# Part 14-16-5 Development Standards

## 5-1 DIMENSIONAL STANDARDS

### 5-1(A) PURPOSE

The regulations in this Section 14-16-5-1 are established to regulate the size, scale, and location of development throughout the city and to ensure that residential development, particularly low-density residential development, reinforces the scale and character of residential areas in those portions of the city designated as Areas of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

### 5-1(B) APPLICABILITY

5-1(B)(1) The standards of this Section 14-16-5-1 apply in any zone districts except MX-FB, where development size, scale, location, and massing are regulated by Subsection 14-16-2-4(E) (Mixed-use – Form-based Zone District (MX-FB)).

5-1(B)(2) Part 14-16-3 (Overlay Zones) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In the case of a conflict between the dimensional standards, Overlay zone standards shall prevail.

5-1(B)(3) Section 14-16-5-9 (Neighborhood Edges) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In case of a conflict between the dimensional standards, Neighborhood Edge standards shall prevail.

5-1(B)(4) Notwithstanding any standard in this IDO, all development must meet relevant setback standards in Article 14-2 of ROA 1994 (Fire Code).

### 5-1(C) RESIDENTIAL ZONE DISTRICTS

#### 5-1(C)(1) Residential Zone District Table

All development in any Residential zone district shall comply with the standards in Table 5-1-1, except under any of the following circumstances, in which case individual standards in the relevant sections prevail over conflicting standards in Table 5-1-1:

5-1(C)(1)(a) The project is a residential development of primary buildings in an Area of Consistency, in which case any relevant Contextual Residential Standards in Section 14-16-5-1(C)(2) prevail.

5-1(C)(1)(b) A different standard is stated in another section of this IDO, such as an Overlay zone standard in Part 14-16-3 (Overlay Zones) or a Use-specific Standard in Section 14-16-4-3, in which case that standard prevails.

**Table 5-1-1: Residential Zone District Dimensional Standards**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**BR = bedroom DU = dwelling units.**
**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.**

| Zone District | R-A[1] | R-1[1] | R-MC[2] | R-T[1] | R-ML | R-MH |
|---|---|---|---|---|---|---|
| **Site Standards** | | | | | | |
| Lot size, minimum[3] | 10,890 sq. ft. | R-1A: 3,500 sq. ft.<br>R-1B: 5,000 sq. ft.<br>R-1C: 7,000 sq. ft.<br>R-1D: 10,000 sq. ft. | 2,500 sq. ft. / manufactured home space | Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft. | Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft. Multi-family: 5,000 sq. ft. | 10,000 sq. ft.[4] |
| *Contextual* | See Subsection 14-16-5-1(C)(2) | | | | N/A | |
| Lot width, minimum | 75 ft. | R-1A: 25 ft.<br>R-1B: 37.5 ft.<br>R-1C:50 ft.<br>R-1D:70 ft. | 40 ft. / manufactured home space | Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft. | Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft. Multi-family: 50 ft. | 150 ft.<br>UC-MS-PT: 100 ft. |
| *Contextual* | See Subsection 14-16-5-1(C)(2) | | | | N/A | N/A |
| Usable open space, minimum[5] | N/A | N/A | 400 sq. ft. / manufactured home space | N/A | Efficiency or 1 BR: 200 sq. ft. / unit<br>2 BR:250 sq. ft. / unit<br>≥3 BR: 300 sq. ft. / unit<br>UC-MS-PT: 50% reduction | |
| **Setback Standards[6]** | | | | | | |
| Front, minimum | 20 ft. | R-1A: 10 ft.<br>R-1B, R-1C: 15 ft.<br>R-1D: 20 ft. | 15 ft. | 10 ft. | 15 ft. | 15 ft.<br>UC-MS-PT: N/A |
| Front, maximum | N/A | | | | | None<br>UC-MS-PT: 10 ft. along 70% of primary street frontage |

**Table 5-1-1: Residential Zone District Dimensional Standards**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**BR = bedroom DU = dwelling units.**
**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.**

| Zone District | R-A[1] | R-1[1] | R-MC[2] | R-T[1] | R-ML | R-MH |
|---|---|---|---|---|---|---|
| Side, minimum | 10 ft. | R-1A, R-1B, R-1C: Interior: 5 ft. Street side of corner lots: 10 ft.<br>R-1D: 10 ft. | Interior: 5 ft. Street side of corner lots: 10 ft. | Interior: 5 ft. Street side of corner lots: 10 ft.<br>UC-MS-PT: 0 ft. | | |
| Side, maximum | N/A | | | | | N/A<br>UC-MS-PT: Street side of corner lots: 15 ft. |
| Rear, minimum | 25 ft. min | R-1A: 10 ft.<br>R-1B, R-1C, R-1D: 15 ft. | 10 ft. | 15 ft. | | |
| **Building Height** | | | | | | |
| Building height, maximum | 26 ft. | | | | 35 ft. | 45 ft.<br>UC-MS-PT: 65 ft.<br>No maximum for portions of building >100 ft. from all lot lines |

[1] Residential development that qualifies for funding through Article 14-17 of ROA 1994 (Family Housing Developments) may be eligible for development incentives specified in that Article.
[2] In the R-MC zone district, setback standards apply to the entire project site, not to individual manufactured home spaces.
[3] Unless specified otherwise in this IDO, minimum lot size and width apply to the lot, not to individual dwelling units.
[4] For lots in the R-MH zone district that do not meet this minimum lot size requirement, development is allowed pursuant to Subsection 14-16-6-8(E)(1)(c).
[5] Usable open space requirements for R-ML and R-MH are for multi-family development only. Use-specific standards for some development types require usable open space pursuant to Subsections 14-16-4-3(B)(3)(i) (Dwelling, Cottage Development) and 14-16-4-3(B)(5)(a) (Dwelling, Townhouse).
[6] At corners and junctions with driveways or alleys, additional requirements related to clear sight triangles in the DPM may apply.

## 5-1(C)(2) Contextual Residential Development in Areas of Consistency

### 5-1(C)(2)(a) Applicability

1. For the following residential development types, the contextual lot size standards in Subsection (b) below do not apply, and the contextual setback standards in Subsection (c) below apply to the entire project site, not to individual lots or primary buildings:

a. Manufactured home communities in the R-MC zone district.
b. Cluster development.
c. Cottage development.

2. All other development in any Residential zone district on blocks where lots have been platted and at least 1 primary building is constructed shall comply with the standards in Subsections (b) and (c) below.

**5-1(C)(2)(b) Lot Size**

In any Residential zone district in an Area of Consistency, the minimum and maximum lot sizes for construction of new low-density residential development shall be based on the size of the Bernalillo County Tax Assessor's lot, or a combination of adjacent Tax Assessor's lots, in the block where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

1. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 75 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building, on that block.
2. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is larger than 125 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on that block.
3. In making these calculations, the size of any Tax Assessor's lot or combination of adjacent tax assessor's lots containing primary buildings on that block that are not low-density residential development shall be ignored.

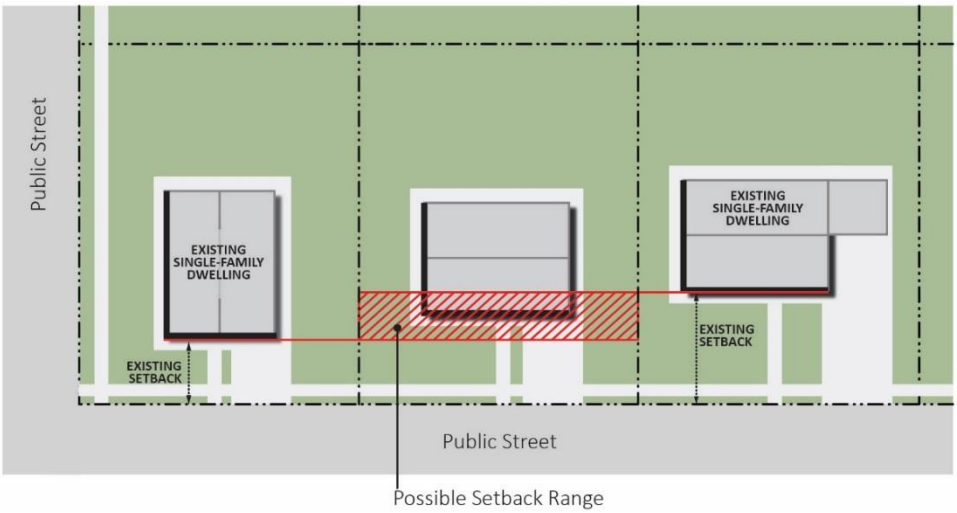
**5-1(C)(2)(c) Setbacks**

In any Residential zone district in an Area of Consistency, the front setback for construction of new low-density residential development shall be based on the existing front setbacks of primary buildings on adjacent lots:

1. If only 1 of the abutting lots facing the same street is a low-density residential development, the front setback of any new dwellings shall be within 3 feet of the front setback of the existing primary dwelling on the adjacent lot or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.
2. If both of the abutting lots facing the same street are low-density residential development, the front setback of any new

dwellings shall be between the closer and farther front setbacks of the 2 primary dwellings on the abutting lots (see illustration below).

3. If both of the abutting lots are vacant, but at least 2 adjacent lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front setbacks of the 2 primary dwellings on adjacent lots or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.
4. If both of the abutting lots are vacant, but only 1 adjacent lot facing the same street is low-density residential development, the front setback of any new dwellings shall be constructed per the standards in Table 5-1-1.




**Contextual Residential Setbacks for Low-density Residential Development**

**Contextual Residential Setbacks for Cluster and Cottage Development**

## 5-1(D) MIXED-USE ZONE DISTRICTS

### 5-1(D)(1) Mixed-use Zone District Table

All development in any Mixed-use zone district shall comply with the dimensional standards in Table 5-1-2, unless an exception or a different standard is stated in another section of this IDO. Section 14-16-2-4(E) (Mixed-use – Form-based Zone District (MX-FB)) includes additional dimensional standards for any MX-FB sub-zone.

**Table 5-1-2: Mixed-use Zone District Dimensional Standards**
**UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan**
**BR = bedroom DU = dwelling units.**
**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.**

| Zone District | MX-T | MX-L | MX-M | MX-H |
|---|---|---|---|---|
| **Site Standards** | | | | |
| Usable open space, minimum[1] | Efficiency or 1 BR: 200 sq. ft./unit<br>2 BR: 250 sq. ft./unit<br>≥3 BR: 300 sq. ft./unit<br><br>UC-MS-PT: 50% reduction | | | |
| **Setbacks[2]** | | | | |
| Front, minimum | 5 ft.<br><br>UC-MS-PT: 0 ft.<br>50% of front property line width must be occupied by the primary building constructed within 15 ft. of the property line. On a corner lot, the required 50% must begin at the corner. | | | |
| Front, maximum | N/A<br><br>UC-MS-PT: 15 ft. | | | |
| Side, minimum | Interior: 0 ft.; Street side of corner lots: 5 ft.<br><br>UC-MS-PT: 0 ft. | | | |
| Side, maximum | N/A<br><br>UC-MS-PT: Interior: N/A; Street side of corner lots: 15 ft. | | | |
| Rear, minimum | 15 ft. | | | |
| Rear, maximum | N/A | | | |
| **Building Height** | | | | |
| Building height, maximum | 30 ft. | 35 ft.<br><br>UC-MS-PT: 55 ft. | 45 ft.<br><br>UC-MS-PT: 65 ft. | 65 ft.<br><br>UC-MS-PT: 75 ft. |
| | | | No maximum for portions of building >100 ft. from all lot lines | |
| | | UC-MS-PT:<br>12 ft. Structured Parking Bonus | | UC-MS-PT: 24 ft. Structured Parking Bonus |
| | UC-MS-PT: 12 ft. Workforce Housing Bonus | | | |

[1] Usable open space requirements indicated in this table are for multi-family development only. Additional usable open space requirements in Subsections 14-16-4-3(B)(3)(i) (Dwelling, Cottage Development) and 14-16-4-3(B)(5)(a) (Dwelling, Townhouse) may apply to low-density residential development in any Mixed-use zone district.
[2] At corners and junctions with driveways or alleys, additional requirements related to clear sight triangles in the DPM may apply.

## 5-1(E) NON-RESIDENTIAL ZONE DISTRICTS

### 5-1(E)(1) Non-residential Zone District Table

All development in any Non-residential zone district other than NR-PO or NR-SU shall comply with the dimensional standards in Table 5-1-3, unless an exception or a different standard is stated in another Section of this IDO.

#### 5-1(E)(1)(a) NR-PO Zone District

Dimensional standards in NR-PO sub-zones shall be determined in the approval of a Master Plan, Natural Resource Management Plan, standards specified by the implementing Department, or standards appropriate to a Site Plan approval for a park or open space owned or managed by an entity other than the City.

#### 5-1(E)(1)(b) NR-SU Zone District

Dimensional standards in NR-SU shall be determined in the approval of a Site Plan – EPC as part of the approval of an Amendment to the Zoning Map to the NR-SU zone district.

**Table 5-1-3: Non-residential Zone District Dimensional Standards**
**UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan**
**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.**

| Zone District | NR-C | NR-BP | NR-LM | NR-GM |
|---|---|---|---|---|
| **Site Standards** | | | | |
| Lot width, minimum | N/A | 100 ft. | N/A | |
| Building coverage, maximum | N/A | 50% | N/A | |
| **Setback Standards[1]** | | | | |
| Front, minimum | 5 ft.<br>UC-MS-PT: 0 ft. | 20 ft.[2] | 5 ft. | |
| Front, maximum | N/A<br>UC-MS-PT: 15 ft. | N/A | | |
| Side, minimum | 0 ft. | 10 ft.[2] | 0 ft. | |
| Side, maximum | N/A<br>UC-MS-PT: Interior: N/A; Street side of corner lots: 15 ft. | N/A | | |
| Rear, minimum | 0 ft.<br>UC-MS-PT: 15 ft. | 10 ft.[2] | 0 ft. | |
| Rear, maximum | N/A | | | |
| **Building Height** | | | | |
| Building height, maximum | 35 ft.<br>UC-MS-PT: 55 ft. | 65 ft. | | |

**Table 5-1-3: Non-residential Zone District Dimensional Standards**
**UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan**
**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.**

| Zone District | NR-C | NR-BP | NR-LM | NR-GM |
|---|---|---|---|---|
| | No maximum for portions of building >100 ft. from all lot lines | No maximum for portions of building >100 ft. from front lot line | | |

[1] At corners and junctions with driveways or alleys, additional requirements related to clear sight triangles in the DPM may apply.
[2] No setback is required on sides abutting rail tracks or rail easements.

## 5-1(F) EXCEPTIONS AND ENCROACHMENTS

Building height limits apply to all portions of all structures on the property, unless an exception is specified in Table 5-1-4 or any other provision of this IDO. Table 5-1-4 identifies exceptions to required building setback areas and exceptions to building height limits that apply unless specified otherwise in an Overlay zone. Required setback areas other than the exceptions allowed in Table 5-1-4 shall be open and unobstructed from the ground upward.

**Table 5-1-4: Allowed Exceptions and Encroachments**

| Structure or Feature | Conditions or Limits |
|---|---|
| **Encroachments into Required Setback Areas** | |
| Accessory building | May encroach any amount into a required side or rear setback, subject to the Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code). |
| Accessory ground-mounted wind energy system | As specified in Subsection 14-16-4-3(E)(9) (Wind Energy Generation or Device). |
| Architectural feature including awning, balcony, bay window, canopy, sill, chimney, belt course, cornice, and ornamental feature | May encroach up to 2 ft. into a required setback, but not closer than 3 ft. from any lot line. |
| Carport | As specified in Subsection 14-16-5-5(F)(2)(a)2 (Carports). |
| Dumpster enclosure | May encroach any amount into a required side or rear setback. |
| Evaporative cooler | May encroach up to 4 ft. into a required side or rear setback. |
| Freestanding sign | May encroach into a required setback, but not closer than 3 ft. from any lot line. |
| Ground-mounted solar collector | Allowed per Section 47-3-4 NMSA 1978. |
| Open or lattice-enclosed fire escape, fireproof outside stairway, and balcony opening upon smoke towers | May encroach up to 10 ft. into a required rear setback. |
| Site design element placed directly upon the average lot grade that is less than 18 inches above the surrounding average lot grade including, deck, walkway, step, patio, and terrace | May project into a required setback, except that decks, patios, and terraces above grade may not encroach closer than 3 ft. from any lot line. |
| Shade structure for low-density residential development | May encroach into a required side or rear setback, but not closer than 3 ft. from any lot line.<br>No more than 50% of rear yard may be covered by a roof.<br>No wall to support the structure may be constructed in any setback area. |

| Table 5-1-4: Allowed Exceptions and Encroachments | |
|---|---|
| **Structure or Feature** | **Conditions or Limits** |
| Wall or fence | As specified in Section 14-16-5-7 (Walls and Fences). |
| **Exceptions to Building Height Limits** | |
| Belfry, church spire or tower, flag pole, flue, monument, ornamental tower or spire, chimney, conveyor, cooling tower, cupola or dome, elevator housing, mechanical equipment and related screening (not including any parapet), observation tower, penthouse, smoke enclosure, smoke stack, stage tower or scenery loft, tank, and water tower | Exempt from height limits for primary buildings. |
| Non-commercial or broadcast antenna | May be up to 65 feet. |
| Rooftop solar collector | Allowed per Section 47-3-4 NMSA 1978. |
| Shade structure | In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, may not exceed 12 ft. in height. |
| Wind generation device | As specified in Subsection 14-16-4-3(E)(9) (Wind Energy Generation or Device). |
| Wireless Telecommunications Facility (WTF) | As specified in Subsection 14-16-4-3(E)(10)(b) (Wireless Telecommunications Facility Maximum Height). |

## 5-1(G) UTILITY CLEARANCE

Walls and fences that run parallel to and are contained within utility easements are prohibited. In addition to the building setbacks and encroachments in this Section 14-16-5-1, the Development Process Manual (DPM) or the Facility Plan for Electric System Transmission and Generation, as amended, may have additional requirements for development near utility facilities. See those documents for details.

# 5-2 SITE DESIGN AND SENSITIVE LANDS

## 5-2(A) PURPOSE

The regulations in this Section 14-16-5-2 are established to minimize the impacts of development on the natural environment and to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities. Site design standards are intended to enhance the visual appearance of non-residential development, promote street and neighborhood character, and strengthen the pedestrian environment.

## 5-2(B) APPLICABILITY

These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.

## 5-2(C) AVOIDANCE OF SENSITIVE LANDS

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:

- 5-2(C)(1)(a) Floodplains and flood hazard areas
- 5-2(C)(1)(b) Steep slopes
- 5-2(C)(1)(c) Unstable soils
- 5-2(C)(1)(d) Wetlands
- 5-2(C)(1)(e) Arroyos
- 5-2(C)(1)(f) Irrigation facilities (acequias)
- 5-2(C)(1)(g) Escarpments
- 5-2(C)(1)(h) Rock outcroppings
- 5-2(C)(1)(i) Large stands of mature trees
- 5-2(C)(1)(j) Archaeological sites

5-2(C)(2) Street crossings of irrigation ditches and drains shall be minimized to the maximum extent practicable.

5-2(C)(3) Street crossings of sensitive lands shall be minimized to the maximum extent practicable.

5-2(C)(4) If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

## 5-2(D) ARCHAEOLOGICAL SITES

### 5-2(D)(1) Applicability

This section applies when an applicant initiates the approval process for any of the following:

5-2(D)(1)(a) A preliminary plat for any subdivision that is 5 acres or more in size.

5-2(D)(1)(b) A Site Plan or Master Development Plan for a project that is 5 acres or more in size.

### 5-2(D)(2) Additional Review Required

Prior to the approval of a Preliminary Plat, Site Plan, or Master Development Plan, the applicant shall obtain either a Certificate of No Effect or a Certificate of Approval, pursuant to review and decision procedures and criteria in Subsection 14-16-6-5(A) (Archaeological Certificate).

### 5-2(D)(3) Unexpected Archaeological Discovery

5-2(D)(3)(a) In the event that an archaeological resource is unexpectedly discovered in the city during any demolition, development, or land disturbance activity on any property for which a Certificate of No Effect has been issued, such activity in the immediate vicinity of the archaeological resource shall immediately cease and the person or entity responsible for or overseeing the demolition, development or land disturbance activity shall immediately notify the Planning Director or City Archaeologist of the discovery.

5-2(D)(3)(b) Activity that ceases because of the unexpected discovery of an archaeological resource may resume only after the City Archaeologist determines that the resource is not significant or approves a treatment plan.

5-2(D)(3)(c) If the City Archaeologist determines that the area containing the archaeological resource can be separated from the project and the resource protected until the treatment plan is completed, the demolition, development, or land disturbance activity may resume.

5-2(D)(3)(d) The failure to immediately cease demolition, development or land disturbance activity upon the discovery of an archaeological resource is a violation subject to the penalties in Part 1-1-99 of ROA 1994 (General Penalty).

### 5-2(D)(4) Human Remains

In the event that human remains or funerary artifacts are discovered on any property in the city during demolition, development or land disturbance activity, Section 18-6-11.2 of the New Mexico Cultural Properties Act shall control.

## 5-2(E) MAJOR ARROYO STANDARDS

### 5-2(E)(1) Applicability

This section applies to development or redevelopment on parcels abutting a major arroyo.

### 5-2(E)(2) Drainage

5-2(E)(2)(a) All subdivisions and site development shall comply with all applicable requirements of Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

5-2(E)(2)(b) Development will not be allowed to discharge stormwater runoff into an arroyo, unless an engineering analysis can demonstrate that discharge will have minimal impact on the treatment called for in the drainage management plan for the arroyo and on existing detention basins.

### 5-2(E)(3) Arroyo Right-of-Way and Trails

5-2(E)(3)(a) Accessory buildings shall be set back from the property line 2 feet for each foot of building height in excess of 6 feet.

5-2(E)(3)(b) Property owners shall dedicate property as shown in the Facility Plan for Arroyos for trails and/or arroyo right-of-way. Right-of-way for a trail and landscaping adjacent to the arroyo right-of-way shall average 20 feet in width.

5-2(E)(3)(c) Access to the trail system shall be provided at all roadway intersections and adjacent public facilities, including parks, libraries, community centers, and Major Public Open Space.

5-2(E)(3)(d) For new subdivisions adjacent to existing arroyo corridors, access to existing arroyo corridor trails shall be provided for residents of the subdivision at an interval of 1,320 feet for unpaved trails and ½ mile for paved trails. Access for the public may be provided at the applicant's option or as required to comply with other provisions of this IDO, the DPM, or other adopted City regulations.

5-2(E)(3)(e) Land adjacent to barriers across the arroyo, such as dams, roads, and culverts, shall be platted to allow space for a trail around the barrier, providing for a continuous trail system.

5-2(E)(3)(f) Access for wheelchair accessible trails in or along arroyos shall comply with ADA standards.

### 5-2(E)(4) Landscaping Adjacent to Arroyos

5-2(E)(4)(a) Disturbance to slopes and vegetation and cut and fill shall be minimized to the extent practicable and balanced against the need to provide for bikeways or other amenities within the arroyo easement and/or right-of-way.

5-2(E)(4)(b) Disturbed areas shall be reseeded or planted with low-water, low-maintenance, native, or naturalized plant materials and maintained for 3 years. After that time, the City will take over maintenance responsibility for the planted area within the arroyo easement and/or right-of-way.

5-2(E)(4)(c) Development shall landscape usable open space along the property line abutting the arroyo easement or right-of-way.

5-2(E)(4)(d) Parking lots abutting major arroyos shall provide a buffer pursuant to Subsection 14-16-5-6(F)(3).

### 5-2(E)(5) Walls and Fences

For properties adjacent to arroyos, all walls, fences, retaining walls, and combinations of those site features facing the arroyo must comply with all applicable standards in Subsections 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space) and 14-16-5-7(F) (Retaining Wall Standards) and in the DPM.

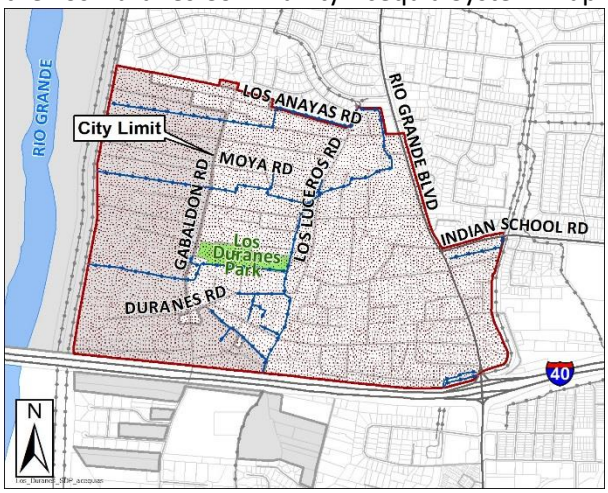
## 5-2(F) IRRIGATION FACILITY (ACEQUIA) STANDARDS

5-2(F)(1) All subdivisions and site development shall comply with applicable requirements of Article 14-5 of ROA 1994 and the DPM.

5-2(F)(2) These standards apply to development adjacent to all irrigation facilities owned or maintained by the Middle Rio Grande Conservancy District (MRGCD) or community acequia associations.

5-2(F)(3) No primary or accessory structure, wall, fence, or impervious surface shall be constructed within 5 feet of the toe of the slope of an irrigation facility or of the associated easement boundary, whichever is greater, without the approval of the authority or association with operations and maintenance responsibility for the irrigation facility, except as noted in Subsection (a) below.

