility which provides sleeping accommodations to six or more persons for a period not normally exceeding 30 consecutive days, with no charge or a charge substantially less than market value; it may provide meals and social services.

**ENVIRONMENTAL HEALTH DIRECTOR.** The director of the Environmental Health Department or her/his authorized representative.

**ESTABLISHED AREA.** The area designated "Established Urban" on the Metropolitan Areas map of the Albuquerque/Bernalillo County Comprehensive Plan; generally it is stable and developed in urban uses or a subdivision plat for such use was approved as of January, 1975.

**EXISTING VERTICAL STRUCTURE.** Any tower for which a building permit has been issued, including a tower or antenna for which a permit has been issued by the city but has not been constructed so long as approval by the city has not expired, including a tower and antenna that has been given an interim approval prior to the effective date of Ordinance 9-1999 and not found by the city to be contrary to the purposes of Ordinance 9-1999, or any other vertical structure.

**FACADE.** Any separate external face of a building, including parapet walls and omitted wall lines. Where separate faces are oriented in the same direction, or in directions within 45° of one another, they are to be considered as part of a single facade.

**FACE-MOUNTED WIRELESS TELECOMMUNICATIONS ANTENNA.** An antenna attached to and covering a small portion of the surface of a building, and which is architecturally integrated into the building and supporting structure.

**FAMILY.**

- (1) An individual;
- (2) Two or more persons related by blood, marriage, legal guardianship, or adoption, plus resident domestic servants; or
- (3) Any group of not more than five persons living together in a dwelling.

**FAMILY CARE FACILITY.** An occupied dwelling used for care for one or two residents, not a relative of the resident family and not under court ordered guardianship of a member of the resident family; it is licensed as a Family Care Home by the State of New Mexico and provides services as outlined for Adult Residential Shelter Care or Board and Care Homes in New Mexico Health and Environment Department regulations; care is provided 24 hours per day.

**FAMILY DAY CARE HOME.** An occupied dwelling in which a person provides, for remuneration, care for at least four but not more than 12 children on a regular basis for less than 24 hours per day. The resident provider's children who are age six or more shall not be counted for this definition.

**FLOOR AREA RATIO.** The heated gross floor area divided by the area of the premises.

**FORECOURT.** A court forming an entrance plaza for a single building or a group of buildings. Refer to § 14-16-3-2, Large Retail Facility Regulations regarding forecourt requirements.

**FREE-STANDING SIGN.** See *SIGN, FREE-STANDING*.

**FREE-STANDING WIRELESS TELECOMMUNICATIONS FACILITY.** A wireless telecommunications facility that consists of a stand-alone support structure, antennas, and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or similar structure. This does not include a wireless telecommunication antenna which is mounted on a public utility structure or light standard, or a Community Identity Feature.

**FRONT YARD.** See *YARD, FRONT*.

**FUTURE STREET LINE.** A line running more or less parallel to the centerline of certain existing or proposed streets as established by ordinance for the purpose of delineating the future widths of public right-of-way.

**GARAGE (PRIVATE).** A portion of a dwelling or an accessory building that is designed or used to shelter permitted vehicles. Does not include a carport or open shelter.

**GLAZING.** The clear or translucent material through which light is transmitted into a building; usually glass but also includes acrylic and other materials. Glazing shall have a transparency that allows a pedestrian to see through the window.

**GRADE.**

- (1) Means the average of the approved ground level immediately adjacent to each facade of a building, considered separately; where an earth embankment is placed against the side of a building or a retaining wall supporting a terrace is placed close to a building, grade shall be measured from the toe or bottom of the embankment or retaining wall; building floor level is irrelevant; and
- (2) Means the elevation of the finished, approved ground level at all points along a garden wall or fence.
- (3) As used herein, approved grade shall be no higher than the specified elevation on the grading plan approved by the city in conjunction with subdivision or site development plan approval; in the absence of such approved plans, original natural grade applies.

**GROSS FLOOR AREA.** The total floor area, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of outside walls.

**GROSS VEHICLE WEIGHT RATING.** The value specified by the manufacturer as the maximum loaded weight of a vehicle or a vehicle combination, or registered weight, whichever is greater.

**GROUP TRAINING HOME.** A residence providing full-time supervision and training in daily living activities and homemaking skills to a small number of residents other than a family; no infant care is provided.

**HEIGHT.** When applied to a building, means the vertical distance above the grade at each facade of the building, considered separately, to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a gable, hip, or gambrel roof. The height of a stepped or sloped building means the maximum height above grade of any distinct segment of the building, which segment constitutes at least 10% of the gross floor

area of the building. (This definition applies to height regulations found in a specific zone but not to regulations found in § 14-16-3-3.)

**HELICOPTER.** Any rotary wing aircraft or other vertical lift aircraft powered by mechanical or jet propulsion, and specifically excluding lighter-than-air craft.