5-2(F)(3)(a) Within the Los Duranes area as mapped below, all structures, excluding walls and fences, must be set back a minimum of 15 feet from the centerline of any ditch, lateral, or drain designated on the Los Duranes Community Acequia System Map below.




5-2(F)(4) No vegetation within 5 feet of the toe of the slope of an irrigation facility shall be removed, treated, or planted without coordination with the authority or association responsible for operating and maintaining the irrigation facility.

5-2(F)(5) Street crossings of acequias shall be minimized to the maximum extent practicable.

## 5-2(G) LANDFILL BUFFERS

The standards and certification process described in this Subsection 14-16-5-2(G) are for development on sites on or within landfill buffer zones, as established in Subsection (1) below, and are not intended to affect planning or administrative processes that are not associated with physical changes to these sites other than to raise the awareness of procedures to be undertaken prior to development.

### 5-2(G)(1) Applicability

This Subsection 14-16-5-2(G) applies to landfill buffer zones, which comprise the landfills and the areas surrounding them based on minimum distances in Table 5-2-1, unless specified otherwise.

**Table 5-2-1: Landfill Buffer Zones**

| Landfill | Minimum Buffer Zone Distance |
|---|---|
| Atrisco | 250 ft. |
| Coronado | Site specific |
| Eubank | 500 ft., except those areas within Sandia Science and Technology Park Phase 1 area |
| Los Angeles | 1,000 ft. |
| Nazareth | 500 ft. |
| Riverside | 1,000 ft. |
| Russ Pitney | 2,000 ft. |
| Sacramento | 500 ft. |
| San Antonio | 500 ft. |
| San Francisco Drive | 500 ft. |
| Seay Brothers | 1,000 ft. |
| South Broadway | 1,000 ft. |
| Southwest | 1,000 ft. |
| Swartzman | 1,000 ft. |
| W.W.Cox | 1,000 ft. |
| Yale | 500 ft. |
| Private Permitted Landfills[1] | 1,000 ft. |
| Private Unpermitted Landfills[1] | 1,000 ft. |
| Illegal Dumpsites | 1,000 ft. |

[1] Private permitted landfills have been permitted by the New Mexico Environment Department (NMED) Solid Waste Bureau, while private unpermitted landfills have not been permitted by the NMED Solid Waste Bureau.

### 5-2(G)(2) Standards

5-2(G)(2)(a) All development on any lot, any portion of which is in a landfill buffer zone, shall be subject to the Environmental Services Division of the City Environmental Health Department Interim Guidelines. The Environmental Services Division of the City Environmental Health Department or its consultant shall review all documentation concerning the development from professional engineers and the developers, owners, and other responsible parties, including any required public or private infrastructure improvements, to ensure compliance with the Interim Guidelines.

5-2(G)(2)(b) Development applications shall include input from a professional engineer with expertise in landfills and landfill gas issues to

determine if landfill gas, including but not limited to methane, exists on the property in question and whether there is a potential for the migration of landfill gas to impact the property or other properties in the future.

5-2(G)(2)(c) If landfill gas is present at the property in question or there is a potential for the property or other properties to be impacted by migrating landfill gas in the future, any Site Plan, Infrastructure Improvements Agreement (IIA), building permit, or other permit for activity resulting in physical changes to the property shall include risk abatement measures that are adequate to address any existing and/or future risk related to landfill gas. The portion of the construction plans associated with the development activity that deals with landfill gas abatement measures shall be certified by a professional engineer with landfill gas experience; noted on any associated plat, Master Development Plan, Site Plan, IIA, or permit; and reviewed and signed-off by staff or a designated consultant of the Environmental Services Division of the City Environmental Health Department.

5-2(G)(2)(d) Work orders for construction of public infrastructure will not be issued by the City Department of Municipal Development until the City Environmental Health Department has verified that the risk abatement measures are properly detailed on infrastructure construction plans.

5-2(G)(2)(e) Any removal of landfill materials during development, including for grading or associated with required off-site infrastructure, must be coordinated with the New Mexico Environment Department – Solid Waste Bureau.

5-2(G)(2)(f) Certificates of occupancy will not be issued by the City Planning Department until the City Environmental Health Department has verified that the risk abatement measures are properly detailed on the building permit plans and properly constructed.

### 5-2(G)(3) Certification Requirements

Certification for development in a landfill buffer zone requires all of the following:

5-2(G)(3)(a) An assessment performed by the professional engineer with expertise in landfills and landfill gas to determine the presence and/or potential for future presence and extent of landfill gas at the property. The scope of work undertaken concerning the assessment of landfill gases and/or the risk abatement measures at the property must be sufficient for the professional engineer to render an unqualified opinion concerning the presence and/or potential for future presence and extent of landfill gases at the property, and identify risk abatement measures sufficient to eliminate any hazards or potential hazards associated with landfill gases.

5-2(G)(3)(b) A commitment by the owner, developer, or responsible party to follow abatement measures and acknowledgment that the commitment is a condition of development approval. In the case of a large corporation, this commitment shall be included in the certification letter signed by a representative with the authority to commit the corporation to implementing the risk abatement measures.

5-2(G)(3)(c) Construction plans detailing the risk abatement measures submitted to the City Planning Department with the building permit plans.

5-2(G)(3)(d) Copies of landfill certification documentation.

5-2(G)(3)(e) Any associated plats, Master Development Plans, Site Plans, IIAs, permits, or as-built construction drawings shall include the following disclosure statement.
*"The subject property is located (near, on) a (former, existing) landfill. Due to the subject property being (near, on) a (former, existing) landfill, certain precautionary measures may need to be taken to ensure the health and safety of the public. Recommendations made by a professional engineer with expertise in landfills and landfill gas issues (as required by the most current version of the Interim Guidelines for Development within City Designated Landfill Buffer Zones) shall be consulted prior to development of the site."*

5-2(G)(3)(f) If a determination is made that there is no landfill gas at the property and there is no future risk from landfill gas, the assessment report shall state how such a determination was made and shall be certified by a professional engineer with landfill gas experience. The "no risk" certification shall include the required documentation in Subsections (a), (d), and (g) above.

5-2(G)(3)(g) A stamped certification from a professional engineer licensed to practice in New Mexico certifying that the construction of the project has been completed in compliance with the risk abatement measures as detailed on original construction plans. Any changes in the original design of the risk abatement measures shall be coordinated with the landfill gas professional engineer and City Environmental Health Department prior to implementation of the change.

## 5-2(H) MAJOR PUBLIC OPEN SPACE EDGES

### 5-2(H)(1) Properties within 330 feet of Major Public Open Space

These standards apply to development within 330 feet of Major Public Open Space in order to enhance and protect Major Public Open Space. For additional standards regulating adjacent properties, see Subsection 14-16-5-2(H)(2) below. Projects within 330 feet of Major Public Open Space shall do all of the following:

5-2(H)(1)(a) Limit the colors of exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials,

to those with light reflective value (LRV) rating between 20 percent and 50 percent.

5-2(H)(1)(b) Colors shall blend with the surrounding natural environment and generally include yellow ochres, browns, dull reds, and grey greens.

1. Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.
2. Use native and/or naturalized vegetation for landscaping materials.

5-2(H)(1)(c) Screen mechanical equipment pursuant to Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

5-2(H)(1)(d) Design lighting pursuant to Section 14-16-5-8 (Outdoor Lighting).

5-2(H)(1)(e) Design signage per Subsections 14-16-5-12(C)(4) and Section 14-16-5-12(H)(2)(e) and locate signs to minimize visibility from Major Public Open Space.

5-2(H)(1)(f) Provide pedestrian and bicycle access to the Major Public Open Space consistent with the City's adopted Bikeways and Trails Facility Plan and as acceptable to the Open Space Division of the City Parks and Recreation Department.

### 5-2(H)(2) Properties Adjacent to Major Public Open Space

In addition to the standards that apply within 330 feet of Major Public Open Space in Subsection 14-16-5-2(H)(1) above, the following standards apply to development adjacent to Major Public Open Space.

**5-2(H)(2)(a) Development on properties of any size adjacent to Major Public Open Space shall:**

1. Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department. Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.
2. Locate on-site open space to be contiguous with the Major Public Open Space, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.
3. Locate lower densities and less intense uses abutting the Major Public Open Space in any Mixed-use zone district.
4. Include a landscaped strip between off-street parking and the Major Public Open Space with a minimum width of 6 feet that varies in width to avoid the appearance of a hard, straight line.

Plant selection shall include sufficient shrubs or trees to provide a visual barrier.

5. Limit height of site lighting luminaires to 20 feet.
6. Incorporate Crime Prevention through Environmental Design (CPTED) principles to deter crime and to facilitate security measures.
7. Manage stormwater per Section 14-16-5-4(H).
8. Design grading per Section 14-16-5-4(J).
9. Locate and design vehicle access, circulation, and parking per Subsection 14-16-5-5(F) (Parking Location and Design) and Subsection 14-16-5-6(F) (Parking Lot Landscaping).
10. Locate and design all walls, fences, retaining walls, and combinations of those site features facing the Major Public Open Space in compliance with all applicable standards in Section 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space).
11. Prevent and mitigate construction impact per the DPM.

**5-2(H)(2)(b) Development on properties 5 acres or greater adjacent to Major Public Open Space shall:**

1. Comply with the requirements of Subsection (a) above.
2. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.
3. Locate and design vehicle access, circulation, and parking to minimize impact to Major Public Open Space.
4. Design grading and manage stormwater to minimize impact to Major Public Open Space.
5. Locate, design, and orient site lighting to be compatible with Major Public Open Space, including consideration of periphery lighting and lighting of any pedestrian access to Major Public Open Space that is acceptable to the Open Space Division of the City Parks and Recreation Department.
6. Design walls to balance the following needs as appropriate on a case-by-case basis:
   a. Aesthetics that blend with the natural environment.
   b. Safety and surveillance.
   c. Screening and privacy.
7. Locate, design, and orient signage to minimize impact to the Major Public Open Space.
8. Be reviewed by the EPC per Section 14-16-6-6(H).
9. Have an approved Site Plan – EPC that meets conditions deemed necessary by the EPC to further compliance with the above standards to minimize impact on the Major Public Open

Space and maximize compatibility of the proposed development prior to the submittal of any request for platting on the property.

**5-2(H)(2)(c) Development on properties of any size adjacent to the Petroglyph National Monument shall:**

1. Comply with the requirements of Subsections (1) and (2) above.
2. Comply with the applicable standards in Section 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2).
3. Comply with the Wireless Telecommunications Facilities concealment requirements in Section 14-16-4-3(E)(10)(a).
4. Comply with the applicable wall design and materials standards in Section 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space).
5. Comply with the applicable sign restrictions in Sections 14-16-5-12(F) and 14-16-5-12(F)(4)(b)2.

## 5-2(I) PREVENTING AND MITIGATING CONSTRUCTION IMPACT

See the DPM for standards.

# 5-3 ACCESS AND CONNECTIVITY

## 5-3(A) PURPOSE

The regulations in this Section 14-16-5-3 are established to improve connectivity in existing and future development areas by:

5-3(A)(1) Encouraging transportation connections consistent with long-range system maps.

5-3(A)(2) Providing adequate street connectivity.

5-3(A)(3) Supporting a multi-modal transportation network.

5-3(A)(4) Ensuring convenient and efficient access to current and future neighborhoods.

5-3(A)(5) Mitigating the traffic impacts of new development.

5-3(A)(6) Reducing vehicle miles traveled.

5-3(A)(7) Increasing the effectiveness of local service delivery and reducing emergency response times.

## 5-3(B) APPLICABILITY

5-3(B)(1) The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering standards, design standards, DPM standards, or other standards in this IDO.

5-3(B)(2) Standards in Subsection 14-16-5-3(C) (General Access and Circulation) and Subsection 14-16-5-3(D) (Pedestrian Circulation) apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO.

5-3(B)(3) Standards in Section 14-16-5-3(E) (Subdivision Access and Circulation) apply to all new subdivisions, unless explicitly exempted elsewhere in this IDO.

## 5-3(C) GENERAL ACCESS AND CIRCULATION

### 5-3(C)(1) Americans with Disabilities Act

5-3(C)(1)(a) All “places of public accommodation,” as defined in the federal Americans with Disabilities Act (42 USC 12101 et. seq.) shall comply with the requirements of that Act concerning on-site circulation and access.

5-3(C)(1)(b) All properties subject to the federal American with Disabilities Act shall comply with applicable Public Right-of-Way Guidelines (PROWAG), as amended. Where PROWAG standards conflict with ADA standards, the ADA standards shall prevail.

### 5-3(C)(2) Complete Streets

5-3(C)(2)(a) To the maximum extent practicable, new streets in Areas of Change shall include right-of-way necessary to accommodate convenient and safe access by users of all ages and abilities, including pedestrians, bicyclists, motorists, and transit riders to allow comfortable, convenient, and universally accessible street

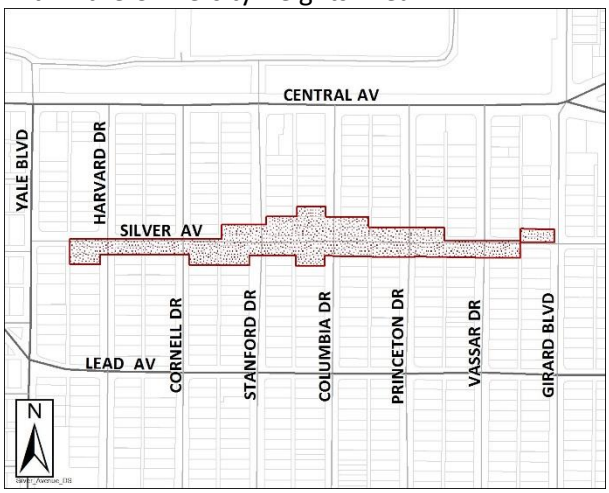
crossings, transit stops, and pedestrian access to adjacent land uses.

5-3(C)(2)(b) Complete streets shall be designed to the specifications in the DPM, which incorporates implementation of Part 6-5-6 of ROA 1994 (Complete Streets Ordinance), to the maximum extent practicable.

### 5-3(C)(3) Driveways and Access

5-3(C)(3)(a) Development shall comply with the driveways and access standards in the DPM.

5-3(C)(3)(b) No new curb cuts may be added in the following mapped area within the University Heights Area:




### 5-3(C)(4) Pedestrian Circulation

Development shall comply with the pedestrian circulation standards in Subsection 14-16-5-3(D) (Pedestrian Circulation) and the DPM.

### 5-3(C)(5) Bicycle Circulation

5-3(C)(5)(a) New development involving more than 1 parcel or sites over 5 acres in size adjacent to existing bikeways shall provide at least 1 access point to the bikeways to allow residents and users of the development to easily and safely access those bikeways to the maximum extent practicable. Access location and design shall be coordinated with City Parks and Recreation Department.

5-3(C)(5)(b) Development shall comply with the bicycle circulation standards in Section 14-16-5-3(E)(4) (Bicycle Facilities) and the DPM.

## 5-3(D) PEDESTRIAN CIRCULATION

### 5-3(D)(1) Sidewalks in Residential Development

5-3(D)(1)(a) Perimeter sidewalks shall be provided in accordance with the DPM, exclusive of the exception noted in Subsection (b) below.

5-3(D)(1)(b) A sidewalk at least 4 feet wide shall be provided on at least 1 side of new residential subdivision streets, or on private residential streets that are converted to public streets, in the Los Duranes –

CPO-6. A sidewalk on such a street that serves 10 or fewer dwelling units may be accommodated within the minimum vehicular right-of-way.

## 5-3(D)(2) Sidewalks in Mixed-use and Non-residential Development

### 5-3(D)(2)(a) Applicability

These standards apply to the following mixed-use and non-residential development, except in the NR-SU and NR-PO zone districts, unless specified otherwise elsewhere in this IDO:

1. Construction of a new building.
2. Expansion of an existing building that increases the existing square footage by 25 percent.

### 5-3(D)(2)(b) Sidewalks

Sidewalks meeting the standards of the DPM shall be provided along the entire frontage of each lot or parcel.

## 5-3(D)(3) On-site Pedestrian Connections

All non-residential, mixed-use, and multi-family development shall comply with the following standards:

### 5-3(D)(3)(a) General

1. For the purposes of this Subsection 14-16-5-3(D)(3), the building's overall footprint will be considered the area for calculation of sidewalk width. A collection of smaller buildings linked by common walls will be considered as 1 building.
2. Where primary pedestrian entrances are located adjacent to a public sidewalk, the width of the public sidewalk may be included in the calculation.
3. Shade trees along required pedestrian walkways are required pursuant to Subsection 14-16-5-6(C)(4)(h) (Required Plant Materials and Site Amenities).

### 5-3(D)(3)(b) Network of Walkways

1. On-site pedestrian walkways that meet the minimum width required by the DPM shall be provided between the pedestrian entrances of each primary building on the site.
2. On-site pedestrian walkways shall connect to all of the following:
   a. A sidewalk meeting the standards of the DPM along at least one lot frontage that extends to the boundary of the subject parcel.
   b. Any abutting City park or trail, Major Public Open Space, or other Civic or Institutional uses, as long as such access is coordinated with and approved by the Parks and Recreation Department or the property owner of the civic or institutional use.
   c. Any abutting public transit facility.

3. In any Mixed-use zone district and for general retail in the NR-LM zone district, the following requirements shall apply:
   a. Walkways shall be installed along the street-facing façade with a pedestrian entrance. Walkways shall meet the standards of the DPM, except in the following situations:
   b. For all mixed-use and non-residential developments 10,000 square feet or less, walkways shall be 8 feet wide.
   c. For buildings greater than 10,000 square feet up to and including 50,000 square feet, walkways shall be 10 feet wide.
   d. For buildings greater than 50,000 square feet, the width of the sidewalk shall increase at the rate of 1 foot in width per 10,000 square feet of building size to a maximum required width of 15 feet.
   e. The width of the required walkway may vary along the entire length of the façade provided that the average required width is maintained and provided that the width of the sidewalk along the façade is a minimum of 8 feet.
   f. A 4 foot wide clear path shall be maintained along the walkway at all times. Site amenities, other uses of the sidewalk, the overhang of parked cars, and landscaping, may not encroach upon the 4 foot clear path.

#### 5-3(D)(3)(c) Materials to Alert Motorists

On-site walkways and crosswalks shall be identified to motorists and pedestrians through the use of one or more of the following:

1. Changing material, patterns, or paving color (i.e. changing the color of the paving itself, not painting the paving material).
2. Changing paving height.
3. Decorative bollards or planters.
4. Raised median walkways with landscaped buffers.
5. Stamped or stained concrete.

### 5-3(D)(4) Trails

Trails shall be dedicated on alignments that connect to any planned or existing trails on adjacent properties, as necessary to serve the residents, occupants, and users of the proposed development, and shall be constructed pursuant to the DPM.

## 5-3(E) SUBDIVISION ACCESS AND CIRCULATION

### 5-3(E)(1) Street Connectivity

#### 5-3(E)(1)(a) Level of Connectivity Required

The street network in new subdivisions shall be created through block standards in Subsection 14-16-5-4(E) (Block Design and Layout). The connectivity and classification of each street shall be consistent with standards in the Metropolitan Transportation Plan

Long Range Transportation System (LRTS) Guide and DPM, intended to create a hierarchy of street classifications for arterials, connectors, and local streets spaced adequately for a complete network that provides circulation throughout the city to accommodate various travel modes.

**5-3(E)(1)(b) Detailed Design**

1. Detailed intersection spacing, geometry, and horizontal alignment for streets shall meet the criteria specified in the DPM.
2. Streets shall be designed to the standards of the DPM.
3. The character, extent, width, and location of all streets shall conform to the LRTS Guide and other policies, plans, and Ordinances adopted by the City and shall be consistent in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and the proposed uses of the land to be served by the streets.

**5-3(E)(1)(c) Right-of-Way Dimensions**

1. The design of each new subdivision street shall comply with the dimensional ranges shown in the DPM.
2. Where an arterial or collector street is not shown in the LRTS Guide and there is no adopted future street line, the arrangement of streets in a subdivision shall do one of the following:
   a. Provide for the continuation of existing arterial and collector streets in surrounding areas.
   b. Conform to a plan approved by the City to address a particular situation where topographic or other conditions make continuance of, or conformance to, existing streets impractical.
   c. Conform to spacing standards for various street classifications to provide and enhance circulation for various travel modes as specified in the DPM and best suited to provide appropriate access to the predominant land uses allowable on abutting lands within ½ mile.

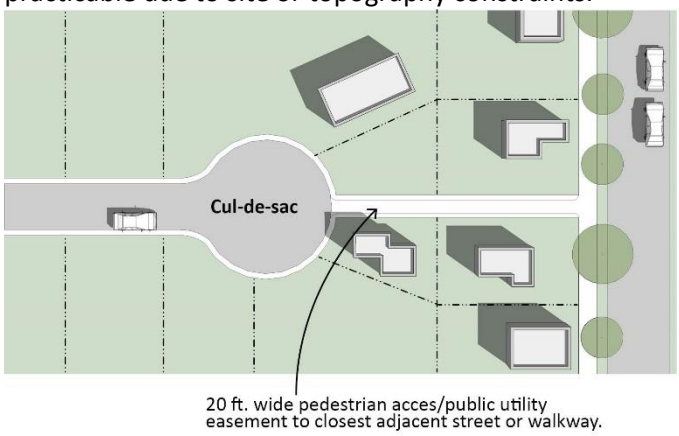
**5-3(E)(1)(d) Stub Streets and Cul-de-Sacs**

Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions:

1. Cul-de-sacs are allowed where necessary to avoid those types of sensitive lands listed in Section 14-16-5-2(C), or where vehicular safety factors make a connection impractical, including but not limited to size or shape or lots, topography, surrounding development patterns, and physical characteristics.
2. Permanent stub streets are allowed only where a connection to an existing street and a future road extension is not

possible or feasible. Where allowed, stub streets are limited to 150 feet in length.

3. Mid-block "bubble" cul-de-sacs without throats are allowed.
4. Whenever cul-de-sacs are created, 1 20 foot wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or walkway, unless the city engineer determines that public access in that location is not practicable due to site or topography constraints.




**5-3(E)(1)(e) Street Signs and Lights**

1. Street name signs and traffic control signs shall be required as specified in the DPM.
2. Street lights on major local and local streets will normally be required to be installed at the applicant's expense and shall be at locations approved by the Development Review Board (DRB).

**5-3(E)(1)(f) Private Ways**

Private ways to provide access to subdivision lots shall be created only where public right-of-way would not better serve public purposes and where private ways can adequately serve all identified transportation, utility, and stormwater handling requirements. Private ways shall be subject to the following conditions:

1. Private ways may be platted only where the DRB determines that such ways will clearly function as a local street.
2. Private ways providing access to a lot that does not abut a public right-of-way may be platted only when approved by the DRB.
3. The DRB may require private ways to include public or private utility easements, including easements for stormwater drainage.
4. If a private way is approved, it shall clearly be identified as such on the final plat and the responsibility for operation and maintenance shall be indicated on the plat. Any legal

instrument intended to assure future operation and maintenance of such private way, such as an instrument creating a homeowners association, shall be included in the subdivider's submittals to the DRB pursuant to Subsections 14-16-6-6(I) (Subdivision of Land – Minor) and 14-16-6-6(J)6-6(J) (Subdivision of Land – Major).

## 5-3(E)(2) Connections to Adjacent Land

5-3(E)(2)(a) Where adjacent land has been subdivided with stub streets ending adjacent to a new subdivision, or with a local street ending at a street dividing the new subdivision, the new subdivision streets shall be designed to align the streets in the adjacent subdivision to allow through circulation between the 2 adjacent subdivisions.

5-3(E)(2)(b) Where adjacent land has not been platted, residential subdivisions shall be designed so that at least one local street within each 1,000 feet of boundary length is constructed as a stub street intended as a future through connection to the adjacent parcel, unless this requirement is adjusted by the DRB based on considerations of traffic safety or traffic congestion.

## 5-3(E)(3) Driveways and Access

### 5-3(E)(3)(a) General

1. Every lot shall have sufficient access to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing to access the property for its intended use.
2. Driveways and access points shall be constructed to the standards of the DPM.
3. Driveway entrances and other openings onto streets shall be constructed so that:
   a. Vehicles may safely enter and exit from the lot.
   b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
   c. Shared driveways are established to minimize the number of access points to streets.

### 5-3(E)(3)(b) Residential Development

1. There shall be no direct driveway access from any low-density residential development lots to any arterial street or highway unless no alternative access is feasible.
2. Multi-family development on sites greater than 5 acres shall include a minimum of 2 through-access drives, unless deemed impracticable by the DRB due to physical constraints or natural features.

### 5-3(E)(3)(c) Mixed-use and Non-residential Development

1. Each property shall have no more than 2 access points on any one street unless deemed necessary by the DRB to increase traffic safety or avoid traffic congestion.

2. Driveways shall be located at least the minimum distance from street intersections required by the DPM.

### 5-3(E)(4) Bicycle Facilities along Streets

Each street designated in the Metropolitan Transportation Plan and/or the Bikeways and Trails Facility Plan as an existing or proposed route to accommodate bicycles shall be incorporated into the development to the maximum extent practicable and shall be designed to comply with the standards of the DPM. Right-of-way and pavement widths for those streets may be increased up to 12 feet on adopted bike routes and lanes by the DRB based on considerations of bicycle, pedestrian, and motor vehicle safety.