**HELIPAD.** An area of land or structural surface created for and used for the landing and takeoff of helicopters or similar vertical lift aircraft.

**HOME OCCUPATION.** An activity carried on for profit or for philanthropic purposes, where all or part of the activity takes place on a residentially-used lot and the activity is not being legally conducted as another permissive or conditional principal use.

**HOSPITAL FOR HUMAN BEINGS.** An establishment that provides – through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous licensed professional nursing services – diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions, including mental illness. A facility licensed by the state as a general, limited, or special hospital is presumed to be a hospital for human beings.

**HOSPITAL FOR TREATMENT OF SUBSTANCE ABUSERS.** An institution or establishment that provides treatment for human beings through an organized medical staff and permanent facilities that may include inpatient beds, out-patient services, medical services and continued medical care and/or psychological counseling and treatment to those recovering from the abuse of controlled substances, drugs or alcohol. To be considered as a HOSPITAL FOR TREATMENT OF SUBSTANCE ABUSERS in the Zoning Code, a hospital that also performs general medical care will not be considered a HOSPITAL FOR TREATMENT OF SUBSTANCE ABUSERS unless over 50% of the hospital's patients are being treated for recovery from abuse of substances.

**HOUSE.** A single-family, detached dwelling unit; a building containing only one dwelling unit.

**INCIDENTAL USE.** A use which is appropriate, subordinate, and customarily incidental to the main use of the lot.

**ILLUMINATED SIGN.** See **SIGN, ILLUMINATED.**

**JOINT SIGN PREMISES.** See **PREMISES, JOINT SIGN.**

**KENNEL.** A premises on which five or more dogs or cats or aggregate thereof, over three months of age, are kept, maintained, or boarded. This definition shall not include permitted premises, as specified by this article, other than kennels.

**KITCHEN.** An area of a dwelling where there is a sink and a significant cooking appliance, including but not limited to a range, oven, microwave oven, or hot plate, in close proximity.

**LAND USE HEARING OFFICER.** The individual(s) appointed and designated by the City Council to conduct hearings on land use appeals as delegated by the City Council. The LAND USE HEARING OFFICER shall conduct hearings on appeals in accordance with rules approved by the City Council and shall provide a written decision and findings in support of that decision to the City Council within a time specified by the City Council.

**LANDMARKS AND URBAN CONSERVATION COMMISSION.** The city's Landmarks and Urban Conservation Commission as created by Chapter 14, Article 12, Landmarks and Urban Conservation.

**LANDSCAPING.** The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of the Albuquerque area. In addition, the landscape design may include some natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches and other types of street furniture.

**LANDSCAPING PLAN.** An accurate plan, typically at a scale of at least 1 inch to 50 feet, which covers at least one lot and which specifies:

- (1) For Subdivision. Areas to be used for conveyance of floor waters; existing significant trees and shrubs to be preserved or to be removed; proposed perimeter trees and shrubs.
- (2) For Building Permits. In addition to information required for division (1) above, the information required by § 14-16-3-10.

**LARGE RETAIL FACILITY.** A single tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing. A shopping center site with a main structure of 75,000 square feet or more is a LARGE RETAIL FACILITY. Refer to § 14-16-3-2 for Large Retail Facility Regulations.

**LAW ENFORCEMENT HELIPAD.** A helipad that is operated by a governmental agency and used exclusively for law enforcement purposes.

**LDN.** Day/night equivalent sound level measured over a 24-hour period; it is equivalent in terms of sound energy to the level of a continuous A-weighted sound level with 10 dB added to the nighttime levels. LDN is computed pursuant to United States Environmental Protection Agency standards and procedures.

**LIVING QUARTERS, ACCESSORY.** Living quarters within an accessory building having no kitchen.

**LOT.**

- (1) A tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances; or
- (2) A tract or parcel of land described by metes and bounds held in separate ownership, as shown on the records of the County Assessor, prior to June 20, 1950, date of passage of Commission Ordinance No. 686, or October 2, 1950, effective date of passage of a County Resolution (both covering Subdivision); or
- (3) A portion of one or more platted lots, which portion was placed on the records of the County Assessor prior to November 16, 1973, effective date of Commission Ordinance No. 97-1973, the city's Subdivision Regulations, provided such portion met all requirements of area and dimension of the zone in which it was located when created.

**LOT AREA.** The area of a lot exclusive of easements for a private way or thoroughfare.

**LOT, CORNER.** A lot located at the intersection of and having frontage on two or more streets.

**LOT LINE, FRONT.** A legal boundary of a lot bordering on a street. For the purpose of determining yard requirements on a corner lot, any one side bordering on a street may be considered the front. On a double frontage interior lot where the lots on both sides are committed to one street as the front lot line, the lot between shall use the same front lot line.

**LOT LINE, REAR.** A legal boundary which is opposite and more or less parallel to the front lot line. In the case of an L-shaped or other irregularly shaped lot where two or more lines are so located all are considered rear lines, except those that are within 50 feet of the front lot line or which are 20 feet or less in length. In the case of a lot which comes to a point at the rear, the rear lot line is the imaginary line parallel to the front lot line, not less than ten feet long, lying wholly within the lot, and farthest from the front lot line.

**LOT WIDTH.** The length of a straight line between the points on each of the side lot lines which points are 50 feet from the front lot line; except for the purposes of determining the required side yard setbacks, these points are located either at the required minimum front or rear setback distance, whichever produces the least lot width.

**LUMINANCE.** The brightness of an object, expressed in terms of footlamberts, determined from a point five feet above grade on another premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured.

**MAIN STRUCTURE.** A building used for the purpose of retailing that is at least 75,000 square feet in size and dedicated to a single tenant, or a building that has one or more tenants with at least one tenant occupying at least 75,000 square feet for retail uses. A collection of smaller buildings, each less than 75,000 square feet and linked by common walls is not considered a MAIN STRUCTURE. Refer to § 14-16-3-2 for Main Structure Regulations.

**MAJOR FACADE(S).** Any exterior facade that contains a primary entrance(s) or that fronts a public street.

**MASSING.** The overall composition of the exterior of the major volumes of a building and their relationship to each other in a sequence in the overall design of the building or structure.

**MASTER DEVELOPMENT PLAN.** A plan meeting the requirements for a site development plan for subdivision; showing general building and parking locations; and specifying design requirements for buildings, landscaping, lighting, and signage.

**MASTER PLAN.** A duly adopted plan or any of its parts, for the development of the area within the planning and platting jurisdiction of the city for the general purpose of guiding and accomplishing coordinated, adjusted, and harmonious development. It includes the Albuquerque/Bernalillo County Comprehensive Plan.

**MEASUREMENT.** In all instances where the Zoning Code requires a separation of uses, use districts, lots, or buildings, such distance shall be measured in a geometrically straight line using a scaled map, or a survey if necessary, unless otherwise specifically provided for in the Zoning Code. This line shall be measured to run from the nearest point on the nearest lot line or the lot or lots upon which the regulated use is located to either the nearest point on the nearest lot line of the lot or lots upon which a use is located from which the regulated use is required to be separated or the nearest point on the nearest boundary of the zoning district from which the regulated use is required to be separated, whichever terminal point is applicable. Such measurement shall be made without regard to any intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographical features.

**MEDICAL HELIPAD.** A helipad that is located on the same premises as a hospital, or in close proximity to a hospital, and is used exclusively for emergency medical transport.

**MOBILE FOOD UNIT.** Any wagon, truck, push cart, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food, or any food product for human consumption.

**MOBILE HOME.** A movable or portable housing structure larger than 40 feet in body length, 8 feet in width, or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes; it does not include structures built to the standards of the Building Code and other technical codes adopted in § 14-1-3, as of the date of the unit's construction.

**MOBILE HOME DEVELOPMENT.** An area developed or intended to be developed for occupancy by two or more mobile homes which are used for dwelling purposes. It includes areas known as mobile home parks, where lots or spaces are rented individually to residents; mobile home subdivisions, where lots are sold individually, usually to residents of the lots; or other forms of ownership.

**NEIGHBORHOOD AREA TRAFFIC STUDY.** A study that is intended to respond to cut-through traffic, speeding, and problem intersections on more than one local street in a neighborhood. Neighborhood area traffic studies are more complex than single street traffic studies. The study area is larger and problems are inter-related and they require research and analysis and substantial involvement by neighborhood residents. Cut through studies that are part of a neighborhood traffic study shall be performed by the City Traffic Engineer or a qualified professional engineer using the methodologies of the City of Albuquerque Neighborhood Traffic Management Program (NTMP) to perform a cut through study.

**NET LEASABLE AREA.** The total floor area designed for owner or tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of encompassing walls.

**NONCOMMERCIAL VEHICLE.** A motor vehicle used in the conduct of normal daily activities which has a gross vehicle weight rating of not more than 10,000 pounds and can be lawfully parked in a standard 8.5 feet by 20 feet parking space. The term includes motor vehicles commonly called motorcycles, automobiles, vans, sport utility vehicles, light trucks or pick-ups.

**NONCONFORMING.** A structure or use of structure or land which does not conform to applicable zoning and which was in conformity with applicable zoning in effect at the time it was created.

**NONCONFORMING STRUCTURE.** A structure which does not conform to this Article or to the regulations of an applicable sector development plan for reasons other than the use of the structure and which structure did not violate this Article or any applicable sector development plan at the time the structure was constructed. By way of example: a nonconforming structure could be one that violates height, setback, aesthetic or form requirements.