# 5-4 SUBDIVISION OF LAND

## 5-4(A) PURPOSE

The regulations in this Section 14-16-5-4 are established to promote the public health, safety, and general welfare of the current and future inhabitants of the City by ensuring that development sites:

5-4(A)(1) Are consistent with the land use planning objectives of the adopted ABC Comp Plan, as amended, and other plans, policies, and ordinances adopted by the City Council.

5-4(A)(2) Are appropriately sized and shaped to meet the intended use of land consistent with the zoning provisions and development standards in this IDO.

5-4(A)(3) Accurately document the boundaries of each development lot or parcel.

5-4(A)(4) Avoid development of sensitive lands.

5-4(A)(5) Are adequately served by a safe street and trail network that is consistent with the City's adopted transportation plans, with convenient access for motor vehicles, bicycles, and pedestrians.

5-4(A)(6) Require the timely installation and dedication of public improvements and utilities necessary to serve the development, while providing economy for governmental purposes and efficiency in governmental operations.

## 5-4(B) APPLICABILITY

5-4(B)(1) The standards in this Section 14-16-5-4 apply to all subdivisions of land into 2 or more parcels, building sites, tracts, or lots, or when 2 or more platted lots are consolidated into a larger lot for development or redevelopment, unless expressly exempted elsewhere in this IDO, in a development agreement, an approved Site Plan within the NR-SU or PD zone districts, an approved Framework Plan within the PC zone district, or an approved annexation plan.

5-4(B)(2) The subdivision standards apply to all areas within the City unless specifically exempted.

5-4(B)(3) Land shall be subdivided only in accordance with the subdivision approval procedures in Subsections 14-16-6-6(I) (Subdivision of Land – Minor) and 14-16-6-6(J)6-6(J) (Subdivision of Land – Major).

## 5-4(C) COMPLIANCE WITH ZONING REQUIREMENTS

5-4(C)(1) All lots and parcels created by a subdivision shall comply with applicable standards in Part 14-16-3 (Overlay Zones); Section 14-16-5-1 (Dimensional Standards), particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency; Section 14-16-5-3 (Access and Connectivity); and this Section 14-16-5-4.

5-4(C)(1)(a) The City shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

5-4(C)(1)(b) Nonconforming property may be replatted without requiring a lot size Variance if the replat meaningfully decreases the degree of already existing nonconformity.

5-4(C)(2) No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. The Development Review Board (DRB) is responsible for making determinations regarding unsuitability of land for subdivision.

5-4(C)(3) The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public infrastructure or private facilities, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.

5-4(C)(4) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands) unless encroachment into those sensitive lands is corrected or mitigated to the satisfaction of the City.

5-4(C)(5) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within proposed subdivisions shall be designed to avoid making compliance with the standards of the applicable zone district difficult or infeasible.

5-4(C)(6) In the PD and NR-SU zone districts, and for development in any zone district on a site 5 acres or greater adjacent to Major Public Open Space, an approved Site Plan – EPC is required prior to any platting action. In the PC zone district, an approved Framework Plan is required prior to any platting action. Subsequent platting must conform to the approved plans.

5-4(C)(7) In the NR-BP zone district, a Master Development Plan or Site Plan is required prior to platting action on unsubdivided land. Subsequent platting must conform to the approved plan.

## 5-4(D) EXISTING AGREEMENTS AND COVENANTS

Subdivision regulations do not repeal, annul, or in any way interfere with existing private agreements or restrictive covenants applicable to a property. However, subdivision approvals are not required to be consistent with those private agreements or restrictive covenants. Where the standards in this Section 14-16-5-4 impose a different standard than those imposed by a private agreement or restrictive covenants, the standards in this Section 14-16-5-4 shall apply for purposes of City development approval and enforcement. Enforcement of any private agreements or restrictive covenants applicable to a property is the responsibility of the parties to that agreement, and not the City. See Section 14-16-1-9 (Relationship to Private Agreements and Covenants).

# 5-4(E) BLOCK DESIGN AND LAYOUT

## 5-4(E)(1) Connectivity, Streets, and Alleys

5-4(E)(1)(a) Street connectivity patterns shall comply with the provisions of Section 14-16-5-3 (Access and Connectivity).

5-4(E)(1)(b) Medians and pedestrian refuges shall be designed to the specifications in the DPM. Medians and pedestrian refuges shall be designed to integrated stormwater infiltration areas to the maximum extent practicable.

5-4(E)(1)(c) In Areas of Consistency, alleys shall be included in subdivision design in those areas of the city where surrounding areas are platted with alleys and shall continue the alignments of those alleys to the maximum extent practicable.

5-4(E)(1)(d) Construction of all streets and alleys shall comply with all applicable standards in the DPM.

## 5-4(E)(2) General Block Layout

5-4(E)(2)(a) Blocks shall generally be square or rectangular but may vary in shape to protect natural features or respond to site constraints.

5-4(E)(2)(b) To the maximum extent practicable, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west access to facilitate solar access.

## 5-4(E)(3) Block Dimensions

### 5-4(E)(3)(a) Block Lengths

Block lengths shall meet the requirements and comply with standards in the DPM associated with each Center and Corridor area and each street classification. Table 5-4-1 is provided as a summary for reference only. In the case of conflict, requirements in the DPM shall prevail.

### 5-4(E)(3)(b) Pedestrian Crossings

Pedestrian crossings shall be provided and designed per the requirements in the DPM, summarized in Table 5-4-1.

**Table 5-4-1: Summary of Block Lengths in the DPM**

| Location | Block Length (ft.) | Signalized Pedestrian Crossing (ft.) | Designated Pedestrian Crossing (ft.) |
|---|---|---|---|
| **Streets in Center & Corridor Areas** | | | |
| Downtown | 200-400 | ≤660 | ≤400 |
| Urban Center | 300-400 | ≤660 | ≤400 |
| Main Street Area | 300-400 | ≤660 | ≤400 |
| Activity Center | 400-600 | ≤1,320 | ≤600 |
| Employment Center | ≤800 | ≤2,640 | As appropriate |
| Village Center | 400-600 | ≤1,320 | ≤600 |
| **Streets in Other Areas** | | | |
| Collectors and Above | Per DPM | Per DPM | Per DPM |
| Local Streets | ≤600 | ≤2,640 | As appropriate |

## 5-4(F) LOT DESIGN AND LAYOUT

### 5-4(F)(1) Avoidance of Sensitive Lands

5-4(F)(1)(a) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands).

5-4(F)(1)(b) Lots within floodplains or other designated flood hazard areas shall comply with Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the requirements of the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

### 5-4(F)(2) Access to Public Streets

5-4(F)(2)(a) All lots shall have frontage on a street unless deemed impracticable due to topography or other constraints and a Variance – DRB for an alternative layout and access provisions is approved pursuant to Subsection 14-16-6-6(L).

5-4(F)(2)(b) Residential lots shall avoid layouts where the rear lot line is adjacent to an arterial or collector street to the maximum extent practicable. Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.

5-4(F)(2)(c) In the case of cluster or cottage development or manufactured home communities in zone districts where those uses are allowed, the provisions in Subsections (a) and (b) above apply to the entire project site, not to individual lots within the project site.

### 5-4(F)(3) Lot Dimensions

5-4(F)(3)(a) Lot sizes shall comply with all applicable standards in this IDO, including but not limited to Section 14-16-5-1 (Dimensional Standards).

5-4(F)(3)(b) The Planning Director is authorized to make those adjustments to required lot dimensions shown in Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands).

5-4(F)(3)(c) Through lots shall be avoided to the maximum extent practicable.

5-4(F)(3)(d) Cluster developments shall be subdivided pursuant to the standards in Section 14-16-5-1 (Dimensional Standards) and Subsection 14-16-4-3(B)(2) (Dwelling, Cluster Development) and the approval procedures in Subsections 14-16-6-6(I) (Subdivision of Land – Minor) and 14-16-6-6(J)6-6(J) (Subdivision of Land – Major), as applicable.

5-4(F)(3)(e) Tracts for open space, drainage, landscaping, or other communal purposes shall have their use, beneficiaries, and maintenance responsibilities clearly noted on the subdivision plat.

### 5-4(F)(4) Remainder Parcels Prohibited

No subdivision shall result in any remainder parcel or tract that does not meet the standards of this IDO.

## 5-4(G) WATER AND SANITARY SEWER SYSTEMS

5-4(G)(1) The applicant shall install, at his/her own expense, necessary infrastructure to connect all lots within a proposed subdivision to the Albuquerque Bernalillo County Water Utility Authority's (ABCWUA's) water supply and sanitary sewer systems.

5-4(G)(2) Public water and sanitary sewer systems shall meet the standards of the DPM and conform to the adopted facility plans and current ABCWUA policy on water and sanitary sewer line extensions.

5-4(G)(3) At the time of preliminary plat review, the DRB will determine whether water and sanitary sewer infrastructure improvements are to be publicly or privately owned and maintained, based on considerations of system capacity and public health, safety, and welfare.

## 5-4(H) STORMWATER MANAGEMENT

5-4(H)(1) The applicant shall install, at his/her own expense, all site features and infrastructure necessary to retain, detain, and/or infiltrate stormwater to ensure that the new subdivision does not result in surface flooding or unnecessary burden on the City's infrastructure. Stormwater management for all subdivisions shall comply with all of the following:

5-4(H)(1)(a) Applicable standards in the DPM.

5-4(H)(1)(b) Applicable standards in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control).

5-4(H)(1)(c) The requirements of AMAFCA.

5-4(H)(2) To the maximum extent practicable, the developer shall incorporate best management practices for low-impact development stormwater management to minimize stormwater runoff and increase on-site infiltration as described in the DPM.

## 5-4(I) ELECTRICAL AND COMMUNICATION LINES

### 5-4(I)(1) Distribution Lines 12 Kilovolts or Less

New communications lines, new single-phase electrical distribution lines carrying 12 kilovolts (kV) or less, and all other lower voltage electrical lines shall be installed underground within subdivisions approved under this IDO. The DRB may grant a Variance pursuant to Subsection 14-16-6-6(L) if it is determined that no significant public purpose would be served by requiring the new construction to be placed underground and that 1 or more of the following conditions exists:

5-4(I)(1)(a) The lot is already served by an overhead distribution line.

5-4(I)(1)(b) All adjacent areas are already served by overhead distribution facilities.

5-4(I)(1)(c) Subsurface conditions make underground lines economically unreasonable.

### 5-4(I)(2) Distribution Lines between 12 Kilovolts and 40 Kilovolts

New electrical 3-phase distribution lines carrying above 12 kV, but less than 40 kV shall be installed underground within subdivisions approved under this IDO that have underground distribution lines unless a Variance – DRB is granted pursuant to Subsection 14-16-6-6(L) if it is determined that no significant public purpose would be served by requiring that the new construction to be placed underground and that 1 or more of the following conditions exists:

5-4(I)(2)(a) The immediate or adjacent area is presently served by overhead lines.

5-4(I)(2)(b) Subsurface conditions make underground lines economically unreasonable.

### 5-4(I)(3) Distribution Lines Over 40 Kilovolts

Electrical lines that carry 40 kV or more are not regulated by this IDO, but rather the Facility Plan for Electric System Transmission and Generation, as amended.

### 5-4(I)(4) Safety Clearances from Buildings and Other Structures

Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety. Refer to the Public Service Company of New Mexico (PNM) Electric Service Guide for all structure clearance requirements.

## 5-4(J) GRADING AND EROSION CONTROL

### 5-4(J)(1) General

5-4(J)(1)(a) Grading and erosion control practices shall comply with the DPM.

5-4(J)(1)(b) New subdivisions shall blend development into the adjacent environment with a minimum of grade change. Extensive fill that raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property shall be avoided to the maximum extent practicable. Significant cuts near the edges of proposed new subdivisions to lower the grade within the development shall be avoided to the maximum extent practicable.

### 5-4(J)(2) Slope Criteria

All final slopes shall comply with all applicable standards in the DPM.

### 5-4(J)(3) Grading near the Property Line

Particular care shall be taken to ensure that existing foundations, retaining walls, stable slopes, or other structures are not compromised and that the adjacent property is not damaged or its use constrained due to grading at or near the property line.

### 5-4(J)(4) Grading in Floodplains

Grading in a FEMA Special Flood Hazard Area (A zones) without an approved drainage report and financial guarantees for the permanent improvements shall be prohibited.

## 5-4(K) DEDICATION OF LAND FOR PUBLIC PURPOSES

### 5-4(K)(1) General

Dedication of land for the following public uses may be required in accordance with any of the following City policies or regulations:

5-4(K)(1)(a) Streets and other access pursuant to the Metropolitan Transportation Plan and DPM.

5-4(K)(1)(b) Drainage facilities pursuant to the IDO, the DPM, or AMAFCA standards.

5-4(K)(1)(c) Other public facilities required in accordance with the DPM.

### 5-4(K)(2) Dedication of Public Areas Designated in Adopted Plans

If a proposed public area shown on an adopted City or County plan is located in whole or in part in the area being subdivided, an appropriate tract shall be shown as reserved, deed restricted, or dedicated for public use on the plat unless, after a written request from the subdivider, the appropriate governmental body notifies the subdivider that it does not intend to either acquire or accept the lot within 3 years from the date of the inquiry.

### 5-4(K)(3) Acceptance of Dedications

The procedure for accepting dedications of public lands and improvements is specified in Section 14-16-6-6(I) (Subdivision of Land – Minor) or Section 14-16-6-6(J) (Subdivision of Land – Major).

### 5-4(K)(4) Drainage, Flood Control, or Erosion Control Facilities

5-4(K)(4)(a) Whenever no beneficial use can be derived by an owner from continued retention of land necessary for permanent drainage, flood control, or erosion control facilities or when the facilities involve a major arroyo, the land required for the operation and maintenance of the facilities must be dedicated to AMAFCA or the City.

5-4(K)(4)(b) Unless subject to Subsection (a) above, easements for drainage, flood control, and erosion control facilities are acceptable as long as a written agreement between the owner and the City exists that specifies uses allowed on the lands covered by the easement, and as long as no permanent facilities are constructed on those lands (including masonry fences and retaining walls but excluding pavement).

5-4(K)(4)(c) Rights-of-way and easements required for drainage, flood control, and erosion control shall conform to the standards in the DPM.

### 5-4(K)(5) Limits on Dedication

The City shall not require the dedication of land or payment of fees-in-lieu of dedication of land in an amount beyond that necessary to serve the needs of the proposed development or in an amount that is not roughly proportionate to the impacts of that development on those public facilities listed in Subsection 14-16-5-4(K)(1) above.

## 5-4(L) EASEMENTS OR RIGHTS-OF-WAY

5-4(L)(1) The DRB may require rights-of-way or easements for public infrastructure or private facilities.

5-4(L)(2) Easements or rights-of-way for public infrastructure shall be granted or dedicated, respectively, in accordance with the minimum standards and requirements set forth in the DPM and described below:

5-4(L)(2)(a) All easements or rights-of-way designated for public infrastructure shall be granted or dedicated, respectively, for a specific purpose.

5-4(L)(2)(b) Easements or rights-of-way that will accommodate single public water or sewer lines shall be a minimum of 20 feet in width.

5-4(L)(2)(c) ABCWUA easements shall exclude other underground utilities, unless specifically allowed and approved on a case-by-case basis by the ABCWUA. ABCWUA easements shall not include storm drain facilities.

5-4(L)(3) Utility easements may be required along any lot line.

5-4(L)(4) Development adjacent to electric utility easements and/or distribution facilities must comply with safety clearance requirements in Section 14-16-5-4(I)(4) (Safety Clearances from Buildings and Other Structures).

5-4(L)(5) Easements may be jointly used for private facilities with approval from the DRB as specified in the DPM and in Subsection 14-16-6-6(I) (Subdivision of Land – Minor) or Subsection 14-16-6-6(J)6-6(J) (Subdivision of Land – Major).

## 5-4(M) IMPACT FEES

Development may be subject to impact fees listed in Article 14-19 of ROA 1994 (Impact Fees), as applicable.

## 5-4(N) MONUMENTATION

All subdivisions shall provide monumentation of survey points as required by the DPM.

## 5-4(O) IMPROVEMENTS REQUIRED

5-4(O)(1) The subdivider shall install and construct all improvements required by this Section 14-16-5-4 and the DPM. Required improvements shall be installed and constructed as shown on the approved preliminary plat and as specified in an Infrastructure Improvements Agreement (IIA) between the subdivider and the City. The City may accept commitments to provide improvements or services by the County and/or by franchised and/or private utility systems where the DRB determines that acceptance of such commitments will result in timely provisions of required improvements or services needed to serve the subdivision imposing burdens on surrounding properties or the city as a whole and will adequately protect the public health, safety, and welfare.

5-4(O)(2) Construction of some or all infrastructure may be waived by the DRB for bulk land subdivisions where further subdivision or Site Plan approval is required or expected, and a commitment to provide the waived infrastructure can be included in that future subdivision or Site Plan approval.

## 5-4(P) INFRASTRUCTURE IMPROVEMENTS AGREEMENT

Upon approval of a plat and/or Site Plan, and prior to recording, the subdivider shall execute an Infrastructure Improvements Agreement (IIA) to guarantee completion of required improvements. The format and required contents of the IIA shall comply with Subsections 14-16-6-6(I) (Subdivision of Land – Minor) and 14-16-6-6(J)6-6(J) (Subdivision of Land – Major), as applicable, and the DPM.

## 5-4(Q) ADDITIONAL DESIGN CRITERIA AND CONSTRUCTION STANDARDS

In addition to the standards set forth in this Section 14-16-5-4, the City shall maintain technical standards for infrastructure improvements in the DPM. Such technical standards for infrastructure improvements shall contain the minimum acceptable design criteria and specifications for the construction of such improvements. Such technical standards may be updated periodically and may vary for improvements based on the classification of streets or other improvements and the extent and characteristics of the area to be served by the improvements. All subdivisions shall comply with additional design criteria and construction standards applicable to the proposed development.

# 5-5 PARKING AND LOADING

## 5-5(A) PURPOSE

The purpose of this Section 14-16-5-5 is to ensure that development provides adequate off-street parking spaces for all modes of transport by establishing standards and requirements that minimize traffic congestion, avoid increased parking on neighborhood streets, allow flexibility in addressing parking demand, and improve the visual appeal of the city by regulating the placement, layout, and design of parking areas, parking structures, and garages.

## 5-5(B) APPLICABILITY

Unless modified elsewhere in this IDO, the requirements of this Section 14-16-5-5 shall apply to all uses and development in any zone district. No final development approval or building permit shall be issued unless the parking requirements of this section are met or modified in accordance with the applicable parking requirements of this IDO.

### 5-5(B)(1) Activities that Trigger Parking Requirements

The following activities shall require compliance with the standards in this Section 14-16-5-5.

5-5(B)(1)(a) Construction of a new primary building.

5-5(B)(1)(b) Expansion of the gross floor area of an existing primary building by more than 25 percent or 2,500 square feet, whichever is less, from the square footage originally approved, in which case the provisions of Table 5-5-1 and Table 5-5-2 shall apply to the expanded gross floor area of the building. All relevant standards in this Section 14-16-5-5 shall apply to any new parking added to conform with this provision and to any portions of the site affected by the expansion.

5-5(B)(1)(c) A change in use of a primary building that complies with the requirements of Table 5-5-1 and Table 5-5-2 before the change in use, and that increases the minimum off-street parking requirements for the building by more than 25 percent. Changes in use that result in a smaller increase in off-street parking spaces shall not be required to provide additional parking.

5-5(B)(1)(d) A change in use associated with a tenant improvement or renovation of a primary building that does not comply with the requirements of Table 5-5-1 and Table 5-5-2 prior to the change in use, provided that any of the following conditions apply:

1. The maximum number of parking spaces possible is provided in compliance with the standards of Subsection 14-16-5-5(F) (Parking Location and Design) without the removal or partial removal of a structure or required landscaping.
2. Any area resulting from the voluntary removal or partial removal of a structure shall be used to provide additional parking toward fulfilling the required number of off-street parking spaces for the new use(s) required by Table 5-5-1 and Table 5-5-2 as adjusted by Section 14-16-5-5(C)(4) (Parking Adjustments and Credits).

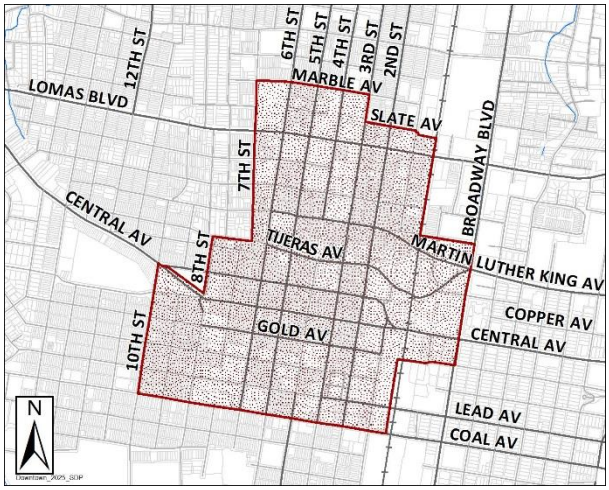
3. The amount of parking available for the new use is at least 80 percent of the off-street parking spaces for the new use(s) required by Table 5-5-1 and Table 5-5-2, as adjusted by Section 14-16-5-5(C)(4) (Parking Adjustments and Credits).

## 5-5(B)(2) Exemptions and Reductions

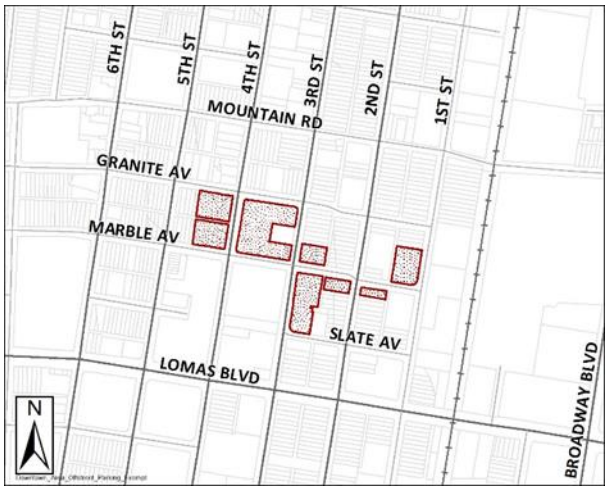
### 5-5(B)(2)(a) Off-Street Parking Exemption

The following areas are exempt from requirements in Subsections 14-16-5-5(C) (Off-street Vehicle Parking) and 14-16-5-5(D) (Motorcycle Parking), except those required to satisfy the Americans with Disabilities Act. If parking is provided where it is otherwise exempt pursuant to this Subsection 14-16-5-5(B)(2), parking standards in the remainder of this Section 14-16-5-5 shall apply.

1. Downtown Area




2. McClellan Park Area




3. Old Town – HPO-5

### 5-5(B)(2)(b) Pre-1965 Buildings

Primary buildings constructed prior to 1965 do not have to meet minimum off-street parking requirements, except those required

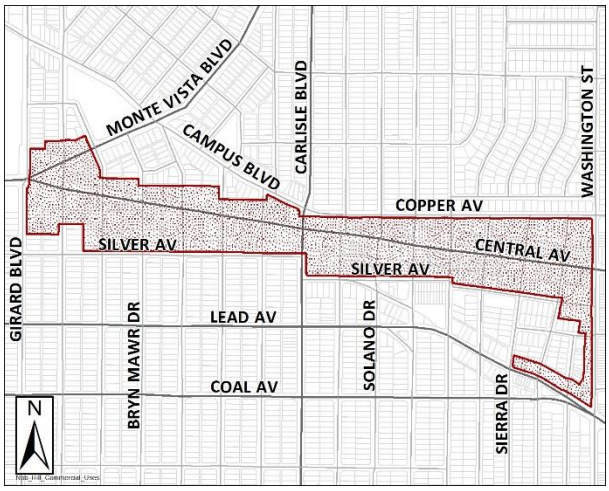
to satisfy the Americans with Disabilities Act, if the primary building is expanded by less than 200 square feet and the number of existing parking spaces on the parcel is not reduced.

**5-5(B)(2)(c) Barelas Area**

The minimum off-street parking requirement in the following mapped area in Barelas is 50 percent of any requirement in Table 5-5-1. No additional parking adjustments or credits are allowed.

**5-5(B)(2)(d) Nob Hill Area**

Non-residential uses other than restaurants, bars, and nightclubs in establishments of less than 3,000 square feet in the following mapped area do not have to meet minimum off-street parking requirements, except those required to satisfy the Americans with Disabilities Act.




**5-5(B)(3) Existing Parking**

Off-street parking or loading spaces provided prior to the effective date of this IDO shall not be reduced or reconfigured in any way that would bring the property or use out of compliance with this Section 14-16-5-5 or would increase the degree of any existing nonconformity with the provisions of this Section 14-16-5-5.

## 5-5(C) OFF-STREET VEHICLE PARKING

### 5-5(C)(1) Calculation

Off-street parking spaces used to comply with the requirements of this Section 14-16-5-5 shall be calculated as follows:

5-5(C)(1)(a) Parking requirements in Table 5-5-1 are calculated as ratios to be multiplied by the gross floor area or design capacity of the use.

5-5(C)(1)(b) The required minimum off-street parking may be adjusted pursuant to Subsection 14-16-5-5(C)(5) (Parking Reductions, Credits, and Allowances. This final number shall be used to calculate the required motorcycle parking in Subsection 14-16-5-5(D) and the required bicycle parking in Subsection 14-16-5-5(E).

5-5(C)(1)(c) When a computation of required parking spaces results in a fraction of a space, the number of required parking spaces shall be rounded down to the nearest whole number.