**NONCONFORMING USE.** A use of a structure or land which does not conform to uses allowed under the regulations of this Article or to uses allowed under an applicable sector development plan and which was an allowed use at the time the use was first undertaken.

**NORTHERN BOUNDARY.** The lot line lying generally to the north side of a lot which is the most nearly perpendicular to cardinal north.

**NURSERY.** The commercial growing of plants, if the plants are sometimes covered with a structure which extends more than two feet above ground level.

**OCCUPANCY.** The purpose for which a building is used or intended to be used, or the building or portion thereof housing such use.

**OFFICE.** A place where consulting, record keeping, the work of a professional person such as a physician or lawyer is done, or a headquarters of an enterprise or organization; the sale of on-premises goods is not included.

**OFF-PREMISE SIGN.** See *SIGN, OFF-PREMISE*.

**OFF-STREET PARKING.** An area used for required temporary parking regulated by § 14-16-3-1.

**ON-PREMISE SIGN.** See *SIGN, ON-PREMISE*.

**OPEN SPACE, USABLE.** See *USABLE OPEN SPACE*.

**OPEN SPACE.** Ground area which satisfies visual and psychological needs of the community for light and air. It is covered with vegetation, game courts, non-vehicular paths, or incidental buildings provided that such incidental buildings do not cover more than five percent of the ground area.

**PARCELED COMMONS AREA (PCA).** The area within a Private Commons Development set aside for the purposes of agriculture, landscaping, open space or recreation; this area can either be a Private PCA with deed restrictions and a land use easement for the use and enjoyment of the PCD property owners or a Public PCA, which is land dedicated to, and accepted by, the City.

**PARK-AND-RIDE JOINT-USE FACILITIES.** Provision of parking for transit customers in an area which is required off-street parking, which dual use is agreed to by the transit operator and the person in control of the property; the joint use is utilized for more than 30 consecutive days.

**PARK-AND-RIDE TEMPORARY FACILITIES.** The temporary provisions of parking for transit customers using service provided by the municipal transit agency in conjunction with a temporary civic use, including but not limited to the New Mexico State Fair and the International Balloon Fiesta. Other temporary civic uses shall have a demonstrable public purpose and shall require the approval of the Mayor. Use of the facility shall not exceed 45 days in a calendar year. The use may include a ticket booth, portable restrooms, lighting, concession stand, and barriers contributing to traffic management. Approval of a traffic management plan shall be required.

**PARKING LOT.** An area or structure used for temporary parking of automobiles and pickup-size trucks, providing four or more parking spaces, not within the public right-of-way, none of which are required off-street parking.

**PARKING, OFF-STREET.** See *OFF-STREET PARKING*.

**PARKING SPACE, AUTOMOBILE AND LIGHT TRUCK.** A suitable space for vehicular storage, at least 8.5 feet in width and 18 feet in length, that may be reduced to 16 feet in length where cars can overhang wheel stops, with access and circulation satisfactory to the Traffic Engineer; however, if a premises contains more than 20 parking spaces, one-third of the spaces may be at least 8 feet in width and 15 feet in length. Parking Spaces must be clearly identified through use of parking blocks, stripes, or other acceptable means.

**PEDESTRIAN PLAZA (OUTDOOR COURTYARD).** An outdoor public space that contains seating and shade and is typically privately owned and maintained.

**PEDESTRIAN SCALE LIGHTING.** Lighting in pedestrian areas not to exceed 16 feet in height, which allows people to see and be seen from a distance of 40 to 60 feet.

**PEDESTRIAN WALKWAY.** A sidewalk located on a private property.

**PERMEABLE PAVEMENT OR PERMEABLE PAVEMENT SYSTEM.** Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving, or similar materials that allow the infiltration of water below the pavement surface. Gravel,

turf or other materials that are not part of a structured system designed to manage stormwater shall not be considered permeable pavement or a permeable pavement system. The structural design of the pavement shall meet the requirements of the City Engineer and/or their designee.

**PERMEABLE SURFACING.** Any low-dust surface that allows the absorption of water into the ground including but not limited to: a surface covered by gravel, crusher fines, brick or pavers without continuous mortar joints, or similar materials that allow water to be absorbed into the ground through its surface.

**PERSON.** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

**PETROLEUM PRODUCTS RETAIL FACILITY (FUELING PLAZA).** A facility for outdoor sales of gasoline, petroleum or liquefied gas.

**PLANNED COMMUNITY.** A substantially self-sufficient urban development separated from the Established and Developing Urban areas by permanent open space. Such a community is located in the Reserve Area or the Rural Area, as designated by the Albuquerque/ Bernalillo County Comprehensive Plan; the community's development is guided by a series of plans.

**PLANNING COMMISSION.** The city's Environmental Planning Commission.

**PLANNING DIRECTOR.** The chief administrative officer of the Planning Division of the city or his authorized representative.