5-5(C)(1)(d) No space used for a required loading or stacking space may be used to satisfy minimum off-street parking requirements.

5-5(C)(1)(e) No space used for shopping corrals or for other uses that make the space unavailable for vehicle parking may be used to satisfy minimum off-street parking requirements.

### 5-5(C)(2) Minimum Off-street Parking Table

Unless specified otherwise in this IDO or modified by Sections 14-16-5-5(C)(3) (Amenity, Recreation, and Entertainment Uses) and 14-16-5-5(C)(5) (Parking Reductions, Credits, and Allowances), off-street parking spaces shall be provided in accordance with Table 5-5-1. For unlisted uses, required parking is determined by Planning Director per Section 14-16-5-5(C)(4). If a conditional use is approved pursuant to Subsection 14-16-6-6(A) and the approval states a different parking requirement, then the parking requirement in the Conditional Use Approval shall apply. See also Subsection 14-16-5-5(C)(6) (Parking Maximums).

**Table 5-5-1: Off-street Parking Requirements**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**AC = Activity Centers as identified in the ABC Comp Plan**
**DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area**
**Design Capacity = Maximum occupancy per building or fire codes, whichever is greater**

| Use | IDO Parking Requirement |
|---|---|
| **PERMISSIVE PRIMARY USES** | |
| **RESIDENTIAL** | |
| **Household Living** | |
| Dwelling, single-family detached | 1 space / DU up to 2 BR<br>2 spaces / DU with 3 or more BR |
| Dwelling, mobile home | 2 spaces / mobile home |
| Dwelling, cluster development | 1 space / DU up to 2 BR<br>2 spaces / DU with 3 or more BR |
| Dwelling, cottage development | 1 space / DU<br>R-A and R-1: 2 additional spaces / project for visitors. |
| Dwelling, two-family detached (duplex) | 1 space / DU up to 2 BR<br>2 spaces / DU with 3 or more BR |
| Dwelling, townhouse | |
| Dwelling, live-work | 2 spaces / DU<br>UC-MS-PT: 1 space / DU |
| Dwelling, multi-family | 1.5 spaces / DU<br>UC-MS-PT: 1 space / DU |
| **Group Living** | |
| Assisted living facility or nursing home | Assisted living facility: 1 space / 3 beds<br>Nursing home: 1 space / 5 residential care beds, but not less than 2 spaces |
| Community residential facility | 1 space / 4 persons design capacity |
| Group home | |
| Sorority or fraternity | 1 space / 3 persons design capacity |
| **CIVIC AND INSTITUTIONAL USES** | |
| Adult or child day care facility | 1 space / 400 sq. ft. GFA<br>UC-MS-PT: 1 space / 600 sq. ft. GFA |
| BioPark | Per BioPark Master Plan |
| Cemetery | No requirement |
| Community center or library | 2 spaces / 1,000 sq. ft. GFA |
| Correctional facility | 3 spaces / 1,000 sq. ft. GFA |
| Daytime gathering facility | No requirement |
| Elementary or middle school | 2 spaces / classroom |
| Fire or police station | 2 spaces / 1,000 sq. ft. GFA |
| High school | 1 space / 4 seats in main auditorium or 3 spaces / classroom, whichever is greater |
| Hospital | 1 space / 3 patient beds or 4 spaces / 1,000 sq. ft. GFA, whichever is greater |
| Museum or art gallery | 3 spaces / 1,000 sq. ft. GFA, but not less than 2 spaces<br>UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA, but not less than 2 spaces |
| Overnight shelter | No requirement |
| Parks and open space | |
| Religious institution | 1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1]<br>UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1] |

**Table 5-5-1: Off-street Parking Requirements**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**AC = Activity Centers as identified in the ABC Comp Plan**
**DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area**
**Design Capacity = Maximum occupancy per building or fire codes, whichever is greater**

| Use | IDO Parking Requirement |
|---|---|
| Sports field | 4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch the recreation |
| University or college | 1 space / 500 sq. ft. GFA of office, research, and library area plus 1 space / 200 sq. ft. GFA of largest auditorium space |
| Vocational school | 3 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA |
| **COMMERCIAL USES** | |
| **Agriculture and Animal-related** | |
| Agriculture, general | No requirement |
| Community garden | No requirement |
| Equestrian facility | No requirement |
| Kennel | 2.5 spaces / 1,000 sq. ft. GFA |
| Nursery | 2 spaces / 1,000 sq. ft. GFA |
| Veterinary hospital | 2.5 spaces / 1,000 sq. ft. GFA |
| Other pet services | |
| **Food, Beverage, and Indoor Entertainment** | |
| Adult entertainment | 1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1]<br>UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1] |
| Auditorium or theater | |
| Bar | 8 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA |
| Catering service | 2 spaces / 1,000 sq. ft. GFA |
| Health club or gym | 2.5 spaces / 1,000 sq. ft. GFA |
| Nightclub | 8 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA |
| Residential community amenity | 3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2 |
| Restaurant | 8 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA |
| Tap room or tasting room | 8 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA |
| Other indoor entertainment | 1 space / 3 persons design capacity, or per Table 5-5-2, whichever is greater. |
| **Lodging** | |
| Bed and breakfast | 1 space for manager plus 1 space / guest room |
| Campground or recreational vehicle park | 1 space / designated camping or RV spot |
| Hotel or motel | 1 space / guest room<br>UC-MS-PT: 2 spaces / 3 guest rooms |
| **Motor Vehicle-related** | |
| Car wash | 2 spaces / 1,000 sq. ft. GFA of retail, office, and waiting area. |
| Heavy vehicle and equipment sales, rental, fueling, and repair | 1 space / 1,000 sq. ft. GFA |
| Light vehicle fueling station | 4 spaces / 1,000 sq. ft. GFA |

**Table 5-5-1: Off-street Parking Requirements**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**AC = Activity Centers as identified in the ABC Comp Plan**
**DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area**
**Design Capacity = Maximum occupancy per building or fire codes, whichever is greater**

| Use | IDO Parking Requirement |
|---|---|
| Light vehicle repair | 1 space / 1,000 sq. ft. GFA |
| Light vehicle sales and rental | 2 spaces / 1,000 sq. ft. GFA |
| Outdoor vehicle storage | No requiremenT |
| Paid parking lot | |
| Parking structure | |
| **Offices and Services** | |
| Bank | 3 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA |
| Blood services facility | 4 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA |
| Club or event facility | 1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1]<br>UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1] |
| Commercial services | 3 spaces / 1,000 sq. ft. GFA |
| Construction contractor facility and yard | No requirement |
| Crematorium | 1 space / 1,000 sq. ft. GFA |
| Medical or dental clinic | 5 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 3 spaces / 1,000 sq. ft. GFA |
| Mortuary | 1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1] |
| Office | 3.5 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA<br><br><u>Maximum</u> (UC-MS-PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA |
| Personal and business services, small | 4 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA |
| Personal and business services, large | |
| Research or testing facility | 1.5 space / 1,000 sq. ft. GFA |
| Self-storage | 1 space / 3,000 sq. ft. GFA |
| **Outdoor Recreation and Entertainment** | |
| Amphitheater | 1 space / 4 seats in main assembly area[1] |
| Balloon Fiesta Park events and activities | Per parking study or adopted Master Plan. |
| Drive-in theater | No requirement |
| Fairgrounds | 4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities |
| Residential community amenity | 3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2 |
| Stadium or racetrack | 1 space / 4 seats in main assembly area[1] |
| Other outdoor entertainment | 3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2 |
| **Retail Sales** | |
| Adult retail | 4 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA |
| Bakery goods or confectionery shop | |
| Building and home improvement materials store | 2 spaces / 1,000 sq. ft. GFA |
| Farmers' market | No requirement |

**Table 5-5-1: Off-street Parking Requirements**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**AC = Activity Centers as identified in the ABC Comp Plan**
**DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area**
**Design Capacity = Maximum occupancy per building or fire codes, whichever is greater**

| Use | IDO Parking Requirement |
|---|---|
| General retail | 4 spaces / 1,000 sq. ft. GFA<br>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA<br><br>Maximum (UC-MS-PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA |
| Grocery store | |
| Liquor retail | 4 spaces / 1,000 sq. ft. GFA |
| Pawn shop | 4 spaces / 1,000 sq. ft. GFA |
| **Transportation** | |
| Airport | Determined by airport management |
| Freight terminal or dispatch center | No requirement |
| Helipad | No requirement |
| Park-and-ride lot | No requirement |
| Railroad yard | No requirement |
| Transit facility | Determined by transportation authority |
| **INDUSTRIAL USES** | |
| **Manufacturing, Fabrication, and Assembly** | |
| Artisan manufacturing | 3 spaces / 1,000 sq. ft. GFA |
| Light manufacturing | 1 space / 1,000 sq. ft. GFA |
| Heavy manufacturing | 1 space / 5,000 sq. ft. GFA |
| Natural resource extraction | No requirement |
| Special manufacturing | 1 space / 1,000 sq. ft. GFA |
| **Telecommunications, Towers, and Utilities** | |
| Geothermal energy generation | No requirement |
| Solar energy generation | |
| Utility, electric | |
| Utility, other major | |
| Wind energy generation | |
| Wireless Telecommunications Facility (All) | |
| **Waste and Recycling** | |
| Recycling drop-off bin facility | No requirement |
| Solid waste convenience center | |
| Salvage yard | |
| Waste and/or recycling transfer station | |
| **Wholesaling and Storage** | |
| Above-ground storage of fuels or feed | No requirement |
| Outdoor storage | |
| Warehousing | |
| Wholesaling and distribution center | 1 space / 2,000 sq. ft. GFA |
| **ACCESSORY AND TEMPORARY USES** | |
| **ACCESSORY USES** | |
| Agriculture sales stand | No requirement |
| Animal keeping | |
| Automated Teller Machine (ATM) | No requirement.[2] |

**Table 5-5-1: Off-street Parking Requirements**
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan**
**AC = Activity Centers as identified in the ABC Comp Plan**
**DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area**
**Design Capacity = Maximum occupancy per building or fire codes, whichever is greater**

| Use | IDO Parking Requirement |
|---|---|
| Drive-through or drive-up facility | No requirement.[2] |
| Dwelling unit, accessory | 1 space / accessory dwelling unit |
| Dwelling, accessory without kitchen | No requirement |
| Family care facility | |
| Family home daycare | |
| Garden | |
| Hobby breeder | |
| Home occupation | |
| Independent living facility | 1 space / DU |
| Mobile food truck | No requirement |
| Mobile vending cart | |
| Outdoor animal run | |
| Outdoor dining area | 5 spaces / 1,000 sq. ft. GFA outdoor seating space<br>AC-UC-MS-PT: No requirement |
| Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours | No requirement |
| Parking of non-commercial vehicle | |
| Parking of recreational vehicle, boat, and/or recreational trailer | |
| Second kitchen in a dwelling | 1 additional space required |
| Other use accessory to non-residential primary use | No requirement |
| Other use accessory to residential primary use | |
| **TEMPORARY USES** | |
| Circus | 4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities |
| Construction staging area, trailer, or office | No requirement |
| Dwelling unit, temporary | 1 space / DU |
| Fair, festival, or theatrical performance | 4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities |
| Garage or yard sale | No requirement |
| Hot air balloon takeoff/landing | |
| Open air market | |
| Park-and-ride facility, temporary | |
| Real estate office or model home | 2 spaces / 1,000 sq. ft. GFA of office |
| Seasonal outdoor sales | 4 spaces / 1,000 sq. ft. of stall area and customer circulation area |

[1] 30 in. pew or bench space = 1 seat.
[2] Stacking space requirements in Subsection 14-16-5-5(I) apply if designed to be accessed from motor vehicles.

### 5-5(C)(3) Amenity, Recreation, and Entertainment Uses

Uses in Table 5-5-1 that reference Table 5-5-2 shall provide the minimum number of off-street parking spaces listed in Table 5-5-2 below. If a site includes more than one use listed in Table 5-5-1, the Planning Director may authorize a reduction in the combined parking requirements for the individual uses based on anticipated joint use of facilities as determined by the Planning Director.

**Table 5-5-2: Off-street Parking Requirements for Amenity, Recreation, and Entertainment Uses**

| Activity | Number of Spaces Required |
|---|---|
| Miniature Golf | 2 spaces / hole |
| Golf Driving Range | 1 space / tee plus 1 space / 15 sq. ft. of hitting area |
| Golf Course | 4 spaces / hole |
| Court Sports | 3 spaces / court |
| Swimming Pool | 1 space / 3 persons design capacity |
| Batting Cage | 1 space / 2 batting spaces |
| Skate Facility | 4 spaces / 1,000 sq. ft. of skating surface |
| Amusement Park | 1 space / 300 sq. ft. GFA plus 1 space / 5,000 sq. ft. of outdoor area |
| Unlisted Uses | As determined by Planning Director per Section 14-16-5-5(C)(4) |

### 5-5(C)(4) Unlisted Uses

For any use not expressly listed in Table 5-5-1 and Table 5-5-2, the Planning Director is authorized to do any of the following:

5-5(C)(4)(a) Apply the minimum off-street parking space requirement specified in Subsection 14-16-5-5(C) (Off-street Vehicle Parking) for the listed use that the Planning Director determines is most similar to the proposed use.

5-5(C)(4)(b) Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association, the American Planning Association, or another recognized parking reference resource.

5-5(C)(4)(c) Establish the minimum off-street parking space requirement based on local or national best practices.

5-5(C)(4)(d) Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on information provided by the of the National Parking Association, the American Planning Association, or another recognized parking reference resource, and/or the Institute of Transportation Engineers or another recognized traffic reference resource.

### 5-5(C)(5) Parking Reductions, Credits, and Allowances

The minimum amounts of off-street automobile parking required by Table 5-5-1 and Table 5-5-2 above shall be adjusted by the factors shown in this Subsection 14-16-5-5(C)(5). These factors may be applied individually or in combination, but the cumulative reduction in off-street spaces shall not exceed 50 percent of the parking spaces required by Table 5-5-1 and Table 5-5-2 unless the applicant

satisfies the requirements of Subsections 14-16-5-5(C)(5)(g) (Public Parking) or 14-16-5-5(C)(5)(i) (Parking Study).

**5-5(C)(5)(a) General Reductions for Urban Centers and Main Street Areas**

Where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for UC or MS areas, a 10 percent reduction in required off-street parking requirements shall apply to properties in those Center and Corridor areas.

**5-5(C)(5)(b) Shared Parking Reduction**

1. Two (2) or more uses listed in Table 4-2-1 may share one or more parking structures or parking lots located pursuant to Subsection 14-16-5-5(F)(1)(a)11. The sharing of any required parking shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area. Such agreement shall address the issue of how parking will be shared if the parties change their operating hours and peak business periods.
2. The total off-street parking requirement for those uses may be reduced by the factors shown in Table 5-5-3. Off-street parking required shall be the sum of the 2 parking requirements for the 2 uses divided by the factors for that combination of uses. If more than 2 uses share a parking lot or structure, the required parking shall be calculated by applying Table 5-5-3 to the 2 uses with the largest parking requirements and then adding the required parking for the additional uses.

   *Example:*

   Proposed project in a Main Street area includes 40 2 bedroom residential dwelling units and 15,000 square feet of gross floor area for retail and a child care center designed for 50 children.

   **Step 1:** Identify basic parking requirements from Table 5-5-1.

   40 units times 1 space per dwelling unit = 40 spaces.

   15,000 sq. ft. times 2.5 spaces per 1,000 sq. ft. = 37.5 space; rounded to 37.

   50 child capacity times 1 space per 15 persons capacity = 3.33 spaces; rounded to 3 spaces.

   **Step 2:** Add up the 2 largest parking requirements: 40+38 = 78 spaces.

   **Step 3:** Divide by the factor in Table 5-5-3.

   For multi-family residential and retail the factor is 1.2.

   78 divided by 1.2 = 65 spaces.

   **Step 4:** Add the third (smallest) parking requirement without adjustment:

   65+3 = 68 spaces = final adjusted parking requirement.

**Table 5-5-3: Shared Parking Reduction Factors**

| Property Use | Multi-family Residential | Civic or Institutional | Food, Beverage, and Indoor Entertainment or Lodging | Retail | Other Non-residential |
|---|---|---|---|---|---|
| **Multi-family Residential** | 1.0 | | | | |
| **Civic or Institutional** | 1.1 | 1.0 | | | |
| **Food, Beverage, and Indoor Entertainment or Lodging** | 1.1 | 1.2 | 1.0 | | |
| **Retail** | 1.2 | 1.3 | 1.3 | 1.0 | |
| **Other Non-residential** | 1.3 | 1.5 | 1.7 | 1.2 | 1.0 |

**5-5(C)(5)(c) Reduction for Proximity to Transit**

1. The minimum number of off-street parking spaces required may be reduced by 30 percent if the proposed development is located within 1,320 feet of any transit stop or transit station with a peak service frequency of 15 minutes or better.
2. The minimum number of off-street parking spaces required may be reduced by 50 percent if the proposed development is located within a Premium Transit Area.
3. The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 5 percent for projects that include, at the applicant's expense, transit rider shelters of a type and location acceptable to the City, regardless of service frequency.
4. No development approved with any of these parking reductions shall be considered nonconforming if the transit line, station, or stop is later relocated or if peak service frequency decreases, resulting in a number of parking spaces that does not meet the minimum requirements that would apply without the Proximity to Transit reduction.

**5-5(C)(5)(d) Electric Vehicle Charging Station Credit**

1. Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as 2 vehicle parking spaces toward satisfaction of minimum off-street parking requirements.
2. When a new parking lot containing more than 200 off-street spaces is constructed, at least 2 percent of the vehicle parking spaces shall include electric vehicle charging stations with a rating of 240 volts or higher.

**5-5(C)(5)(e) Van and Car Pool Parking Credit**

1. Each off-street parking space designated and signed for the exclusive use of a shared carpool vehicle shall count as 4

spaces toward the satisfaction of a minimum off-street parking requirements.

2. Each off-street parking space designated and signed for the exclusive use of a shared vanpool vehicle shall count as 7 spaces toward the satisfaction of a minimum off-street parking requirements.

**5-5(C)(5)(f) On-street Parking Credit**

1. Any on-street parking space abutting the subject property may be counted as 1 required off-street parking space if the street does not have residential parking permit restrictions.
2. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
3. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements of this Section 14-16-5-5.
4. On-street parking spaces credited for a specific use shall not be reserved for the exclusive use by customers, employees, or occupants of that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be allowed.

**5-5(C)(5)(g) Off-site Parking Allowance**

1. The provision of required parking at an off-site parking area is allowed for 100 percent of the required parking spaces, except that those required to satisfy the Americans with Disabilities Act must be provided on the site of the building or use.
2. Off-site parking must meet the location standards in Subsection 14-16-5-5(F)(1)(a)11 and shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area.

**5-5(C)(5)(h) Public Parking Allowance**

The Planning Director may approve a reduction or elimination of parking requirements if any of the following conditions applies:

1. The development is within and participates in a public parking district in which individual property owners jointly provide shared parking for an area of the city exceeding 5 acres in size.
2. The applicant can demonstrate that adequate spaces are available in a nearby public parking lot or structure, and that the reduction or elimination of parking requirements will not result in traffic congestion or on-street parking in any nearby Residential zone district. For the purposes of this provision,

on-street parking spaces shall be considered nearby public parking spaces.

**5-5(C)(5)(i) Parking Study Allowance**

The Planning Director may approve a reduction of parking requirements if the applicant provides a parking needs study, prepared by a consultant with expertise in that area recognized by the City, and using parking generation assumptions acceptable to the City, demonstrates that off-street parking at a rate lower than that otherwise required by this Section 14-16-5-5, will adequately accommodate all anticipated demand for off-street parking and will not result in either traffic congestion or parking congestion in surrounding neighborhoods, and the Planning Director determines that the parking study provides a more accurate measure of parking needs for the site than application of the standards in this Section 14-16-5-5 that would otherwise apply.

### 5-5(C)(6) Parking Maximums

Parking maximums shown in Table 5-5-1 apply to parking lots, not to spaces provided in parking structures.

### 5-5(C)(7) Accessible Parking

5-5(C)(7)(a) Within the off-street parking requirements of Table 5-5-1 and Table 5-5-2, as adjusted by Section 14-16-5-5(C)(5) (Parking Reductions, Credits, and Allowances) – and not in addition to those requirements – accessible parking shall be provided for all multi-family and non-residential uses as required by the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended.

5-5(C)(7)(b) Accessible parking spaces shall be located, sized, and constructed as required by the DPM.

## 5-5(D) MOTORCYCLE PARKING

5-5(D)(1) In addition to parking spaces required by Table 5-5-1, all uses except residential uses shall provide the minimum number of off-street parking spaces for motorcycles, mopeds, and motor scooters listed in Table 5-5-4 on site.

**Table 5-5-4: Motorcycle Parking Requirements**

| Total Parking Spaces Required by Table 5-5-1 | Number Of Motorcycle Spaces Required |
|---|---|
| 1 – 25 | 1 space |
| 26 – 50 | 2 spaces |
| 51 - 100 | 3 spaces |
| 101-150 | 4 spaces |
| 151- 300 | 5 spaces |
| 301 - 500 | 6 spaces |
| 501 - 750 | 7 spaces |
| 751 – 1,000 | 8 spaces |
| 1,000 and above | 8 spaces plus 1 space per each additional |

| Table 5-5-4: Motorcycle Parking Requirements | |
|---|---|
| **Total Parking Spaces Required by Table 5-5-1** | **Number Of Motorcycle Spaces Required** |
| | 500 spaces |

5-5(D)(2) All motorcycle parking areas shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.

5-5(D)(3) Motorcycle parking spaces shall be located, sized, and constructed as required by the DPM.

## 5-5(E) BICYCLE PARKING

5-5(E)(1) Unless specified otherwise in this IDO, all development and shall provide on-site parking spaces for bicycles in accordance with Table 5-5-5.

| Table 5-5-5: Bicycle Parking Requirements | |
|---|---|
| **Use** | **IDO Bicycle Parking Requirement** |
| Residential use | ≥5 multi-family or live-work units: 3 spaces or 10% of required off-street parking spaces, whichever is greater |
| Sorority or fraternity | 1 space / 3 persons design capacity |
| Hotel or motel | 2 spaces + 1 space / 6,000 sq. ft. GFA of conference, restaurant, bar, and banquet space |
| Elementary or middle school | 3 spaces or 1 space / 10 students design capacity, whichever is greater |
| High school | 3 spaces or 1 space / 10 students design capacity, whichever is greater |
| Vocational school | |
| Non-residential uses not listed in this table | 3 spaces or 10% of required off-street parking spaces, whichever is greater |

5-5(E)(2) The required bicycle parking spaces may be reduced or eliminated by the Planning Director based on site-specific conditions, including but not limited to isolation from other development and connectivity of the site to bicycle trails and facilities.

5-5(E)(3) Bicycle parking spaces shall be located, sized, and constructed as required by the DPM.

5-5(E)(4) Bicycle parking facilities shall meet the following standards:

5-5(E)(4)(a) All bicycle parking areas shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.

5-5(E)(4)(b) Required bicycle parking spaces shall be located within 50 feet of a primary pedestrian entrance. Sites with multiple primary pedestrian entrances shall have distributed bicycle parking locations.

5-5(E)(4)(c) Bicycle parking facilities shall be racks or lockers that are installed and anchored to prevent removal except by authorized personnel.

5-5(E)(4)(d) Racks shall be designed to support the bicycle in an upright position and so that both wheels and 2 points of the frame may be locked securely to it using a U-shaped lock or a chain/cable and lock.

5-5(E)(4)(e) Where the primary use of the property includes 100 or more dwelling units or 100,000 or more square feet of non-residential gross floor area, at least 20 percent of required bicycle parking spaces shall be in secured long-term storage lockers or areas.

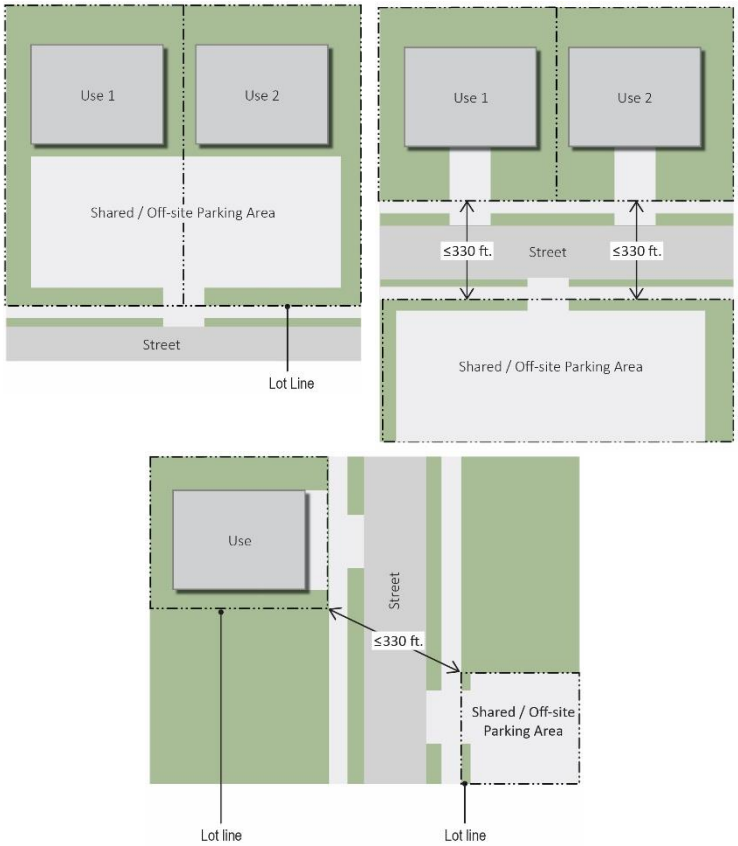
## 5-5(F) PARKING LOCATION AND DESIGN

### 5-5(F)(1) Location

#### 5-5(F)(1)(a) All Areas

1. No portion of an off-street parking facility shall be located in a public street, sidewalk, alley, or other public right-of-way including any portion of the off-street public right-of-way.
2. If the total required parking exceeds 20 spaces, 25 percent of the total required parking may be designed as compact parking spaces.
3. Where shopping carts are offered to customers, shopping cart corrals, or similar cart storage facilities shall be provided and identified and cannot occupy required parking spaces.
4. Except in the NR-LM and NR-GM zone districts, no required parking area shall be used for the storage, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies unless specified otherwise in this IDO. The prohibition on vehicle storage does not apply to approved outdoor storage and display related to light vehicle sales and rental or for heavy vehicle and equipment sales, rental, fueling, and repair uses in the zone districts where those uses are allowed.
5. No parking lot or driveway located in any Residential or Mixed-use zone district shall be used for the storage of commercial vehicles.
6. Parking in any Residential zone district or for low-density residential development is prohibited on any portion of the front yard setback other than on a driveway or drive aisle meeting the standards of this IDO and the DPM.
7. Required parking spaces for single-family and two-family detached and cluster development shall be located on the same lot as the residential use they serve.
8. Required parking spaces for townhouse or cottage development, in a designated communal or shared parking area located on a lot abutting at least 1 of the lots served by such parking.
9. Required parking spaces for multi-family residential or for any Residential use other than those listed in Subsections 7 and 8 above may be located in a designated communal or shared parking area located on a lot adjacent to at least 1 of the lots served by such parking.

10. Mixed-use and non-residential developments with at least 200 linear feet of frontage on a public street may be designed with a small parking court located between the front façade of the primary building and the front lot line provided that:
    a. No more than 30 percent of the total parking requirement is provided in a parking court.
    b. The parking court is surrounded on 2 sides by the development.
    c. Parking courts accessed from a local street shall be no greater than 110 feet wide and 150 feet deep.
11. Required parking spaces for uses in the Civic and Institutional, Commercial, and Industrial use categories may be located in a designated parking area on a lot within 330 feet of the lot served by such parking if they meet the standards in Subsection 14-16-5-5(C)(5)(b) (Shared Parking Reduction) or Subsection 14-16-5-5(C)(5)(g) (Off-site Parking Allowance) (see figures below).




**5-5(F)(1)(b) Downtown, Urban Centers, Main Street Areas, and Premium Transit Areas**

In addition to the provisions in Subsection (a) above, the following apply standards apply in DT-UC-MS-PT areas.

1. Off-street parking and loading areas shall not be located between the front façade of the primary building and the

public right-of-way unless allowed by another provision of this IDO.

2. Required off-street parking spaces that are not required to comply with the federal Americans with Disabilities Act may be located off-site in any Mixed-use or Non-residential zone district provided that the property containing the off-site parking is located within 660 feet of the use for which the parking is provided (measured from the nearest points on their lot lines), and the applicant provides documentation that the off-site spaces will remain available to supply the required parking for the applicant's property for a period of not less than 2 years. Off-site parking for a non-residential use may not be provided in any Residential zone district.
3. Parking in the rear of a site may be accessed by alleys or by shared access drives or easements along abutting side yards where alley access is not feasible or alleys do not exist. Shared access easements shall not be more than 20 feet wide.
4. Parking shall be landscaped following the requirements in Subsection 14-16-5-6(F).

## 5-5(F)(2) Design, Access, and Circulation

The following standards apply to driveways, carports, parking lots, and parking structures, unless an specified otherwise elsewhere in this IDO.

### 5-5(F)(2)(a) Low-density Residential Development

The following standards apply to all low-density residential development in any zone districts except R-MC:

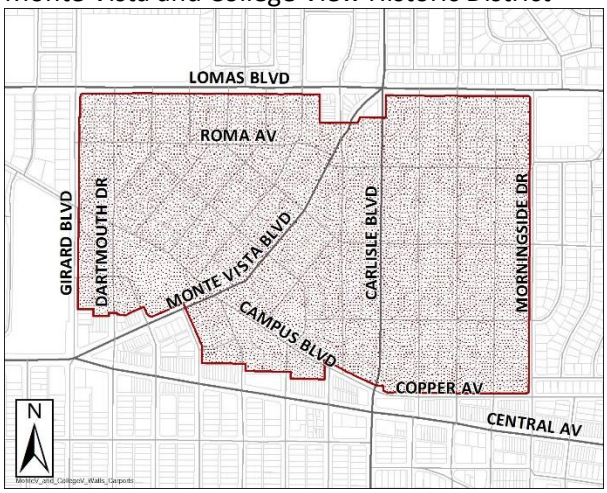
1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in the DPM.
   The area of the front yard that can be improved for driveways and parking areas in the R-1, R-T, R-ML, and R-MH zone districts shall be limited pursuant to Table 5-5-6.

**Table 5-5-6: Maximum Front Yard Parking Area**

| Lot Size (sq. ft.) | Maximum Front Yard Parking Area |
|---|---|
| ≤2,200 | 400 sq. ft. or ≤85%, whichever is greater |
| >2,200 and <5,000 | 400 sq. ft. or ≤75%, whichever is greater |
| ≥5,000 | 400 sq. ft. or ≤60%, whichever is greater |

2. Carports
   a. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion of this structure may be located within 3 feet of a property line, and no carport wall may be built within any required setback area.
   b. Any carport in a required front or side setback requires a Variance – DRB pursuant to Subsection 14-16-6-6(L).
   c. Carports are prohibited within any front yard in the following mapped areas:
      i. Downtown Neighborhood Area – CPO-3

ii. Monte Vista and College View Historic District




d. Where carports are allowed, they shall meet clear sight triangle standards in the DPM.

3. In Centers and Corridor areas identified in the ABC Comp Plan, as amended, tandem parking is allowed. A tandem parking space may be counted toward off-street parking requirements provided that both spaces are leased to, allocated to, or otherwise under the control of the same party.

**5-5(F)(2)(b) All Other Uses**

1. Public parking areas shall be designed so that vehicles do not have to back out of the parking area onto a public street.
2. The primary vehicular access to a parking area shall be from a side street or alley, where alleys are platted and in use. If an alley is used for parking area access, the alley area may be included in the calculation of circulation and maneuvering areas.
3. Vehicular access to a primary non-residential use shall be located to avoid the need for traffic from a street designated as an arterial or collector in the LRTS Guide to use a local residential street for more than 150 feet to access the non-residential property, to the maximum extent practicable.
4. Vertically stacked tandem parking using lift equipment may be used to meet minimum off-street parking requirements in any zone district provided that the parking structure is attended with a lift operator at all times.
5. Fire and emergency access to and through parking areas shall comply with Article 14-2 of ROA 1994 (Fire Code).
6. In the MX-H and MX-FB zone districts, no portion of a vehicle driving lane shall be located in the area directly between the front façade of the primary building and the front lot line.
7. Large Parking Lots

a. Parking areas, parking circulation, and access for a non-residential development with more than 100,000 square feet of gross floor area shall be designed based on a traffic study conducted at the applicant's expense, covering anticipated traffic volumes, turning movements, trip generation, and parking demand.

b. Each parking lot containing 100 or more parking spaces, any of which are located more than 330 feet from the front façade of the building shall contain walkways designed to allow pedestrians to access the front door of the primary building without the need to walk through parking areas or cross driving lanes, as required by the DPM.

c. Each parking lot containing 100 or more spaces shall divide the parking lot into separate areas each containing less than 100 spaces that are separated from each other by 1 or more of the following:

   i. Landscaped swales or other landscaped features (which shall count toward the amount of required site landscaping).

   ii. Landscaped pedestrian paths not less than 20 feet wide.

   iii. Driving lanes that do not contain parking spaces on either side.

   iv. Primary or accessory buildings.

   v. A distance of at least 100 feet (measured between the closest points in the 2 parking areas).

d. Each parking lot containing 200 or more spaces shall include bicycle pathways designed to provide a clear and convenient connection across or through vehicle circulation areas, as required by the DPM.

e. All parking lots shall meet the landscaping requirements in Subsection 14-16-5-6(F) (Parking Lot Landscaping).

### 5-5(F)(3) Technical Design Standards

5-5(F)(3)(a) All parking facilities shall comply with all applicable provisions in this IDO, including but not limited to those in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-5(I)(1) (Landscaping, Buffering, and Screening), 14-16-5-8 (Outdoor Lighting), and 14-16-5-9 (Neighborhood Edges), and standards related to those sections in the DPM.

5-5(F)(3)(b) Design and construction of surface parking areas shall also comply with all applicable standards in the DPM, including but not limited to those standards addressing the following topics:

1. Grading and drainage of parking areas.

2. Parking surface materials, including the use of pervious paving materials.
3. Allowed parking space overhangs of public rights-of-way, sidewalks, walkways, and landscaped areas, and the use and design of wheel stops and barriers to prevent overhangs and damage.
4. Marking of parking spaces.
5. Parking space and aisle dimensions.

### 5-5(F)(4) Historic Protection Overlay Zones

In the HPO zones, all off-street parking and loading areas and garages shall be located toward the rear of the site to the maximum extent practicable, shall comply with the standards in all other portions of this Subsection 14-16-5-5, and shall comply with the additional standards applicable to that Historic Protection Overlay zone in this Section 14-16-5-5(F)(4). If there is a conflict between other parking standards in this Section 14-16-5-5 and the standards in this Section 14-16-5-5(F)(4), the standards in this Section 14-16-5-5(F)(4) shall prevail.

#### 5-5(F)(4)(a) East Downtown – HPO-1

1. Parking areas must be set back:
   a. From the front lot line: 30 percent of the lot depth, minimum.
   b. From other street frontages: 10 feet minimum.
   c. From rear lot lines: 5 feet minimum.
2. Vehicular access is allowed only from side-street or alley.
3. Parking structures shall have ground floor uses along all side street frontages and 3 foot minimum high opaque walls or vegetative screening at side and rear property lines. If the side or rear property line is adjacent to a residentially zoned lot, the wall of the parking structure must be entirely solid, without opening.

#### 5-5(F)(4)(b) Eighth & Forrester – HPO-2

1. For single-family and two-family residential development, circular driveways are not allowed.
2. Tandem parking is allowed in driveways for single-family and two-family residential provided that the tandem space is behind the required front setback. The tandem space may be counted in the calculation of required on-site parking driveways.

#### 5-5(F)(4)(c) Fourth Ward – HPO-3

1. Parking and loading areas shall be located to the back of the site.
2. Parking and loading areas shall be located to minimize visibility from the public-right-of-way.

3. Parking on the street-facing side of corner buildings is not allowed.

**5-5(F)(4)(d) Huning Highland – HPO-4**

1. All parking areas with 6 or more parking spaces shall be divided with landscaped areas planted in accordance with Section 14-16-5-6 (Landscaping, Buffering, and Screening).
2. Parking areas shall be accessed primarily by alleys where physical conditions permit.
3. Tandem parking is allowed in driveways provided that the tandem space is behind the front yard setback. The tandem space may be counted in the calculation of required on-site parking.
4. Automobile headlights shall be screened from adjacent lots and from the street in accordance with Section 14-16-5-6 (Landscaping, Buffering, and Screening).

**5-5(F)(4)(e) Old Town – HPO-5**

Off-street parking is not required, but any off-street parking shall comply with all provisions of this Section 14-16-5-5, excluding those special provisions applicable to other HPO zones.

**5-5(F)(4)(f) Silver Hill – HPO-6**

1. An alley shall serve as the primary access to parking and loading areas.
2. Tandem parking is allowed in driveways provided that the tandem space is behind the front yard setback. The tandem space may be counted in the calculation of required on-site parking driveways.
3. Existing driveways shall not be widened or expanded and paving in the front yard setback other than for driveways is prohibited.
4. Parking areas with 6 or more vehicle parking spaces must include landscaped areas internal to the parking area complying with Section 14-16-5-6 (Landscaping, Buffering, and Screening).

## 5-5(G) PARKING STRUCTURE DESIGN

### 5-5(G)(1) Crime Prevention Through Environmental Design (CPTED)

Above-ground parking structures or portions of structures occupied by automobile parking shall be designed using the principles of CPTED so as to deter crime and to facilitate security measures and shall meet the following standards in addition to the other standards of this Section.

### 5-5(G)(2) Parking Spaces and Circulation

Parking spaces and circulation shall meet technical standards in the DPM.

### 5-5(G)(3) Building Design Standards

All parking structures that provide parking for multi-family dwellings, mixed-use development, and non-residential development, shall comply with the following standards. These standards do not apply to any garage for low-density residential development.

5-5(G)(3)(a) Minimum and maximum setbacks for the parking structure are the same as those for the primary building.

5-5(G)(3)(b) No horizontal length of any façade shall extend longer than 40 feet without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, projection of lintels, portals, and other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.

5-5(G)(3)(c) Each façade facing a public street shall be designed to conceal the view of all parked cars below the hoodline and to conceal internal light sources when viewed from the public street.

5-5(G)(3)(d) The height of an accessory parking structure shall not exceed the height of the primary building it serves.

5-5(G)(3)(e) Where a parking structure is located beneath or within a primary building, loading docks shall be shall be integrated with the parking structure.

### 5-5(G)(4) Additional Standards in All Centers, Main Street Areas, and Premium Transit Areas

In all Centers identified in the ABC Comp Plan, Main Street areas, and Premium Transit areas, parking structures shall comply with the following standards in addition to those listed in Subsections (1), (2), and (3) above:

5-5(G)(4)(a) The street-facing façade of the parking structure shall have a minimum floor-to-ceiling height of 13 feet for a depth of at least 30 feet from the street to allow for conversion to a pedestrian-active use when the market supports that use.

5-5(G)(4)(b) Parking structure ramps shall not be visible from any public street.

## 5-5(H) OFF-STREET LOADING

### 5-5(H)(1) Number of Required Off-street Loading Spaces

All non-residential uses with 25,000 square feet or more of gross floor area shall provide off-street loading spaces and related access and maneuvering areas pursuant to Table 5-5-7 and this Subsection 14-16-5-5(H).

**Table 5-5-7: Off-Street Loading Space Requirements**

| Zone District | Required Loading Spaces | Minimum Size of Required Loading Spaces |
|---|---|---|
| **Non-residential Zone Districts** | | |
| Uses in the Lodging, Offices and Services, and Retail Sales categories | Minimum: 1 space / 50,000 sq. ft. ground floor GFA or part thereof<br>Maximum: 3 spaces | First required space: 12 ft. x 65 ft.<br>Remaining spaces: 10 ft. x 25 ft.<br><br>Access and maneuvering areas shall |
| Other non-residential uses | Minimum: 1 space / 50,000 sq. ft. | |

**Table 5-5-7: Off-Street Loading Space Requirements**

| Zone District | Required Loading Spaces | Minimum Size of Required Loading Spaces |
|---|---|---|
| | ground floor GFA or part thereof<br>Maximum: 2 spaces | be provided to comply with the DPM |
| **All Other Zone Districts** | | |
| All non-residential uses | Minimum: 1 space / building on sites with adequate unbuilt lot area to accommodate a loading space meeting the standards of this Subsection 14-16-5-5(H) | 9 ft. x. 25 ft.<br><br>Access and maneuvering areas shall be provided to comply with the DPM |

### 5-5(H)(2) Location of Off-Street Loading Spaces

5-5(H)(2)(a) Loading spaces shall be located on the same lot or parcel as the use it serves, unless Subsection (b) below applies.

5-5(H)(2)(b) Joint use of an off-street loading facility may be approved by the Planning Director provided the applicant provides documentation demonstrating the adequacy of the facility to serve anticipated loading needs; and an executed agreement among the owners of the buildings or uses sharing the facility is submitted to and approved by the Planning Director.

5-5(H)(2)(c) Where a single customer entrance to a building is provided, customer loading areas shall not be located in front of the customer entrance or within 15 feet of the entrance.

### 5-5(H)(3) Design and Layout of Off-Street Loading Areas

Off street loading areas shall comply with the following standards and with all applicable standards in the DPM

5-5(H)(3)(a) Trucks using the loading area shall not be required to back into a public street to leave the site.

5-5(H)(3)(b) Truck and loading operations shall not encroach into any pedestrian walkway, bicycle lane, public right-of-way, fire lane or building setback.

5-5(H)(3)(c) Loading spaces shall not be located in a front or side setback abutting a public right-of-way and, to the maximum extent feasible, shall be located to the rear of a site and away from adjacent residential areas.

5-5(H)(3)(d) For a site adjoining an alley that does not abut any Residential zone district, required loading spaces shall be accessed from the alley.

5-5(H)(3)(e) The design and layout shall comply with all applicable provisions in this IDO, including but not limited to those in Sections 14-16-5-3 (Access and Connectivity), 14-16- Section 14-16-5-6 (Landscaping, Buffering, and Screening), 14-16-5-7 (Walls and Fences), and 14-16-5-9 (Neighborhood Edges), and standards related to those sections in the DPM.

## 5-5(I) VEHICLE STACKING AND DRIVE-THROUGH OR DRIVE-UP FACILITIES

The following standards apply to all uses that require vehicle stacking, including but not limited to a drive-through or drive-up facility, fueling station, or car wash, and to any facility or parking area where traffic flow is controlled by an entry gate, ticket booth, or guard house.

### 5-5(I)(1) Vehicle Stacking Spaces

5-5(I)(1)(a) Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation aisles, and shall comply with stacking space dimensions required by the DPM.

5-5(I)(1)(b) Vehicle stacking spaces shall be provided pursuant to Table 5-5-8 and other standards in this Subsection 14-16-5-5(I). Required stacking distances shall be measured from the end of the queuing lane or property line to the point of service, as specified in Table 5-5-8.

**Table 5-5-8: Required Stacking Spaces**

| Activity | Minimum Required Stacking Spaces, per Establishment[1] | | Measured from End of Queuing Lane To: |
|---|---|---|---|
| | General | UC-MS | |
| Bank or Automated Teller Machine (ATM) | 4 | 3 | Teller window / ATM |
| Light Vehicle Fueling Station | 1 | 1 | End of fuel pump island |
| Car Wash | 3 | 2 | Outside of washing bay |
| Restaurant | 6 | 4 | Pick-up window |
| Retail Store | 4 | 3 | Pick-up window |
| Other | Determined by the City Engineer based on anticipated demand | | |

[1] Each stacking space shall be 20 ft. long unless specified otherwise in the DPM or by the City Engineer.

## 5-5(I)(1) Drive-through or Drive-up Facility Design

5-5(I)(1)(a) Drive-through lanes adjacent to public rights-of-way shall be screened by a landscape buffer area at least 6 feet wide containing a vegetative screen or wall constructed of a material similar in texture, appearance, and color to the street-facing façade of the primary building (but excluding exposed concrete masonry unit (CMU) block) at least 3 but not more than 4 feet tall. The landscape buffer area shall be provided on the public street side.

5-5(I)(1)(b) Drive-through service windows shall be oriented away from pedestrian areas, residentially-zoned areas, and public streets to the maximum extent practicable.

5-5(I)(1)(c) Drive-through service windows and any associated order board shall be located at least 50 feet from any abutting Residential zone district or lot containing a Residential use in a Mixed-use zone district.

5-5(I)(1)(d) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

5-5(I)(1)(e) For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building.

5-5(I)(1)(f) In UC-AC-MS-PT-MT areas and the MX-H zone district, no drive-through lanes shall be located between the front façade of the primary building and the front lot line or within a required side setback abutting a street.

5-5(I)(1)(g) Where abutting any Residential zone district or lot containing a Residential use in any Mixed-use zone district, the edge buffering provisions of Subsection 14-16-5-6(E) (Edge Buffer Landscaping) shall apply.

# 5-6 LANDSCAPING, BUFFERING, AND SCREENING

## 5-6(A) PURPOSE

The purpose of this Section 14-16-5-6 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 visual component to quality environments that enhance Albuquerque's overall appearance and provide other public benefit through:

5-6(A)(1) Providing visual relief from urbanization.

5-6(A)(2) Establishing a consistent, attractive streetscape that generates a sense of continuity and a strong, positive City image.

5-6(A)(3) Improving the aesthetic appearance of commercial, industrial, and multi-family residential development to protect and enhance public and private investments and property values.

5-6(A)(4) Ensuring the use of native and/or adapted, low water-use, or xeric species and regionally appropriate, sustainable design and maintenance techniques to conserve water resources.

5-6(A)(5) Contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retention. Landscape should be designed to retain soil moisture, prevent erosion, encourage the growth of abutting plantings, and mitigate urban heat-island effects, while aiding in the abatement of air and water pollution, dust, noise, heat, and glare.

5-6(A)(6) Providing screening of some types of facilities, structures, and equipment.

5-6(A)(7) Providing shade and comfort for pedestrians and visually narrowing streets, which has been shown to reduce vehicle speeding and accidents.

## 5-6(B) APPLICABILITY

The provisions of this Section 14-16-5-6 shall apply to all of the following, unless exempted by another portion of this IDO:

5-6(B)(1) Construction of a new multi-family, mixed-use, or non-residential primary building or accessory parking structure.

5-6(B)(2) Construction of a new parking lot containing 25 or more spaces, or expansion of an existing parking lot by 25 spaces or more.

5-6(B)(3) Expansion of the gross floor area of an existing multi-family, mixed-use, or non-residential structure by 2,500 square feet or more, or 25 percent or more, whichever is less.

5-6(B)(4) Renovation or redevelopment of an existing multi-family, mixed-use, or non-residential primary building, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, as indicated by building permits, is $500,000 or more.

5-6(B)(5) In the case of walls provided for buffering or screening requirements with conflicting standards in this Section 14-16-5-5(I)(1), Section 14-16-5-5 (Parking and Loading), and Section 14-16-5-9 (Neighborhood Edges), the highest specified wall height allowance prevails.

5-6(B)(6) Requirements for walls provided to meet buffering and screening requirements prevail over maximum wall height regulations in Section 14-16-5-7 (Walls and Fences) but shall be subject to any other applicable materials and design requirements in Subsection 14-16-5-7(E).

## 5-6(C) GENERAL LANDSCAPING STANDARDS

The following standards apply to all landscaping, screening, or buffering required by this Section 14-16-5-5(I)(1).

### 5-6(C)(1) Landscape Plan Required

A landscape plan with designed landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the relevant decision-making body determines that compliance with the provisions of this Section 14-16-5-6 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with this Section 14-16-5-6 can be demonstrated in the combined materials.

### 5-6(C)(2) Minimum Landscape Area

5-6(C)(2)(a) Except as noted in Subsection (b) below, a minimum of 15 percent of the net lot area of each development shall contain landscaping.

5-6(C)(2)(b) In DT-UC-MS-PT areas, a minimum of 10 percent of the net lot area of each development shall contain landscaping. In these areas, landscaping required to meet this requirement need not be at ground level.

5-6(C)(2)(c) The mature realistic spread of trees and shrubs will be used to calculate required vegetative coverage as follows:

1. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscape area as measured by canopy width or the area beneath the dripline of the mature size of the actual vegetation.
2. Of the required vegetative coverage, a minimum of 25 percent shall be provided as ground-level plants (shrubs, grasses, etc.) as measured of the mature size of the actual vegetation.

5-6(C)(2)(d) See also Subsections 14-16-5-6(D) (Street Frontage Landscaping), 14-16-5-6(E) (Edge Buffer Landscaping), and 14-16-5-6(F) (Parking Lot Landscaping) for additional landscaping requirements.

### 5-6(C)(3) Overlapping Requirements

5-6(C)(3)(a) If areas required to be landscaped by 2 or more provisions of this Section 14-16-5-5(I)(1) overlap each other, the provision requiring the greater amount of landscaping shall apply, and landscaping provided that meets the greater requirement shall count toward fulfilling the overlapping requirements.

1. See Subsection 14-16-5-6(C)(12) (Existing Vegetation Credit and Bonus).
2. See Subsection 14-16-5-6(C)(13) (Stormwater Management Features).

3. See Subsection 14-16-5-6(D) (Street Frontage Landscaping).
4. See Subsection 14-16-5-6(E) (Edge Buffer Landscaping).
5. See Subsection 14-16-5-6(F) (Parking Lot Landscaping).

5-6(C)(3)(b) Landscaped areas may count toward satisfying usable open space requirements specified for Residential zone districts in Table 5-1-1 and for Mixed-use zone districts in Table 5-1-2.

5-6(C)(3)(c) Gardens and community gardens provided may count toward satisfying the requirements of Subsection 14-16-5-6(C)(2) (Minimum Landscape Area).

5-6(C)(3)(d) Any landscaping provided to meet requirements in Subsection 14-16-5-2(E) (Major Arroyo Standards) may count toward any required landscaping in this Section 14-16-5-5(I)(1) but shall be subject to Subsection 14-16-5-6(C) (General Landscaping Standards).

5-6(C)(3)(e) Any outdoor seating and gathering areas provided to meet requirements in Subsection 14-16-5-11(E)(3) (Outdoor Seating and Gathering Areas) may count toward up to 1/3 of required landscaping in Section 14-16-5-5(I)(1) but shall be subject to standards in Subsection 14-16-5-6(C) (General Landscaping Standards).