**PORCH.** A roofed structure that is open on at least two sides, one side being the street facing side, that projects from the exterior wall of a building, and is used as an outdoor living area. Porch walls are a minimum of 50% open and unenclosed except for removable screens, screen doors, storm sashes or awnings.

**PREMISES.** Any lot or combination of contiguous lots held in single ownership, together with the development thereon; there may be multiple occupancy.

**PREMISES, JOINT SIGN.** Two or more abutting premises, each with less than 100 feet of street frontage, which are combined pursuant to § 14-16-3-5(E) to create a land unit which has at least 100 feet of street frontage for the purpose of allowing a freestanding or projecting on-premise sign.

**PRIMARY DRIVEWAY.** The principal vehicular entrance from a public right of way into or out of a premises. Most automobile trips to and from the premises are directed to the primary driveway as identified in the site plan.

**PRIVATE COMMONS AREA.** The area within a Private Commons Development set aside through deed restrictions and a land use easement for the use and enjoyment of Private Commons Development property owners for the purposes of agriculture, landscaping or recreation.

**PRIVATE COMMONS DEVELOPMENT (PCD).** A residential development of at least one acre which meets the requirements of this article for such developments (see § 14-16-3-16); it may contain houses and townhouses on any sized lot; it must include a Private Parceled Commons Area or a Public Parceled Commons Area.

**PUBLIC RIGHT-OF-WAY.** The total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.

**PUBLIC UTILITY STRUCTURE.** A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; city-owned lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; or any other public utility structure controlled by a rank two facility plan.

**READILY VISIBLE WIRELESS TELECOMMUNICATIONS FACILITY.** An object which stands out of the landscape as a wireless telecommunications facility when viewed with the naked eye.

**REAR YARD.** See *YARD, REAR*.

**RECREATIONAL VEHICLE.** A vehicular unit not exceeding 40 feet in body length, eight feet in width, or 11 feet in overall height, primarily designed as a temporary living quarters for recreational, camping, or travel use; it either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, and camping trailer.

**RECYCLING BIN.** A container located outside and used for storing and sorting metal, glass, and paper products, the materials of which will be recycled for further economic uses.

**REDEVELOPING AREA.** An area designated "redeveloping urban" by the Metropolitan Areas Map of the Albuquerque/Bernalillo County Comprehensive Plan; generally, redevelopment or rehabilitation is appropriate.

**RESIDENTIAL ZONE.** See *ZONE, RESIDENTIAL*.

**RESTAURANT.** An establishment that serves food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and which may be engaged in providing customers with take-out service of food and/or non-alcoholic beverages for off-site consumption. Sale of alcoholic drink is controlled by other provisions in this code and the New Mexico State statutes regarding alcoholic drink sales.

**RETAIL SUITE LINER.** A retail suite connected to and extending from the front or side of a main structure for the purpose of screening.

**RIGHT-OF-WAY.** See *PUBLIC RIGHT-OF-WAY*.

**ROOF-MOUNTED WIRELESS TELECOMMUNICATIONS FACILITY.** A wireless telecommunications facility placed on a rooftop through gravity mounts or other surface attachments and integrated into the natural rooftop profile of the building so as to resemble a permissible rooftop structure, such as a ventilator, cooling equipment, solar equipment, water tank, chimney, or parapet.

**ROOMING HOUSE.** See *BOARDING* or *LODGING HOUSE*.

**SECONDARY DRIVEWAY.** A vehicular entrance used to supplement a primary driveway access from a public right of way into or out of a premises. Provides vehicular access to the premises in addition to a primary driveway access.

**SECTOR DEVELOPMENT PLAN.** A plan that covers a large area satisfactory to the City body with the authority to approve the plan, and specifies standards for the area's and sub-area's character, allowed uses, structure height, and dwellings per acre; the plan may specify lot coverage, floor area ratio, major landscaping features, building massing, flood water management, parking,

signs, provisions for maximum feasible solar access, provisions for transportation, and other such features. Such plan constitutes a detailed part of the master plan and must be essentially consistent with the more general elements of the master plan, the Albuquerque/Bernalillo County Comprehensive Plan.

**SEMI-URBAN AREA.** An area so designated by the Metropolitan Areas map of the Albuquerque/Bernalillo County Comprehensive Plan; a gross density of one to three dwelling units per acre is planned.

**SERVICE AREA, CUSTOMER.** That area of the lot between the principal building and any customer service structure maintained for dispensing services or products to on-premise customers, provided the structure is within 25 feet of the principal building or there is a solid canopy covering the service area.

**SETBACK.** The shortest distance between a structure and a lot line or future street line.

**SHOPPING CENTER SITE.** A premises containing five or more acres; zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a large retail facility; but excluding premises used and proposed to be used only for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing. Shopping center sites are subject to the shopping center regulations of the Zoning Code, § 14-16-3-2.