### 5-6(C)(4) Required Plant Materials and Site Amenities

5-6(C)(4)(a) A minimum of 5 species must be used in the landscaped area.

5-6(C)(4)(b) Only trees and shrubs selected from the Official Albuquerque Plant Palette and Sizing List of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Section 14-16-5-6(C) (General Landscaping Standards), except that, upon presentation of evidence, the relevant decision-making body may authorize alternative species or cultivars that meet all of the following requirements:

1. Meet the intended purpose of that type of landscaping.
2. Are not hazardous.
3. Are not identified as invasive on a City or state plant list.
4. Are not listed in the City's Weed Identification Handbook.
5. Are equally hardy to the New Mexico climate.

5-6(C)(4)(c) Installation of any trees, shrubs, or other vegetation included in a state list of prohibited or invasive species or listed as noxious weeds in the City's Weed Identification Handbook is prohibited.

5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be turf grass species requiring irrigation for survival after the first 2 growing seasons. Irrigated turf grass shall not be planted on slopes exceeding 1:4 rise:run in order to avoid water waste.

5-6(C)(4)(e) Artificial turf/grass shall not be counted as living vegetative material or to meet the requirements of this Section 14-16-5-6(C) (General Landscaping Standards).

5-6(C)(4)(f) All vegetation shall comply with the City's Water Conservation Ordinance, Street Tree Ordinance, and Pollen Ordinance, as applicable (ROA 1994, as amended).

5-6(C)(4)(g) All required plant materials shall be free of disease and insects and shall conform to the American Standard for Nursery Stock (ASNA) of the American Nursery and Landscape Association.

5-6(C)(4)(h) Shade trees planted approximately 25 feet on-center are required along all required pedestrian walkways.

5-6(C)(4)(i) In DT-UC-MS areas, landscaped areas other than street frontage shall include pedestrian furniture, pedestrian amenities, or trash receptacles to encourage pedestrian use.

5-6(C)(4)(j) See also Subsection 14-16-5-6(D) (Street Frontage Landscaping) for additional landscaping requirements.

### 5-6(C)(5) Soil Condition and Planting Beds

5-6(C)(5)(a) All vegetated material required by this Section 14-16-5-5(I)(1) shall be planted in uncompacted soil.

5-6(C)(5)(b) Organic mulch, such as wood chips or pecan shells, is required as ground cover for the portion of any landscaped area surrounding the vegetation root ball, as well as beneath the entire tree canopy or dripline, in each required landscape area.

5-6(C)(5)(c) In DT-UC-MS areas, the use of gravel or crusher fines as ground cover is limited to a maximum of 50 percent of any outdoor space.

5-6(C)(5)(d) In all other areas, the use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of any outdoor space.

5-6(C)(5)(e) All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops located 2 feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff in vegetated swales and stormwater infiltration areas.

5-6(C)(5)(f) Permeable weed barriers shall be used to optimize permeability and stormwater infiltration to the maximum extent practicable.

### 5-6(C)(6) Minimum Plant Sizes at Installation

All vegetation required by this Section 14-16-5-5(I)(1) shall meet the minimum size requirements in Table 5-6-1, unless specified otherwise elsewhere in this IDO.

**Table 5-6-1: Minimum Plant Sizes**

| Plant material type (ANSI types) | Minimum size |
|---|---|
| Deciduous Street Trees | 2 in. caliper 6 in. above grade |
| Deciduous Accent Trees | 1.5 in. caliper 6 in. above grade or 6 ft. in height |
| Evergreen Tree | 6 ft. in height |
| Multi-trunk Tree | Minimum 2 trunks with a combined caliper of 2 in. |
| Shrubs | 1 gallon container size |
| Ground cover and turf | Adequate to provide general ground cover within 1 growing season after planting |

### 5-6(C)(7) Plant Material Spacing

5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall not be placed closer than 3 feet from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections.

5-6(C)(7)(b) Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas.

5-6(C)(7)(c) The Planning Director may authorize adjustments to any spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced.

### 5-6(C)(8) Protecting Clear Sight Triangle

The clear sight triangle as specified in the DPM shall be maintained at all exits of parking areas and street intersections.

### 5-6(C)(9) Planting in or over the Public Right-of-Way

5-6(C)(9)(a) All planting of vegetated material or installation of any landscaping, buffering, or screening material in the public right-of-way shall require the prior approval of the City and may require an agreement with the City specifying maintenance, repairs, or liability responsibilities.

5-6(C)(9)(b) Any trees that overhang a public sidewalk or Major Public Open Space shall be trimmed to maintain an 8 foot clearance over the sidewalk. Any trees that overhang a public street shall be trimmed to maintain a 9 foot clearance over the street surface.

5-6(C)(9)(c) Where landscaping is installed in the public right-of-way, the applicant shall install an adequate irrigation system that meets the minimum technical requirements of the ROA 1994 and the DPM, 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.

### 5-6(C)(10) Planting near Utilities

5-6(C)(10)(a) Trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose. The Planning Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.

5-6(C)(10)(b) Trees shall not be planted within 10 feet of the centerline of a sewer or water line.

5-6(C)(10)(c) Trees or shrubs planted within utility easements shall comply with the standards of the utility provider to minimize effects on facilities maintenance and repair.

5-6(C)(10)(d) If overhead distribution electric lines are present and large trees cannot be planted due to potential interferences with the electric lines, one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage. New trees planted near electric transmission lines shall be no taller than 25 feet in height at maturity to avoid conflicts with existing electric facilities.

5-6(C)(10)(e) All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance for access and to ensure the safety of the work crews and public during maintenance and repair.

5-6(C)(10)(f) Trees shall not be planted near existing or proposed street light poles.

5-6(C)(10)(g) Standards in the DPM may apply to tree planting in or near other utility easements, such as gas lines.

### 5-6(C)(11) Parking on Landscaped Areas Prohibited

Parking of automobiles, trucks, trailers, boats, recreational vehicles, or other motor vehicles is not allowed on any required landscape or buffer area.

### 5-6(C)(12) Existing Vegetation Credit and Bonus

5-6(C)(12)(a) If non-prohibited existing vegetation meets the location requirements and intent of landscaping, buffering, or screening required by this Section 14-16-5-6, that existing vegetation may be credited toward the landscaping, buffering, or screening materials required by this Section 14-16-5-6.

5-6(C)(12)(b) All existing vegetation preserved and used for credit against the requirements for new vegetation shall be protected during construction by a fence erected one foot beyond the drip line of the vegetation.

5-6(C)(12)(c) Trees may be credited only 1 time toward any one buffer, screen, or other landscape requirement.

5-6(C)(12)(d) Trees shall be credited in accordance with Table 5-6-2.

**Table 5-6-2: Credits for Preserving Trees**

| Diameter at Breast Height (in.) | Number of Trees Credited |
|---|---|
| ≥25 | 8 |
| ≥13 and <25 | 6 |
| ≥8 and <13 | 4 |
| ≥4 and <8 | 2 |
| <4 | 1 |
| Prohibited trees 8 in. or greater[1] | 1 |

[1] Prohibited trees are those that do not appear on the Official Albuquerque Plant Palette and Sizing List and may appear on the City or State list of prohibited or invasive species

### 5-6(C)(13) Stormwater Management Features

5-6(C)(13)(a) Required landscape and buffer areas shall be designed to serve as stormwater management areas to the maximum extent practicable and consistent with their required locations and vegetation.

5-6(C)(13)(b) In the R-ML, R-MH, Mixed-use, and NR-SU zone districts, and on lots containing multi-family or non-residential uses in the R-A, R-1, R-MC, and R-T zone districts, surface runoff including runoff from roofs and parking areas shall be directed into depressed water collection areas that are located in landscape areas and that meet all applicable standards in the DPM.

5-6(C)(13)(c) Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided the area includes vegetation required by this Section 14-16-5-6 to the maximum extent practicable in light of any applicable stormwater treatment requirements.

5-6(C)(13)(d) Permeable paving may be used for all pedestrian or multi-use sidewalks and sidewalks through required landscaped areas, and may be counted toward satisfaction of minimum vegetated area requirements.

### 5-6(C)(14) Irrigation Systems

5-6(C)(14)(a) All irrigation systems shall be designed to minimize the use of water.

5-6(C)(14)(b) All non-residential landscape irrigation shall have automatic timers and/or programmable settings to avoid overwatering.

5-6(C)(14)(c) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.

### 5-6(C)(15) Installation

5-6(C)(15)(a) All landscaping material used to meet the requirements of this Section 14-16-5-6 shall be installed in accordance with the planting procedures established by the American Nursery and Landscape Association.

5-6(C)(15)(b) All required landscaping, street trees, screening, and buffering shall be installed prior to the issuance of a final certificate of occupancy. If there is more than one primary building on the site, the landscaping, screening, and buffering related to each building shall be installed prior to the issuance of a final certificate of occupancy.

5-6(C)(15)(c) Any damage to utility lines resulting from the negligence of the abutting property owner or the property owner's agents or employees in the installation and maintenance of any landscaping,

screening, or buffering 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 that have been approved by the applicable public utility as part of a plan for landscaping, screening, or buffering on the public right-of- way shall be the responsibility of such public utility. If a public utility disturbs landscaping, screening, or buffering in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If the plant materials die despite those efforts, it is the obligation of the abutting property owner landowner to replace the plant materials.

5-6(C)(15)(d) Property owners acknowledge that approved landscaping and trees installed and maintained in the public right-of-way abutting private properties are the property of the City, and that 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.

### 5-6(C)(16) Alternative Landscaping

The Planning Director may approve alternate landscape plans that do not meet the specific requirements stated in this Section 14-16-5-6 if the Planning Director determines that the alternatives meet all of the following criteria:

5-6(C)(16)(a) Are consistent with the purposes of this Section 14-16-5-6.

5-6(C)(16)(b) Do not include invasive vegetation included in a City or state list of prohibited or invasive species or listed as a noxious weed in the City's Weed Identification Handbook.

5-6(C)(16)(c) Do not include a reduction of tree planting requirements.

5-6(C)(16)(d) Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development.

5-6(C)(16)(e) Provide equal or superior visual appearance of the property when viewed from the street.

5-6(C)(16)(f) Provide equal or superior carbon dioxide absorption and heat island reductions.

## 5-6(D) STREET FRONTAGE LANDSCAPING

### 5-6(D)(1) Required Street Trees

5-6(D)(1)(a) All development shall comply with Part 6-6-2 of ROA 1994 (Street Trees) and any standards developed by the Parks and Recreation Department or other City department to implement that Ordinance. Trees are generally required along street frontages every 25 ft. on center unless specified otherwise in Part 6-6-2 of ROA 1994 (Street Trees).

5-6(D)(1)(b) Trees shall be planted to align with street frontage landscaping on abutting lots to the maximum extent practicable.

5-6(D)(1)(c) Only trees selected from the Official Albuquerque Plant Palette and Sizing List of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Subsection 14-16-5-6(D) (Street Frontage Landscaping), except that existing trees that are 8 inch caliper or larger may count toward street tree requirements, regardless of whether they appear on one of those lists.

5-6(D)(1)(d) Planting areas necessary for trees in the street frontage shall be provided as follows:

1. A minimum of 4 feet by 4 feet for trees that attain at least 15 feet but no more than 20 feet in height at maturity.
2. A minimum of 5 feet by 5 feet for trees that attain more than 20 feet but no more than 40 feet in height at maturity.
3. A minimum of 6 feet by 6 feet for trees that attain more than 40 feet in height at maturity.
4. Tree grates may be used in constrained locations to accommodate pedestrian circulation, to allow the required planting areas in Subsections 1 through 3 above to have a walkable surface.

5-6(D)(1)(e) Along street frontages where street trees are required, trees that are planted within 20 feet of the back of curb of the abutting street may fulfill this requirement.

### 5-6(D)(2) Additional Frontage Landscaping

**5-6(D)(2)(a) General**

Commercial and mixed-use buildings with a footprint of more than 50,000 square feet shall have at least 1 tree and 3 shrubs planted along each 30 linear feet of each façade facing a City park or trail, Major Public Open Space, or major arroyo.

**5-6(D)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit areas**

Fifty (50) percent of any front setback area not used for pedestrian access to the building or improved with pedestrian furniture and amenities shall be landscaped, and no part of the front setback area surface shall be asphalt.

## 5-6(E) EDGE BUFFER LANDSCAPING

### 5-6(E)(1) General Requirements

5-6(E)(1)(a) Landscaped buffers are required to mitigate the impacts of significant differences in property use, size, or scale through standards specified in Subsections (2) through (5) below.

5-6(E)(1)(b) Required edge buffering is not required to be installed along any portion of the lot line covered by an access easement between adjacent lots, but an equivalent amount of landscaping shall be

installed on remaining portions of the side or rear lot line, as applicable.

5-6(E)(1)(c) For the purposes of this Subsection 14-16-5-6(E), "industrial development" refers to the zone districts and uses indicated in Subsection 14-16-5-6(E)(4)(a) (Industrial Development Adjacent to Non-industrial Development).

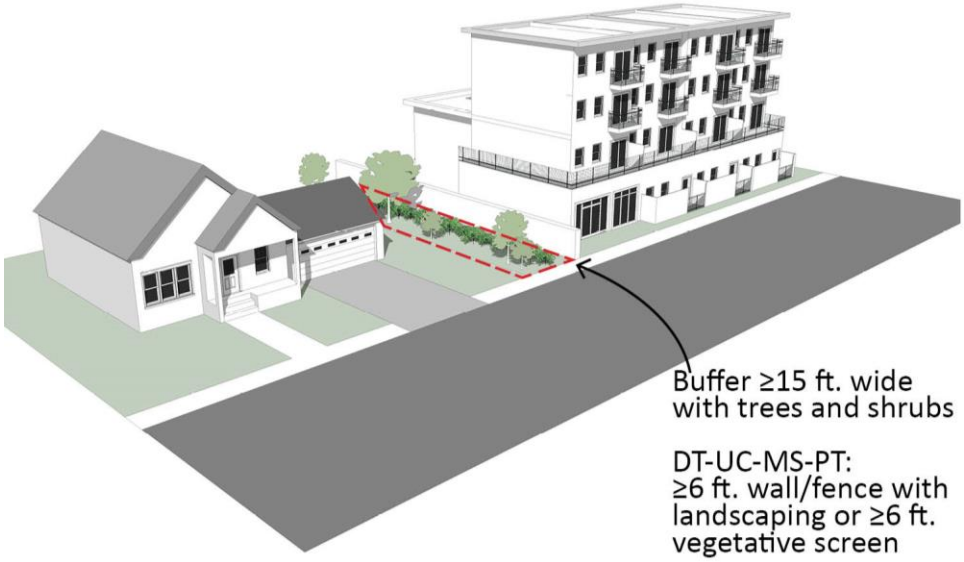
5-6(E)(1)(d) Additional buffering may be required for specific uses, pursuant to any Use-specific Standards for those uses in Section 14-16-4-3 or Neighborhood Edge standards in Section 14-16-5-9.

**Table 5-6-3: Edge Buffer – Development Type Summary**

| Development Type | Development Next to | Specific Standards | General Buffering | Buffering in DT-UC-MS-PT |
|---|---|---|---|---|
| Multi-family, mixed-use, or non-residential | R-A, R-1, R-MC, or R-T | 14-16-5-6(E)(2) | Landscaped buffer area ≥15 ft. | Wall, fence, or vegetative screen ≥6 ft. |
| Mixed-use or non-residential | R-ML or R-MH | 14-16-5-6(E)(3) | Landscaped buffer area ≥20 ft. | |
| Industrial | Non-industrial development | 14-16-5-6(E)(4) | Landscaped buffer area ≥25 ft. | |

## 5-6(E)(2) Development Next to Low-density Residential Zone Districts

Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot in an R-A, R-1, R-MC, or R-T zone district with 1 or more residential dwellings, the following buffer shall be provided along the lot line, as specified for the relevant area below.




### 5-6(E)(2)(a) General

A landscape buffer area at least 15 feet wide shall be provided. One (1) deciduous or evergreen tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity, and 3 shrubs, shall

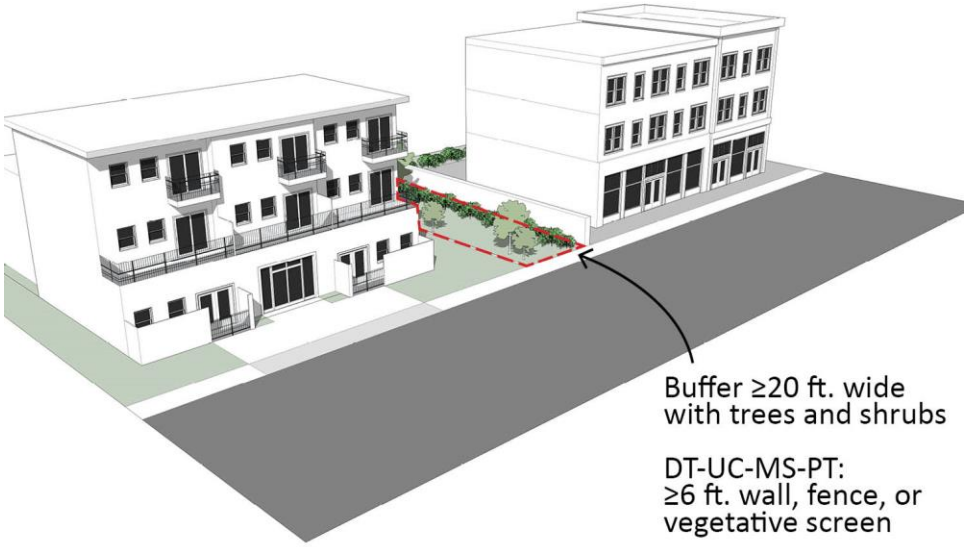
be provided for every 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

**5-6(E)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas**

1. An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided.
   a. The wall, fence, or vegetative screen shall be placed at least 6 feet inside the property line.
   b. If a wall or fence is provided, the side facing the R-A, R-1, R-MC, or R-T zone district shall be at least as finished in appearance as the side facing the proposed development. Three (3) small shrubs per 25 feet of lot line shall be provided between the wall and the property line of the R-A, R-1, R-MC, or R-T zone district.
2. For buildings over 30 feet in height, a landscape buffer area at least 10 feet wide shall be provided. One (1) deciduous tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity shall be provided for every 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

## 5-6(E)(3) Development Next to a Multi-family Residential Zone District

Where mixed-use or non-residential development other than industrial development occurs on any lot abutting or across an alley from a lot in the R-ML or R-MH zone districts with 1 or more multi-family residential dwellings, the following buffer shall be provided along the lot line, as specified for the relevant area below.




**5-6(E)(3)(a) General**

1. A landscape buffer area at least 20 feet wide shall be provided on the lot with the mixed-use or non-residential development. One (1) deciduous or evergreen tree at least 6 feet tall at the

time of planting and at least 25 feet tall at maturity and 3 shrubs shall be provided for every 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

2. If a wall is constructed in a landscape buffer area next to a multi-family development in any R-ML or R-MH zone district, the wall shall be placed at least 3 feet inside the lot line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the multi-family use.

**5-6(E)(3)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas**

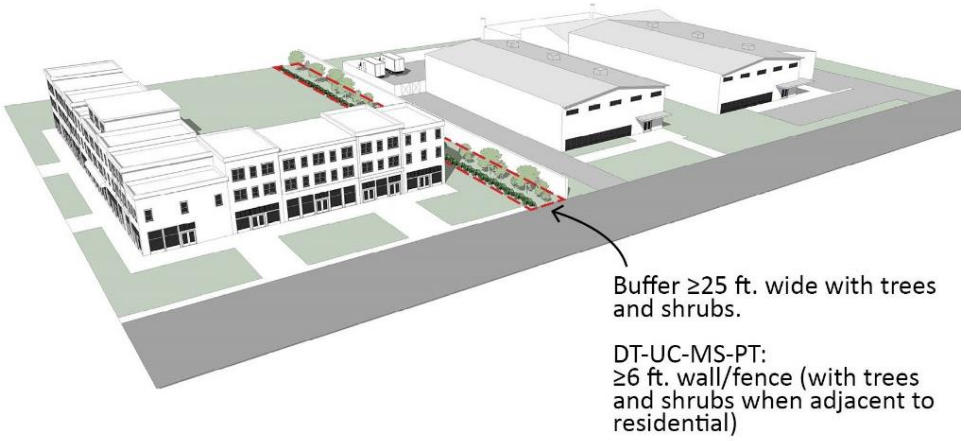
An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided. If a wall or fence is provided, the side facing the multi-family residential use shall be at least as finished in appearance as the side facing the mixed-use or non-residential development.

## 5-6(E)(4) Industrial Development Adjacent to Non-industrial Development

**5-6(E)(4)(a) Applicability**

Where a lot with industrial zoning or development is adjacent to a lot with non-industrial zoning or development, as described in Subsections 1 and 2 below, a buffer shall be provided as specified for the relevant areas in Subsections (b) and (c) below.

1. Where any development in an NR-LM or NR-GM zone district is adjacent to any lot that is not in an NR-LM or NR-GM zone district.
2. Where light manufacturing, heavy manufacturing, special manufacturing, natural resource extraction, non-linear portions of an electric utility or other major utility, or any primary use in the Waste and Recycling category is developed on a lot abutting a vacant lot or a lot with a use other than one of these specified uses.



**5-6(E)(4)(b) General**

A landscape buffer area at least 25 feet wide shall be provided along the adjacent property line. One (1) deciduous or evergreen tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

**5-6(E)(4)(c) Downtown, Urban Centers, and Main Street and Premium Transit Areas**

1. An opaque wall or fence at least 6 feet tall shall be provided along any lot line abutting or across an alley from the non-industrial development. The side of the wall facing the non-industrial development shall be at least as finished in appearance as the side facing the industrial use. If the adjacent non-industrial development includes residential uses, the wall shall be placed at least 3 feet inside the property line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the adjacent residential use.
2. If a wall is constructed in a landscape buffer area abutting any non-industrial use, the wall shall be placed at least 3 feet inside the lot line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the abutting non-industrial use.

**Table 5-6-4: Edge Buffer – Development Area Summary**

| Lot in Area of Change Next to | Specific Standards | General Buffering | Buffering in DT-UC-MS-PT |
|---|---|---|---|
| Area of Consistency in R-A, R-1, R-MC, or R-T | 14-16-5-6(E)(2) | Landscaped buffer area ≥15 ft. | Wall, fence, or vegetative screen ≥6 ft. |
| Area of Consistency in R-ML or R-MH | 14-16-5-6(E)(3) | Landscaped buffer area ≥20 ft. | |
| Area of Consistency in Mixed-use, NR-C, or NR-PO | 14-16-5-6(E)(4) | Landscaped buffer area ≥25 ft. | |

## 5-6(E)(5) Area of Change Next to Area of Consistency

Where a lot in an Area of Change is abutting or across an alley from a lot in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the lot in the Area of Change, regardless of the proposed land use on that lot.

5-6(E)(5)(a) If the lot in the Area of Consistency is in an R-A, R-1, R-MC, or R-T zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(2) shall apply.

5-6(E)(5)(b) If the lot in the Area of Consistency is in an R-ML or R-MH zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(3) shall apply.

5-6(E)(5)(c) If the lot in the Area of Consistency is in any Mixed-use, NR-C, or NR-PO zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(4) shall apply.

## 5-6(F) PARKING LOT LANDSCAPING

### 5-6(F)(1) Parking Lot Edges

5-6(F)(1)(a) Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises.

5-6(F)(1)(b) Where a parking lot is abutting an R-A, R-1, R-MC, or R-T zone district, provisions related to parking area in Subsection 14-16-5-9(F) (Parking, Drive-throughs Or Drive-ups, and Loading) shall apply.

5-6(F)(1)(c) Where development is coordinated on 2 or more abutting sites, or where multiple parking areas are located on a single lot, or on planned development areas controlled by Site Plans, these requirements shall be based on the entire development area unless otherwise approved by the decision-making body.

5-6(F)(1)(d) Landscape buffers may be crossed by driveways connecting to abutting land.

5-6(F)(1)(e) No parking is allowed within a required landscape buffer area.

5-6(F)(1)(f) 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 5 feet.

5-6(F)(1)(g) The landscape area may be reduced by up to 25 percent if the surface of the parking or vehicle circulation area is of a permeable material with approval from the Planning Director.

5-6(F)(1)(h) Where walls are required, they shall integrate with building materials and colors.

5-6(F)(1)(i) Landscape buffers are required in the following locations, with minimum widths and design requirements as specified below:

1. Front Lot Edge
   a. General
      Any parking lot located within 30 feet of the front lot line shall be screened from the street either by a masonry wall constructed of a material similar in texture, appearance, and color to the street-facing façade of the primary building (but excluding exposed CMU block) at least 3 but not more than 4 feet in height, or by a landscape buffer at least 10 feet in width with a continuous line of evergreen shrubbery 3 feet in height, or by other means that the Planning Director determines provides equal or better screening of the headlights of parked vehicles.
   b. Downtown, Urban Centers, and Main Street and Premium Transit Areas

Any parking lot located within 30 feet of the front lot line shall be screened from the street by a masonry wall as described in Subsection a above. Openings in the masonry wall no more than 4 feet wide to allow passage of bicycles and pedestrians from the street into the parking lot are allowed.