**SIDE YARD.** See **YARD, SIDE**.

**SIGN.**

- (1) Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities except for the following:
  - (a) Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
  - (b) Signs required by law or signs of a duly-constituted governmental body.
  - (c) Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
  - (d) Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.
  - (e) Temporary holiday decorations.
- (2) A back-to-back sign or V-shaped sign constitutes one sign if it employs a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

**SIGN AREA.**

- (1) For free-standing and projecting signs means the area of one rectangle or of two contiguous rectangles in the same plane, drawn with horizontal and vertical lines so as to include the entire sign except sign supports. The viewpoint for calculation shall be that which gives the largest dimension to that rectangular area.

- (2) Sign area for building-mounted signs, except projecting signs, means the area enclosed with a sign border, or the sum of the areas of the minimum imaginary rectangles enclosing each word or non-verbal symbol if there is no sign border.
- (3) Ornamental sign bases without advertising elements are not counted in sign area.
- (4) Sign area for additional add-on signs to off-premise signs shall be calculated as the area of up to two rectangles in addition to the rectangle which defines the area of the basic sign.

**SIGN, BUILDING-MOUNTED.** A sign entirely supported by or through a building; it includes canopy sign, marquee sign, projecting sign, roof sign, and wall sign.

**SIGN, CANOPY.** A type of building-mounted sign mounted under and supported by a permanent canopy, arcade, or portal, the ceiling of which is no more than 14 feet above grade.

**SIGN, ELECTRONIC.** Electronic display panel signs and electronic message reader board signs.

**SIGN, ELECTRONIC DISPLAY/BOARD PANEL.** A sign which presents information that is transmitted in various visual forms and includes types such as: flat screen, active display matrix, or any electronic display capable of displaying multiple communications, images, graphics in mono, tri and/or full color. Such displays include but are not limited to current and future technology such as: Light Emitting Diodes (LED), Liquid Crystal Display (LCD), Plasma Display Panels (PDP), 3D Holography, pixel or subpixel technology, other fiber optics or illumination devices within the display area. The electronic control allows for programmable, electronic changing messages used primarily for the purpose of advertising, marketing messages, display of time-sensitive and other updatable information.

**SIGN, ELECTRONIC MESSAGE READER BOARD (VARIABLE MESSAGE SIGNS, ELECTRONIC MESSAGE READER).** A sign with light bulbs used to display single or multiple lines of text or graphics. The horizontal columns of light produce changing messages or text by programmable electronic or mechanical processes. The sign can also use a fixed light source to provide a message in text, graphics, photos and/or symbols appearing to move or flash. Examples of electronic message boards include but are not limited to: static monochrome price sign - displaying numbers only, (example: gas stations); changeable price sign - displays numbers and/or text, with alternating messages against a dark background (example: gas stations); monochrome message reader board - displays text and/or limited graphics, with changing messages (example: bus stops, community centers).

**SIGN, FREE-STANDING.** A sign attached to or supported from the ground and not attached to a building; signs on walls or fences which are not an integral part of a building are free-standing signs. A portable sign is a type of free-standing sign, but shall have no impact upon the permissibility of a free-standing sign that is not a portable sign.

**SIGN HEIGHT.** The vertical distance from grade to the highest point of the sign.

**SIGN, ILLUMINATED.** Any sign which is directly lighted by any on-premise electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than upon the sign itself, including but not limited to luminous tubing signs such as neon signs. All electronic signs are illuminated signs.

**SIGN, MARQUEE.** A type of projecting sign, the ceiling of which is no more than 14 feet above grade with the sign being mounted on a continuous structural band which forms the more or less vertical edge of the marquee structure.

**SIGN, OFF-PREMISE.** A sign, the content of which does not refer to a business or merchant doing business on the premises where the sign is displayed.

**SIGN, ON-PREMISE.** A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on those premises, or the sale, lease, or construction of those premises.

**SIGN, PORTABLE.** An A-frame or sandwich board sign advertising a retail sales business with fewer than ten employees. The sign must be located within ten feet of the primary entrance of the business advertised and displayed only during the hours of operation of that business. A portable sign shall rest on the ground and shall not be supported by a person or animal.

**SIGN, PROJECTING.** A type of building-mounted sign, other than a wall sign or canopy sign, which projects from and is supported by a wall of a building.

**SIGN, ROOF.** A building-mounted sign or sign segment which is higher than the roof of the building or canopy to which it is attached.

**SIGN, SPECIAL POLITICAL.** A sign advocating a candidate or ballot measure for a specific election, which sign is allowed temporarily near the times of elections in addition to the permitted regular sign locations which can be used for political messages.

**SIGN, TRANSIT SHELTER.** A sign located on a City of Albuquerque Transit Department Shelter and placed pursuant to § 14-16-3-5(F).