2. Side and Rear Lot Edges
   Where no side or rear lot line buffer is required by Subsection 14-16-5-6(E) above, the following standards apply where the side or rear lot line abuts a public street:
   a. General
      Any parking lot located within 20 feet of a side or rear lot line shall be screened by a landscaped strip at least 6 feet wide containing at least 2 trees and 6 shrubs per 25 feet of the parking lot edge closest to the lot line, or by other means that the Planning Director determines provides equal or better screening of the headlights of parked vehicles.
   b. Downtown, Urban Centers, and Main Street and Premium Transit Areas
      Any parking lot located within 20 feet of a side or rear lot line shall be screened by a landscaped buffer at least 5 feet wide containing one tree and 3 shrubs per 25 feet of the parking lot edge closest to the lot line, or by a masonry wall constructed of a material other than cement block, at least 3 but not more than 4 feet tall.

## 5-6(F)(2) Parking Lot Interior

### 5-6(F)(2)(a) General

At least 10 percent of the parking lot area of lots containing 50 or fewer spaces, and at least 15 percent of the parking lot area of lots containing 50 or more spaces, shall be landscaped.

### 5-6(F)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas

At least 5 percent of the parking lot area of lots containing 50 or fewer spaces, and at least 10 percent of the parking lot area of lots containing 50 or more spaces, shall be landscaped.

### 5-6(F)(2)(c) Tree Requirements

1. One (1) tree is required per 10 parking spaces.
2. No parking space may be more than 100 feet from a tree trunk.
3. 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 a 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.

4. At least 75 percent 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.

**5-6(F)(2)(d) Location and Dimension of Landscaped Areas**

In parking areas of 100 spaces or more, the ends of parking aisles need to be defined by landscaped islands. Required landscaping areas shall be no less than 8 feet in width, and areas for tree planting shall not be smaller than 36 square feet.

### 5-6(F)(3) Abutting Arroyos or Major Public Open Space

When a parking lot is located abutting a major arroyo or any Major Public Open Space, screening shall be provided via one of the following options:

5-6(F)(3)(a) Walls or fencing a minimum of 6 feet high; fencing requires landscaping with evergreen shrubs or vines to form a screen at least 75 percent opaque.

5-6(F)(3)(b) Shrubs and trees sufficient to act as a screen at least 4 feet high and at least 75 percent opaque.

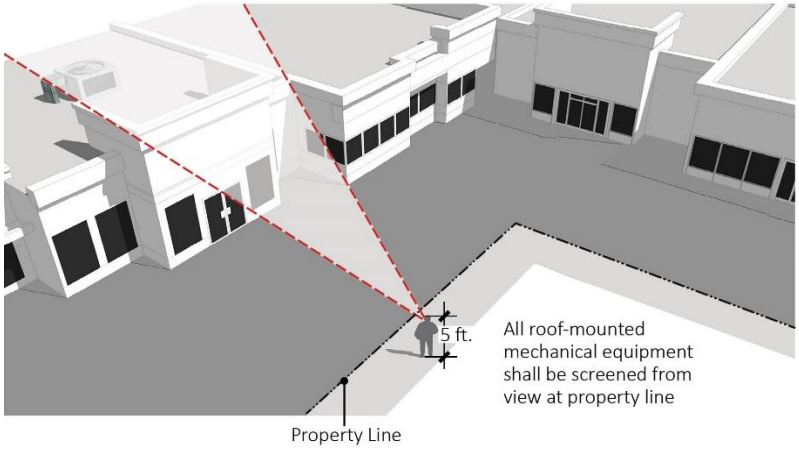
## 5-6(G) SCREENING OF MECHANICAL EQUIPMENT AND SUPPORT AREAS

Site areas listed below shall comply with the following standards. In any case where a decorative wall or fence is required or installed, chain link fencing (with or without slats) shall not satisfy the requirement.

### 5-6(G)(1) Roof-mounted Mechanical Equipment

5-6(G)(1)(a) No screening is required for rooftop solar energy equipment.

5-6(G)(1)(b) In any R-ML, R-MH, Mixed-use, NR-C, NR-BP, NR-SU, or NR-PO zone district, roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from 5 feet above ground level at any property line abutting a City park or trail, Major Public Open Space, major arroyo, or public street classified as a collector or above in the Metropolitan Transportation Plan Long Range Transportation System (LRTS) Guide.




## 5-6(G)(2) Ground-mounted Mechanical Equipment

**5-6(G)(2)(a) R-ML, R-MH, and Mixed-use Zone Districts**

Outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable.

**5-6(G)(2)(b) NR-C, NR-BP, NR-SU, and NR-PO Zone Districts**

Outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties with low-density residential development to the maximum extent practicable.

**5-6(G)(2)(c) Screening**

Where it is not practicable to locate ground-mounted mechanical equipment pursuant to Subsections (a) and (b) above, such equipment shall be screened from view by an opaque decorative wall or fence or a vegetative screen.

1. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall incorporate at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block).
2. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
3. No screening of ground-mounted solar energy equipment that would reduce the efficiency or effectiveness of the solar energy equipment is required.

**5-6(G)(2)(d) Safety Exemption**

Notwithstanding Subsections (a), (b), and (c) above, screening is not required if it would violate any State or federal safety rules.

## 5-6(G)(3) Loading, Service, and Refuse Areas

### 5-6(G)(3)(a) Covering Waste Containers

All waste containers and dumpsters shall be in a roofed enclosure or be equipped with and use a lid covering and shall be designed so that stormwater runoff does not reach storm drain inlets.

### 5-6(G)(3)(b) R-ML, R-MH, and Mixed-use Zone Districts

Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable.

### 5-6(G)(3)(c) NR-C, NR-BP, NR-SU, and NR-PO Zone Districts

Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from streets, City parks, Major Public Open Space, trails, or major arroyos adjacent to the lot or from adjacent properties with low-density residential development to the maximum extent practicable.

### 5-6(G)(3)(d) Screening

Where it is not practicable to locate the loading, service, and refuse areas pursuant to Subsections (a) and (b) above, they shall be screened from view by an opaque decorative wall or fence at least 8 feet tall that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block) or a vegetative screen planted along the full length of the area to be screened and at least 8 feet high at the time of planting.

## 5-6(G)(4) Outdoor Storage Areas for Vehicles, Equipment, and Materials

Areas where motor vehicles, including but not limited to automobiles, trucks, trailers, recreational vehicles, boats, equipment, and/or materials, are stored outside and are typically not moved within a consecutive 7-day period, and that are adjacent to any Residential zone district, a lot containing a Residential use in any Mixed-use zone district, a City park, Major Public Open Space, public trail, or major arroyo, shall be screened from view by a vegetative screen or by an opaque decorative wall or fence at least 7 feet and no more than 8 feet high that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block).

### 5-6(G)(5) Satellite Dishes

For ground-mounted satellite dishes that are larger than 3 feet in diameter in any Residential zone district, or that are larger than 6 feet in diameter in any Mixed-use or Non-residential zone district, the base of the dish shall be screened from view from a City park, Major Public Open Space, public trail, or major arroyo by a vegetative screen or an opaque wall or fence constructed of 1 of the primary materials used on the nearest façade of the primary building on the lot (but excluding exposed CMU block), to the maximum extent possible and consistent with the effective operation of the satellite dish.

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# 5-7 WALLS AND FENCES

## 5-7(A) PURPOSE

The standards in this Section 14-16-5-7 regulate walls, fences, retaining walls, and vertical combinations of those items (collectively referred to in this section as "the wall" or "walls") in order to enhance the visual appearance of development in the city; establish a consistent, attractive streetscape; ensure visual compatibility with public spaces such as City parks and trails, major arroyos, and Major Public Open Space; and promote street and neighborhood character.

## 5-7(B) APPLICABILITY

5-7(B)(1) The Standards in this Section 14-16-5-7 apply to new walls and replacement or repair of existing walls, unless modified elsewhere in this IDO.

5-7(B)(2) A wall shall be erected only after obtaining a permit, pursuant to the provisions in Subsection 14-16-6-5(J) (Wall or Fence Permit – Minor) or 14-16-6-6(N) (Variance – ZHE), as applicable.

5-7(B)(3) If the wall permit is approved pursuant to Subsection 14-16-6-5(J) (Wall or Fence Permit – Minor) or is granted a Variance pursuant to Subsection 14-16-6-6(M) (Variance – EPC) or 14-16-6-6(N) (Variance – ZHE), and the Permit or Variance allows for location, height, or design elements that differ from the regulations in this Section 14-16-5-7, then the requirement in the Permit or Variance shall prevail.

5-7(B)(4) Where higher walls are required for buffering and screening purposes in Section 14-16-5-5 (Parking and Loading), Subsection 14-16-5-6(E) (Edge Buffer Landscaping), Subsection 14-16-5-6(F) (Parking Lot Landscaping), Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas), or Section 14-16-5-9 (Neighborhood Edges), the highest specified wall height allowance shall prevail, but the wall shall be subject to any other applicable standards in this Section 14-16-5-7.

5-7(B)(5) Requests for walls taller than allowed by any provision in this Section 14-16-5-7 require the approval of a Variance, pursuant to Subsection 14-16-6-6(M) (Variance – EPC) for walls associated with a Site Plan – EPC or Subsection 14-16-6-6(N) (Variance – ZHE) for all other walls, and shall meet the additional requirements in Subsection 14-16-5-7(E)(2) (Articulation and Alignment).

5-7(B)(6) Walls adjacent to major arroyos and Major Public Open Space shall be required to follow additional standards in this Section 14-16-5-7 as well as any applicable standards in Subsections 14-16-5-2(E) (Major Arroyo Standards), 14-16-5-2(F) (Irrigation Facility (Acequia) Standards), and 14-16-5-2(H) (Major Public Open Space Edges).

5-7(B)(7) Retaining walls shall be required to follow standards in Subsections 14-16-5-7(C) and 14-16-5-7(F).

5-7(B)(8) Access to bikeways shall be added pursuant to Section 14-16-5-3(C)(5) (Bicycle Circulation).

## 5-7(C) WALL LOCATION

5-7(C)(1) Walls may be constructed anywhere on a parcel, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the Development Process Manual (DPM).

5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1 or 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

## 5-7(D) MAXIMUM WALL HEIGHT

### 5-7(D)(1) Maximum Wall Height Table

Unless specified otherwise in this IDO, walls shall comply with the height standards in Table 5-7-1.

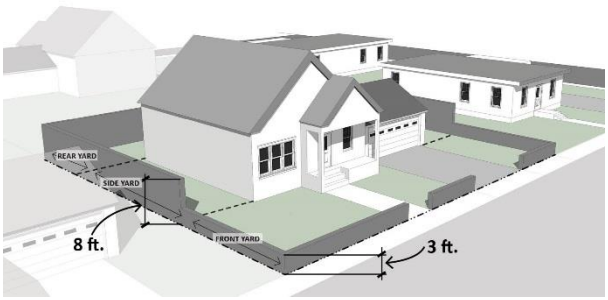
**Table 5-7-1: Maximum Wall Height**

| Zone Category | Residential | Mixed-use | Non-residential (NR-C, NR-BP) | Non-residential (NR-LM, NR-GM) | See also: |
|---|---|---|---|---|---|
| **Standard Wall Height** | | | | | |
| Wall in the front yard or street side yard[1] | 3 ft. | 3 ft. | 3 ft. | 6 ft. | 5-7(D)(2) |
| Wall in other locations on the lot[2][3] | 8 ft. | 8 ft. | 8 ft. | 10 ft. | 5-7(D)(2) |
| **Corner Lot Abutting Residential Zone District** | | | | | |
| Any portion of a wall in the rear yard abutting the front yard of a Residential zone district. | | | | | |
| <10 ft. from the lot line abutting the street[1] | 3 ft. | 3 ft. | 3 ft. | 6 ft. | 5-7(D)(2)<br>5-7(D)(3)(d) |
| ≥10 ft. from the lot line abutting the street | 6 ft. | 8 ft.<br>Low –density residential: 6ft. | 8 ft. | 8 ft. | 5-7(D)(2) |
| **Walls Abutting Major Arroyos and Major Public Open Space** | | | | | |
| Wall in a rear or interior side yard abutting a major arroyo | 6 ft. | 8 ft. | 8 ft. | 8 ft. | 5-7(D)(2)<br>5-7(E)(4) |
| Wall in a rear or interior side yard abutting Major Public Open Space | 6 ft. | 6 ft. | 6 ft. | 10 ft. | 5-7(D)(2)<br>5-7(E)(4) |

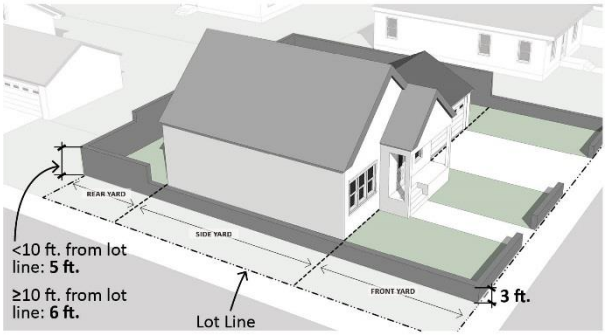
[1] A Variance – ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2.
[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.
[3] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.

## 5-7(D)(2) Wall Illustrations

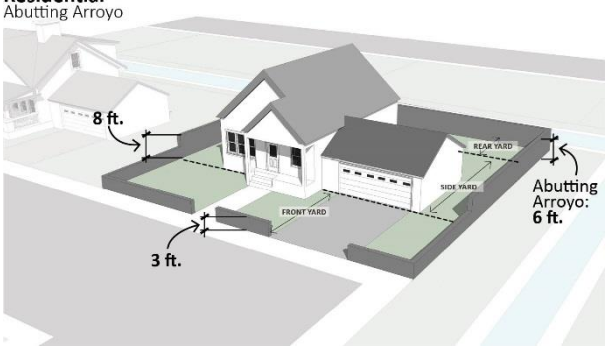
**Residential**
Standard Wall



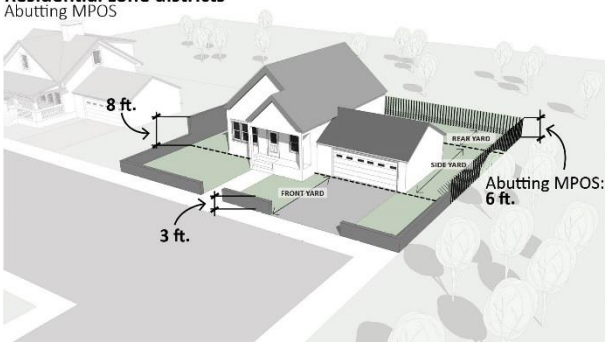

**Residential**
Corner (May Require Variance – ZHE)



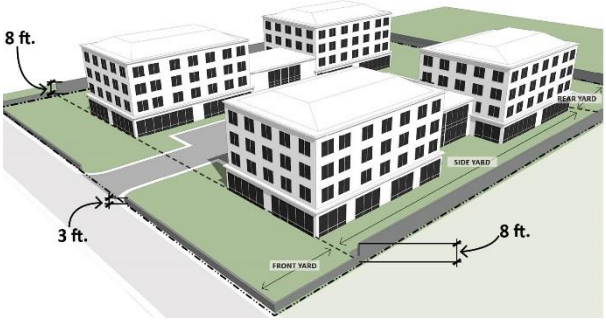

**Residential**
Abutting Arroyo



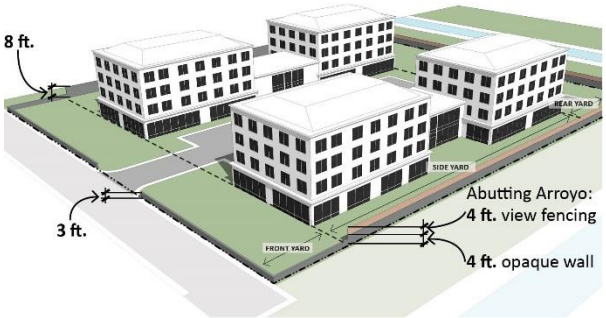

**Residential zone districts**
Abutting MPOS



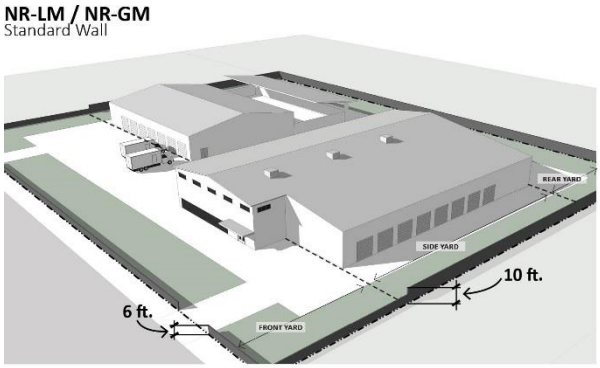

**Mixed-use / NR-C / NR-BP**
Standard Wall

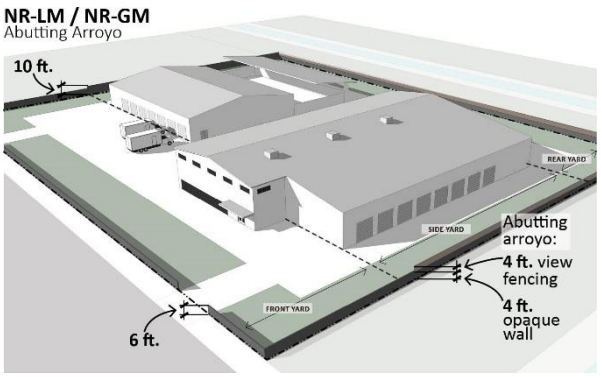


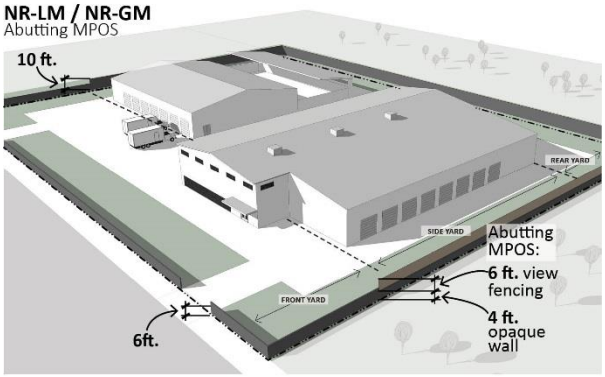

**Mixed-use / NR-C / NR-BP**
Abutting Arroyo




**Mixed-use / NR-C / NR-BP**
Abutting MPOS




## 5-7(D)(3) Exceptions to Maximum Wall Height

5-7(D)(3)(a) Design elements may project vertically 2 feet above the maximum wall height. Such elements shall have a maximum width of 5 feet and are allowed at intervals of no less than 200 feet.

5-7(D)(3)(b) Retaining walls are subject to the height restrictions in Subsection 14-16-5-7(F)(1) (Maximum Height).

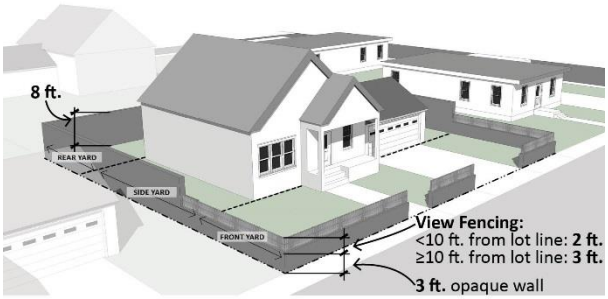
5-7(D)(3)(c) Except where a Variance – ZHE is required pursuant to Subsection (d) below or where prohibited pursuant to Subsection (f) below, the ZEO may make an exception to the height standards in Table 5-7-1 for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site, pursuant to Subsection 14-16-6-5(J) (Wall or Fence Permit – Minor).

5-7(D)(3)(d) In a Residential zone district or on a lot with low-density residential development in any other zone district that abuts a Residential zone district, where wall height is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Variance – ZHE to be reviewed and decided based on the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall), except where a taller wall is prohibited pursuant to Subsection (f) below.

| Table 5-7-2: Options for a Taller Front or Side Yard Wall | | |
|---|---|---|
| **Wall Type and Location** | **Maximum Wall Height** | **Illustration** |
| **View Fencing** | | |
| View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows: | | |
| <10 ft. from lot line abutting the street | 5 ft. | 5-7(D)(3)(d)1 |
| ≥10 ft. from lot line abutting the street | 6 ft. | 5-7(D)(3)(d)1 |
| **Courtyard Walls** | | |
| ≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive | 6 ft. | 5-7(D)(3)(d)2 |
| **Corner Lots** | | |
| On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows: | | |
| <10 ft. from the lot line abutting the street | 5 ft. | 5-7(D)(2) |

1. Illustration for View Fencing

**Residential**
View Fencing (Requires Variance – ZHE)



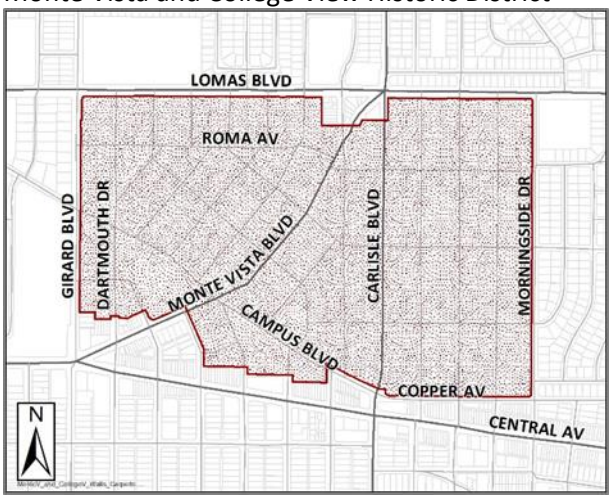

2. Illustration for Courtyard Wall

**Residential**
Courtyard Wall (Requires Variance – ZHE)

5-7(D)(3)(e) Walls greater than 3 feet in height are not allowed in any front or street side yard on lots with low-density residential development in the following mapped areas, and no Variance to this provision is allowed in these areas.

1. Downtown Neighborhood Area – CPO-3

2. Monte Vista and College View Historic District




## 5-7(E) MATERIALS AND DESIGN

### 5-7(E)(1) Materials and Texture

5-7(E)(1)(a) Unless specified otherwise in this IDO, walls may be opaque.

5-7(E)(1)(b) Acceptable wall materials include, but are not limited to, stucco over concrete masonry unit (CMU) blocks or other structural materials; stabilized adobe; split face blocks; slump blocks; bricks; stone; glass blocks; curved interlock blocks; wood; tubular steel; wrought iron bars; chain link fencing; other grill work; or a combination of these materials, with the following exceptions:

1. Exposed flat-faced CMU blocks shall not constitute more than 50 percent of any wall facing a public street or City park or trail.
2. Chain link fencing (with or without slats) shall not be allowed on any portion of a site visible from a public street, City park or trail, Major Public Open Space, or major arroyo except in the R-A, R-1, NR-LM, or NR-GM zone districts. Chain link fencing is allowed as temporary security fencing during active construction in any zone district.

5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar materials are prohibited in and abutting any Residential zone district or lot containing a Residential use in any Mixed-use zone district, and shall not be visible from a public street, City park or trail, or Major Public Open Space. Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.

### 5-7(E)(2) Articulation and Alignment

Portions of walls that obtain approval or are required to exceed the maximum height limits in Section 14-16-5-7(D) (Maximum Wall Height) and that face any public street, City park or trail, Major Public Open Space, or major arroyo, shall

incorporate at least 1 of the following features to break up the massing of the wall (see graphic below for illustrations of each option):

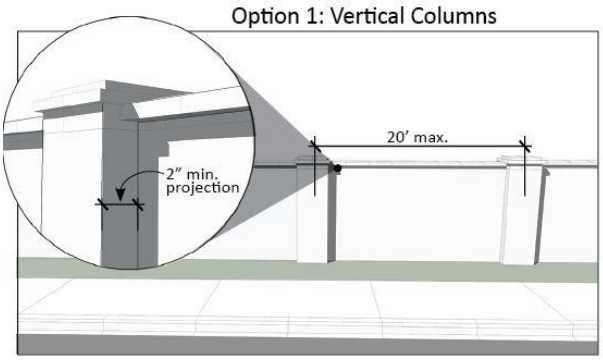
**5-7(E)(2)(a) Option 1**
Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals of no more than 20 feet in length.

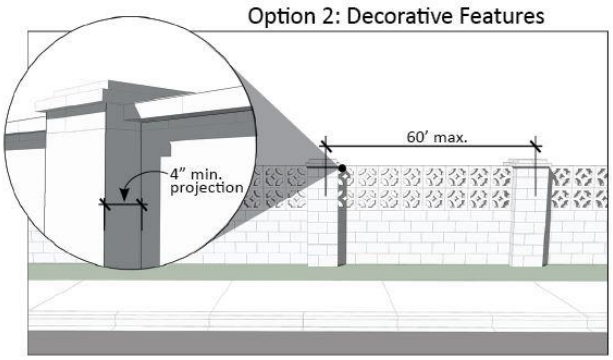
**5-7(E)(2)(b) Option 2**
Decorative features, such as columns with a minimum projection of 4 inches from the public side of the wall surface at intervals of no more than 60 feet in length.

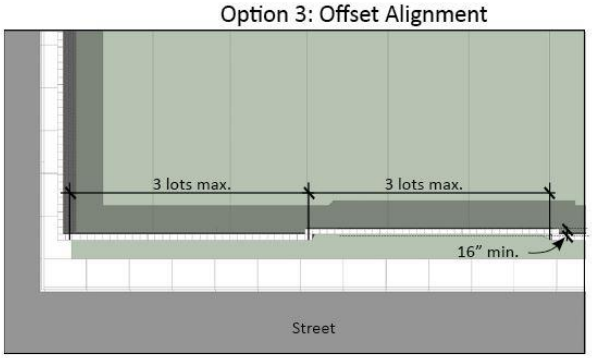
**5-7(E)(2)(c) Option 3**
Offset in wall alignment of at least 16 inches, spaced so that no more than 3 consecutive lots have the same wall alignment.