**SIGN TRANSITION.** The visual effect and time interval between messages or images displayed on an electronic display panel or electronic message reader board.

**SIGN, WALL.** A sign flush to the exterior surface of a building, applied directly on the building, in a window, or a signboard attached flush to the building, projecting no more than 18 inches from the building surface and not projecting above the roof. However, light sources aimed at the wall sign may extend farther.

**SITE.** See **PREMISES**.

**SITE DEVELOPMENT PLAN.**

- (1) An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies:
  - (a) For Subdivision. The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area ratio. (See also MASTER DEVELOPMENT PLAN.)
  - (b) For Building Permits. In addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building construction), and proposed schedule for development.
- (3) Similar, related data may be required when relevant to the city's evaluation.

- (4) For property with a SC Shopping Center or IP Industrial Park designation for a project of five acres or more, submission of a Certificate of No Effect or a Certificate of Approval pursuant to the Albuquerque Archaeological Ordinance is required.

**SOLID WALL OR FENCE.** A continuous non-transparent vertical surface kept in good repair. A fence with inserts or non-rigid or cloth-like materials attached to the fence does not constitute a solid wall or fence.

**SPECIFIED ANATOMICAL AREAS.**

- (1) Less than completely and opaquely covered human:
  - (a) Genitals, pubic region;
  - (b) Buttock or anus;
  - (c) Female breast below a point immediately above the top of the areola to and including the bottom of the breast; covering of only the nipple and areola of the breast shall not constitute such covering;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- (3) A covering or device that, when worn, gives the appearance of or simulates the above listed specified anatomical areas.

**SPECIFIED SEXUAL ACTIVITIES.**

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Actual or simulated sex acts of human masturbation, sexual intercourse, sodomy, or similar acts; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.

**STATUS ESTABLISHED BUILDING.** A building nonconforming as to use which is approved to maintain its nonconforming use status. Such approval shall apply only to a building for which the existing use is prohibited upon expiration of its nonconformance amortization period. Such approval shall not be available to nonconforming uses that resulted from Zoning Code text amendments. Approval of a status established building can only occur on or before the expiration of its nonconformance amortization period.

**STREET.** That portion of a public right-of-way or private way or thoroughfare which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property.

**STREET FRONTAGE.** The boundary between a premises and a public right-of-way, whether or not direct access is allowed from the public right-of-way segment to the premises.

**STRUCTURE.** Anything constructed or erected above ground level which requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, or public utility pole or line.

**THROUGH TRAFFIC LANE.** A lane which extends between two roadways both classified as at least a collector on the Long Range Major Street Plan.

**TOWNHOUSE OR TOWN HOUSE.** One of a group of two to eight attached dwelling units divided from each other by common walls, each having a separate entrance leading directly to the outdoors at ground level, and each having at least one-fourth of its heated and unheated floor area approximately at grade. A townhouse building is one type of an apartment.

**TRAFFIC ENGINEER.** The chief administrative engineer of the city's Traffic Engineering Division or his authorized representative.

**TRAILER.** A vehicle without motive power, designed so that it can be drawn by a motor vehicle, to be used for the carrying of persons or property or as a human habitation. However, a structure which meets the requirements of the Building Code of the city in all ways, including foundation, is not a trailer, whether or not it was once a vehicle.

**TRAINING HOME, GROUP.** See **GROUP TRAINING HOME.**

**TRANSIT FACILITIES.** The following uses, if conducted off the public right-of-way: bus passenger terminal, bus maintenance facility, transit transfer center, and park-and-ride joint-use facilities.

**TRANSIT SHELTER.** A shelter erected and maintained under the direction and control of the City of Albuquerque as part of the City of Albuquerque mass transit system for the use of transit patrons.

**TRUCK BAY.** The freight receiving and discharging area that may include raised or depressed loading docks, loading ramps and the parking space and or parking wells for trucks when being unloaded or loaded.

**TRUCK PLAZA.** A site in excess of two acres providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to restaurants and overnight parking.

**TRUCK TERMINAL.** A property or building used primarily for the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight.

**URBAN CENTER.** A concentration of activities and/or densities, the location of which is designated by the Metropolitan Areas and Urban Centers map of the Albuquerque/Bernalillo County Comprehensive Plan.

**USABLE OPEN SPACE.** An area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms. Such space shall be available for entry and use by the residents involved.

**VACATION RENTAL, SHORT-TERM.** The rental of a house or any portion thereof for a period of less than 30 consecutive days. A rental for purposes of this definition involves money, or other consideration given in return for occupancy, possession of use of the house.

**VARIANCE.** Variation from the strict, literal application of this article; however, the allowable use of premises may never be changed via a variance.

**WALL SIGN.** See *SIGN, WALL*.

**WIRELESS TELECOMMUNICATION EQUIPMENT LEASABLE AREA.** The area, which is typically enclosed with a block wall or fence, that a wireless provider leases and contains space for the telecommunications equipment building or cabinet.

**WIRELESS TELECOMMUNICATIONS ANTENNA.** Any exterior transmitting or receiving device which may be mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), or other commercial signals. It includes, but is not limited to, a directional antenna (such as a panel, a microwave dish and satellite dish), and an omni-directional antenna (such as a whip), but not including a non-commercial antenna.

**WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING OR CABINET.** A building or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**WIRELESS TELECOMMUNICATIONS FACILITY.** A facility that transmits and/or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include: antennas of all kinds including microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunications tower or similar structures supporting said equipment, equipment buildings or cabinets, parking area, and/or other accessory development.

**WIRELESS TELECOMMUNICATION SERVICES.** The provision or offering for rent, sale, or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic, and video programming information between or among points excluding only cable services.

**WIRELESS TELECOMMUNICATIONS TOWER.** A structure intended to support wireless telecommunications antennas. Examples of such structures include, but are not limited to, free-standing poles (such as monopoles, masts, poles, or guyed towers) and lattice construction steel towers.

**YARD, FRONT.** That part of a lot between the front lot line and the front facades of the principal building on the lot, and extended to both side lot lines.

**YARD, REAR.** That part of a lot between the rear lot line and the rear facades of the principal building on the lot, and extended to both side lot lines.

**YARD, SIDE.** That part of a lot not surrounded by buildings and not in the front or rear yard.

**ZONE.** One of the zones established by this article and the boundaries of such zones shown on the official zone map. Zone boundaries are located as follows:

- (1) The boundary of a zone is a lot line unless clearly otherwise shown on the zone map, in which case, the boundary of a zone is determined by use of the scale of measurement shown on the zone map.
- (2) In the event a street, alley, drainageway, or other public way, the edge of which formed the boundary of a zone, is vacated, the zone boundary automatically becomes the former centerline of the vacated public way.

**ZONE, RESIDENTIAL.** The RO-1, RO-20, R-1, MH, R-T, R-LT, RG, R-2, R-3, RA-1, RA-2, RC, and RD zones; and the segments of the SU-1, SU-2, and SU-3 zones where the predominant use allowed in a subarea is residential.

**ZONING ENFORCEMENT OFFICER.** A city employee appointed by the Planning Director, or the Zoning Enforcement Officer's authorized representative.

**ZONING HEARING EXAMINER.** One or more city employees appointed by the Mayor, who have duties and powers specified for the Zoning Hearing Examiner by the Zoning Code and zoning powers delegated by rule by the Planning Commission or the Landmarks and Urban Conservation Commission.

('74 Code, § 7-14-5) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 56-1976; Am. Ord. 81-1976; Am. Ord. 86-1976; Am. Ord. 6-1977; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 45-1977; Am. Ord. 21-1978; Am. Ord. 32-1978; Am. Ord. 38-1978; Am. Ord. 55-1978; Am. Ord. 23-1979; Am. Ord. 65-1979; Am. Ord. 53-1980; Am. Ord. 62-1980; Am. Ord. 78-1980; Am. Ord. 23-1981; Am. Ord. 42-1981; Am. Ord. 72-1981; Am. Ord. 78-1981; Am. Ord. 20-1982; Am. Ord. 39-1983; Am. Ord. 103-1983; Am. Ord. 77-1984; Am. Ord. 3-1986; Am. Ord. 11-1986; Am. Ord. 59-1986; Am. Ord. 80-1986; Am. Ord. 5-1987; Am. Ord. 41-1987; Am. Ord. 34-1989; Am. Ord. 12-1990; Am. Ord. 19-1990; Am. Ord. 21-1990; Am. Ord. 30-1990; Am. Ord. 44-1990; Am. Ord. 47-1990; Am. Ord. 13-1991; Am. Ord. 38-1991; Am. Ord. 43-1991; Am. Ord. 44-1991; Am. Ord. 22-1992; Am. Ord. 39-1992; Am. Ord. 45-1992; Am. Ord. 51-1993; Am. Ord. 58-1993; Am. Ord. 8-1995; Am. Ord. 10-1995; Am. Ord. 33-1995; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 2-2000; Am. Ord. 8-2000; Am. Ord. 27-2001; Am. Ord. 39-2001; Am. Ord. 36-2002; Am. Ord. 44-2002; Am. Ord. 20-2003; Am. Ord. 10-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 44-2005; Am. Ord. 9-2007; Am. Ord. 23-2007; Am. Ord. 25-2007; Am. Ord. 5-2008; Am. Ord. 6-2009; Am. Ord. 9-2010; Am. Ord. 31-2011; Am. Ord. 2012-036; Am. Ord. 2012-038; Am. Ord. 2013-011) (Council Bill O-13-79; O-13-62; O-15-36)