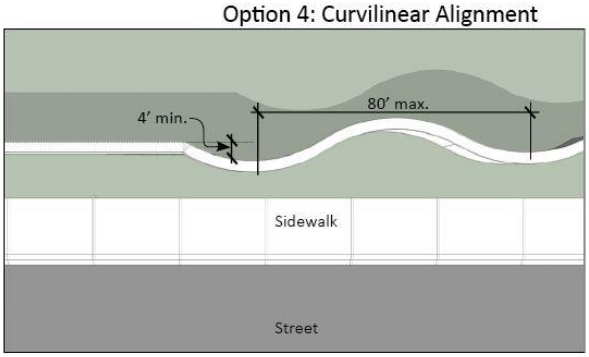
**5-7(E)(2)(d) Option 4**
Curvilinear alignments with a minimum distance of 4 feet between the outer surfaces of the wall. The outermost point of each curve shall have intervals no greater than 80 feet.

**5-7(E)(2)(e) Option 5**
Terracing of walls with a minimum horizontal distance of 4 feet separating the vertical height segments.

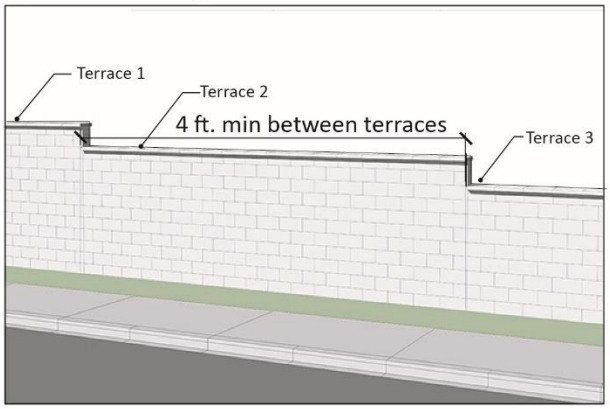


**Option 5: Terracing**




## 5-7(E)(3) Wall Design

Any portions of a wall facing a public street, City park or trail, Major Public Open Space, or major arroyo shall comply with at least 1 of the following (see graphic below for illustrations of each option):

**5-7(E)(3)(a) Option 1**
Openings distributed throughout the length of the wall equal to at least 5 percent of the wall surface, constructed into the surface or created by using see-through pattern blocks, tubular steel or wrought iron bars, wood, or other grillwork.

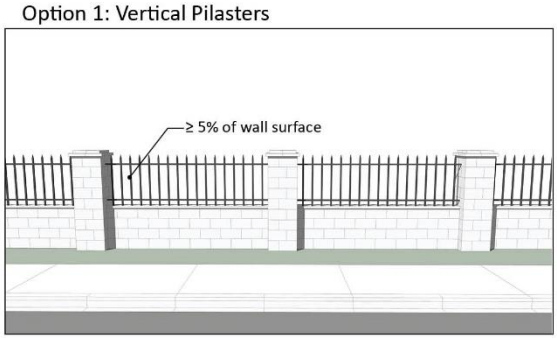
**5-7(E)(3)(b) Option 2**
Variation in wall height at intervals of at least every 20 feet throughout the length of the wall. The normal stepping of the wall to accommodate grade change does not satisfy this requirement.

**5-7(E)(3)(c) Option 3**
Use of a second and visually contrasting material, texture, or color throughout the length of the wall on at least 20 percent of the wall surface.

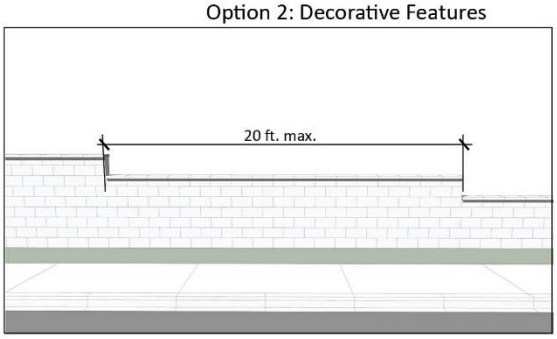
**5-7(E)(3)(d) Option 4**
A continuous overhang cap along the length of the wall that projects at least 2 inches from the public side of the wall surface.

**5-7(E)(3)(e) Option 5**
A variety of living shrubs, trees, and/or vines covering or overhanging at least 1/3 of the length of the wall in conjunction with a streetscape/landscape maintenance agreement between the City and the adjoining property owner and/or community association as part of a subdivision approval.

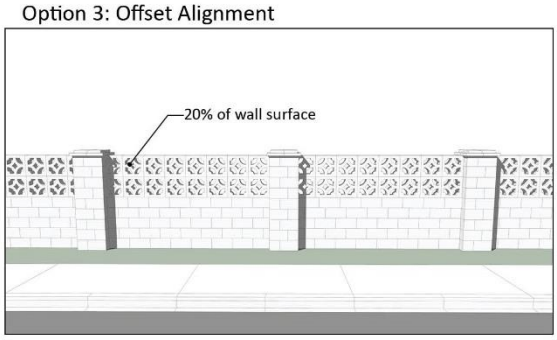
Option 1: Vertical Pilasters



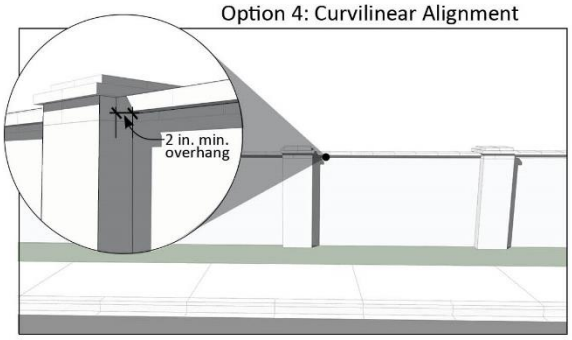

Option 2: Decorative Features



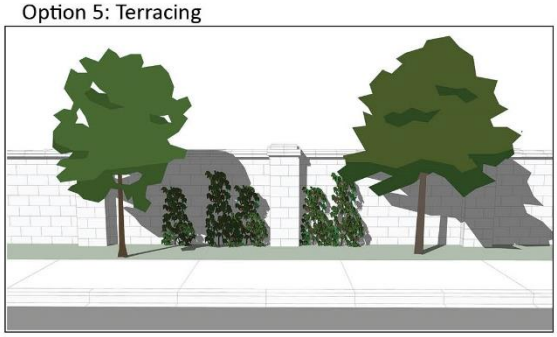

Option 3: Offset Alignment




Option 4: Curvilinear Alignment




Option 5: Terracing



## 5-7(E)(4) Walls Adjacent to Major Arroyos or Major Public Open Space

All walls other than retaining walls adjacent to a major arroyo or any Major Public Open Space must comply with the following standards, in addition to all other applicable standards in this Section 14-16-5-7. If any of the following standards conflict with another wall standard in this IDO, the standard in this Subsection 14-16-5-7(E)(4) shall prevail.

5-7(E)(4)(a) In any zone district adjacent to Major Public Open Space and in any Mixed-use or Non-residential zone district adjacent to arroyos, only the following wall types are allowed on the sides of the lot facing the Major Public Open Space or arroyo:

1. View fencing of at most 50 percent opacity constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material. Where allowed, chain-link fencing shall be accompanied by a vegetative screen with a mature height at least as tall as the fence and with at most 75 percent

opacity, planted on the public side of the fence but within the lot line containing the proposed development.

2. Opaque walls of 4 feet or less, combined with view fencing as described in Subsection 1 above, with a combined height not to exceed the maximum wall height in Table 5-7-1.
3. Where allowed, opaque walls shall be constructed of wood, stucco over CMU blocks, stained concrete block, stone, split-faced or fluted block, or adobe. Exposed CMU block walls are prohibited. Predominant materials shall be earthtone in color, with a Light Reflective Value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

5-7(E)(4)(b) Where walls are allowed to be higher than 4 feet pursuant to Table 5-7-1, the following standards apply:

1. Opaque walls over 4 feet in height are allowed adjacent to arroyos only in any Residential zone district.
2. Opaque walls may be no more than 4 feet tall, combined with 1 of the fencing types described in Subsection (a)1 above, with a combined height not to exceed the maximum wall height in Table 5-7-1.
3. Each wall over 4 feet tall shall include a horizontal offset of at least 16 inches every 100 feet.

5-7(E)(4)(c) On lots adjacent to the Petroglyph National Monument, perimeter walls abutting the Petroglyph National Monument shall be view fencing, such as post and wire, with a maximum of 10 percent opacity.

1. In any zone district, 1 screening wall with higher than 10 percent opacity may be constructed parallel to the lot line abutting the Petroglyph National Monument, subject to the following requirements:
   a. The wall is not located within the minimum building setbacks required by the zone district.
   b. The wall is no more than 20 feet long or up to 50 percent of the lot width, whichever is less.
   c. Wall materials shall be the same as or complement the primary building and shall be constructed of earth tone materials with an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.
2. In any Residential zone district, on lots greater than 10,000 square feet, courtyard walls with higher than 10 percent opacity are allowed to be constructed parallel to the lot line abutting the Petroglyph National Monument that meet the following requirements:

a. Walls forming the courtyard are attached to the primary building.

b. Walls are not located within the minimum setbacks required by the zone district.

c. Wall materials shall be the same or complement the primary building and shall be constructed of earth-tone materials an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

d. The total area of enclosed spaces on a lot (e.g. any combination of patio, pool enclosure, or courtyard) shall be limited to 1,000 square feet or up to 50% of the primary building square footage, whichever is greater, up to a maximum of 2,000 square feet.

3. For single-family and two-family dwellings abutting a trail on the Petroglyph National Monument, an opaque perimeter wall is allowed but may only be constructed of stucco over CMU blocks, coyote fencing, or stone per height requirements in Subsection 14-16-5-7(D) (Maximum Wall Height).

## 5-7(F) RETAINING WALL STANDARDS

### 5-7(F)(1) Maximum Height

5-7(F)(1)(a) Retaining walls shall have a maximum height as specified in Section 14-16-5-7(D) (Maximum Wall Height) unless a higher wall is approved by the City Engineer as necessary on a particular lot.

5-7(F)(1)(b) Retaining walls higher than 6 feet tall shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm. Terracing shall be limited to 3 tiers.

### 5-7(F)(2) Terracing

5-7(F)(2)(a) A terrace at least 4 feet wide, with a maximum slope of 1:3 (rise:run), shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the City Engineer where site constraints limit the amount of space available to accommodate the minimum required width.

5-7(F)(2)(b) Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

### 5-7(F)(3) Setback

Retaining walls must be set back so that the underground footing does not encroach on any abutting public right-of-way.

# 5-8 OUTDOOR LIGHTING

## 5-8(A) PURPOSE

The purpose of this Section 14-16-5-8 is to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light pollution between private properties, and prevent unnecessary sky glow that reduces visibility of stars in the night sky.

## 5-8(B) APPLICABILITY

### 5-8(B)(1) General

All exterior lighting for multi-family, mixed-use and non-residential development shall comply with the standards of this Section 14-16-5-8 unless specified otherwise in this IDO. The standards of this section shall apply to both new lighting and the replacement of fixtures (excepting lamp replacement), regardless of type, mounting, or location.

### 5-8(B)(2) Exemptions

The following types of lighting are not subject to the requirements of this Section 14-16-5-8:

5-8(B)(2)(a) Outdoor light fixtures on advertisement signs on interstate highways.

5-8(B)(2)(b) Outdoor light fixtures existing and legally installed prior to the effective date of this IDO that do not comply with provisions of this IDO not contained in the New Mexico Night Sky Protection Act, provided that when existing light fixtures become unrepairable, their replacements are subject to all the provisions of this Section 14-16-5-8.

5-8(B)(2)(c) Navigational lighting systems at airports and other lighting necessary for aircraft safety.

5-8(B)(2)(d) Outdoor light fixtures necessary for worker safety at farms; ranches; dairies; feedlots; or industrial, mining, or oil and gas facilities.

5-8(B)(2)(e) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that all of the following apply:

1. Light poles are not more than 30 ft. tall.

2. Maximum illumination at the property line is not brighter than 200 foot lamberts.
3. Exterior lighting is extinguished no later than 11:00 P.M. except to complete an activity that is in progress prior to 11:00 P.M.

5-8(B)(2)(f) Lighting for outdoor recreational uses in the NR-PO-B sub-zone that exceeds the standards in this Section 14-16-5-8 but complies with a Master Plan approved by the EPC.

5-8(B)(2)(g) Illuminated and electronic signs are regulated in Section 14-16-5-12 (Signs).

## 5-8(C) PROHIBITED LIGHTING

5-8(C)(1) Searchlights, spotlights, or floodlights are prohibited, except when used to illuminate alleys, parking structures, and working (maintenance) areas. Where allowed for these purposes, such lights must be shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding 200 foot lamberts.

5-8(C)(2) Notwithstanding Subsection (1) above, all searchlights, spotlights, and floodlights are prohibited within 500 feet of the boundary of any area regulated by Division 30-VI-2 of the Bernalillo County Code of Ordinances (North Albuquerque Acres and Sandia Heights Light Pollution Ordinance).

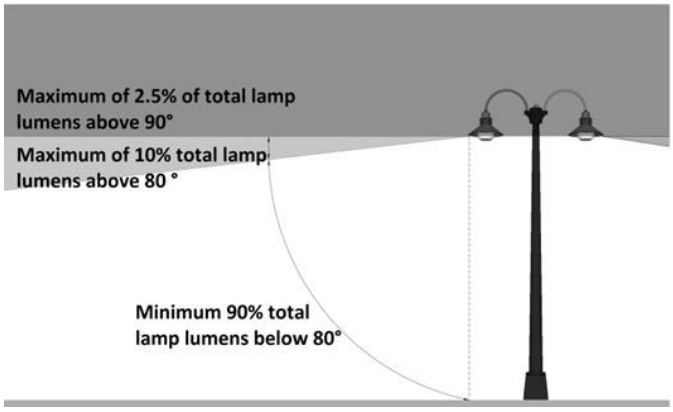
5-8(C)(3) Lighting that is designed to be flashing, traveling, animated, or intermittent is prohibited, except for seasonal displays discontinued within 7 consecutive days of the holiday for which the lighting was provided.

5-8(C)(4) Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights, are prohibited. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

## 5-8(D) GENERAL DESIGN AND ILLUMINATION

All exterior lighting subject to this Section 14-16-5-8 shall meet the following standards:

5-8(D)(1) All outdoor light fixtures 150 watts or greater for incandescent light sources or 70 watts or greater for other types of light sources shall be shielded using full cutoff light fixtures (i.e. a light fixture with zero intensity at or above 90 degrees above nadir and limited to a value not exceeding 10 percent of lamp lumens at or above 80 degrees).




5-8(D)(2) No light source for any outdoor light fixture shall be directly visible from any public right-of-way or any adjacent property and shall not be visible from a distance greater than 1,000 feet in any Residential zone district.

5-8(D)(3) All outdoor lighting shall be shielded and aimed so that light spillover onto the area 10 feet beyond the property line shall not exceed 200 foot lamberts at the property line except where adjacent to walkways, bicycle paths, driveways, or public or private streets.

5-8(D)(4) All outdoor light fixtures within any Residential or Mixed-use zone district shall remain off between 11:00 P.M. and sunrise except for security purposes or to illuminate walkways, driveways, equipment yards, and parking lots.

5-8(D)(5) Any sports lighting, floodlights, or searchlights allowed by this Section 14-16-5-8 shall be turned off between 11:00 P.M. and sunrise.

5-8(D)(6) Light fixtures shall have a minimum light intensity of one lumen per square foot and a maximum intensity of 2 lumens per square foot unless a different standard is provided in this IDO.

5-8(D)(7) The height of light poles, measured from the finished grade to the top of the pole, shall comply with the standards in Table 5-8-1 unless the specific standards in Part 14-16-2 or Part 14-16-3, or the Use-specific Standards in Section 14-16-4-3 provide a different standard, or unless the property is located in the NR-PO-B sub-zone and the pole heights comply with a Master Plan approved by the EPC.

**Table 5-8-1: Maximum Height for Light Poles**

| Zone District | Maximum Height, ft. |
|---|---|
| Residential zone districts and HPO zones | 16 |
| Mixed-use zone districts | 20 |
| Non-residential zone districts | 30 |
| Within 100 feet of any Residential zone district | 16 |
| Adjacent to Major Public Open Space | 20 |

5-8(D)(8) All exterior light fixtures mounted on a building or structure other than a light pole, except for security lighting, shall be mounted at least 6 feet and no more than 15 feet above grade or no higher than 7 feet above the floor of a stoop or porch unless specified otherwise in this IDO.

5-8(D)(9) Light fixtures installed in canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy and shall be equipped with flat lenses that do not project below the canopy ceiling. The canopy fascia shall not be internally illuminated.

5-8(D)(10) All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.

## 5-8(E) ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING

### 5-8(E)(1) Pedestrian-scale Lighting

Pedestrian light fixtures shall comply with the following standards:

5-8(E)(1)(a) Pedestrian-scale lighting, including lighting for sidewalks, walkways, trails, and bicycle paths, shall provide an illumination of at least 1 foot candle, not to exceed 4 foot candles.

5-8(E)(1)(b) Pedestrian light poles shall be mounted no higher than 12 feet above grade and shall be placed a maximum of 100 feet apart.

5-8(E)(1)(c) Pedestrian bollard lamps shall be mounted no higher than 4 feet above grade and shall not exceed 900 lumens for any single lamp.

### 5-8(E)(2) Decorative Outdoor Lighting

Outdoor lighting intended to enhance the decorative appearance of a building and/or landscaping shall comply with the following standards:

5-8(E)(2)(a) Decorative outdoor lighting shall cast all light downward (rather than upward) against the building surface or onto a landscape feature.

5-8(E)(2)(b) Decorative outdoor lighting shall not exceed 100 watts of incandescent luminance or the equivalent.

5-8(E)(2)(c) Decorative outdoor lighting shall be turned off between 11:00 P.M. and sunrise.

5-8(E)(2)(d) In DT and EC areas and in the Uptown Urban Center, the following standards and exceptions apply:

1. Light fixtures for decorative outdoor lighting that are mounted on a building may be higher than allowed by Subsection 14-16-5-8(D)(8), but no higher than the top of the wall or parapet on which they are mounted.
2. Subsections 14-16-5-8(D)(4) and 14-16-5-8(E)(2)(c) do not apply to decorative outdoor lighting.

### 5-8(E)(3) Parking Lots

Outdoor lighting for parking lots shall comply with the following standards:

5-8(E)(3)(a) Pedestrian walkways and bicycle paths in parking areas shall be lit with pedestrian-scale lighting.

5-8(E)(3)(b) Maintained average luminance values in paved parking areas shall provide an illumination of at least 1 foot candle, not to exceed 4 foot candles.

# 5-9 NEIGHBORHOOD EDGES

## 5-9(A) PURPOSE

This section is intended to preserve the residential neighborhood character of established low-density homes in any Residential zone district on lots adjacent to any Mixed-use or Non-residential zone district.

## 5-9(B) APPLICABILITY

### 5-9(B)(1) Protected Lots

The Neighborhood Edges provisions in this Section 14-16-5-9 are intended to protect lots in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential development.

### 5-9(B)(2) Regulated Lots

Lots regulated by this Section 14-16-5-9 include all those in any R-ML, R-MH, Mixed-use, or Non-residential zone district that are adjacent to a Protected Lot.

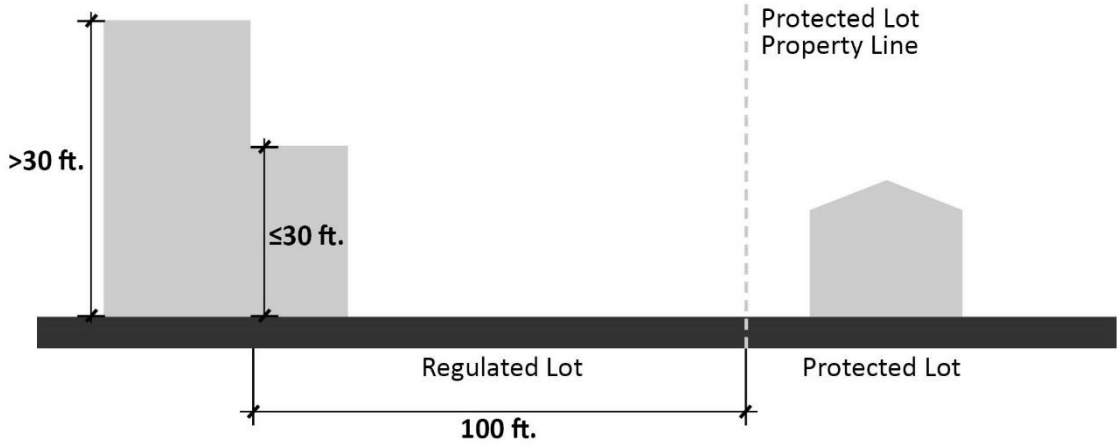
## 5-9(C) BUILDING HEIGHT STEPDOWN

### 5-9(C)(1) General Requirement

On Regulated Lots, any portion of a primary or accessory building within 100 feet of any lot line adjacent to a Protected Lot shall step down to a maximum height of 30 feet (see figure below).

### 5-9(C)(2) Urban Centers and Main Street and Premium Transit Areas

On Regulated Lots in UC-MS-PT areas, any portion of a primary or accessory building within 50 feet of any lot line adjacent to a Protected Lot shall step down to a maximum height of 30 feet (see figure below).




**Regulated Lot in UC-MS-PT areas: 50 ft.**

## 5-9(D) LIGHTING HEIGHT

The standards in Section 14-16-5-8 (Outdoor Lighting) shall apply.

## 5-9(E) SCREENING AND BUFFERING

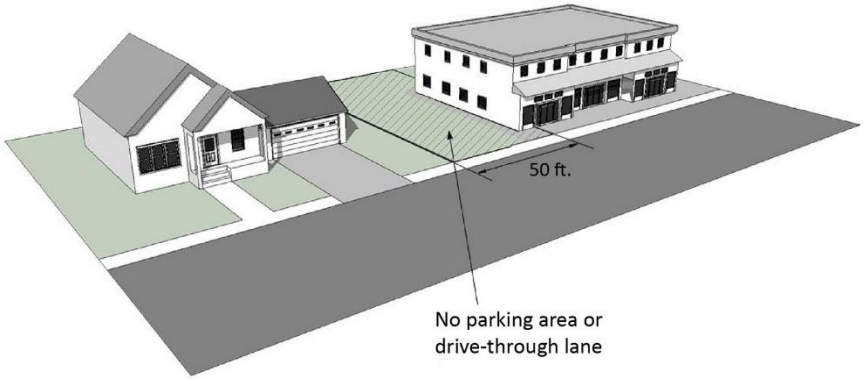
5-9(E)(1) For Regulated Lots, a special buffer landscape is required to minimize noise and sight impact of Non-residential development in Residential areas. Buffers shall meet the requirements in Subsection 14-16-5-6(E) (Edge Buffer Landscaping).

5-9(E)(2) Where parking or vehicle circulation areas on a Regulated Lot abut a Protected Lot, a minimum 6 foot high opaque wall or fence shall also be required to visually screen the parking or circulation area. Chain link fence with slats shall not constitute acceptable screening.

### 5-9(F) PARKING, DRIVE-THROUGHS OR DRIVE-UPS, AND LOADING

#### 5-9(F)(1) Parking and Drive-throughs or Drive-ups

For Regulated Lots 10,000 square feet or larger, parking areas and drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 50 feet (see figure below). For parking areas, landscaping requirements in Subsection 14-16-5-6(F)(1) apply. For drive-throughs, requirements in Subsection 14-16-5-5(I) apply.




#### 5-9(F)(2) Truck Loading Areas

No truck loading area shall be located between a primary or accessory structure on a Regulated Lot and any side or rear lot line abutting a Protected Lot.

## 5-10 SOLAR ACCESS

### 5-10(A) PURPOSE

The standards in this Section 14-16-5-10 are intended to allow for development while ensuring continued access to solar energy.

### 5-10(B) APPLICABILITY

The standards in this Section 14-16-5-10 apply to development in the R-A, R-1, R-MC, and R-T zone districts.

### 5-10(C) BUILDING HEIGHT

5-10(C)(1) The building height shall not exceed the following heights, determined by the distance cardinally south from the northern boundary of the lot as shown in Table 5-10-1, or angle plane equivalent. Distances in Table 5-10-1 have been calibrated to a 32 degree angle that allows 1 hour of Winter Solstice sunlight that hits at least 2 feet up on a southern-facing wall located 10 feet from the property line. Distances from the northern property line that are not whole numbers are rounded down.

| Table 5-10-1: Solar Rights Maximum Building Heights | |
|---|---|
| **Distance from Northern Lot Line, ft.** | **Maximum Building Height, ft.** |
| 0-5 | 10 |
| 6-10 | 11 |
| 11-15 | 14 |
| 16-20 | 17 |
| 21-25 | 20 |
| 26-30 | 23 |
| 31-35 | 25 |
| 36 or more | 26 |

5-10(C)(2) The Zoning Enforcement Officer (ZEO) shall waive or adjust the provisions of Subsection (1) above if the ZEO finds that beneficial solar access can be protected for a lot to the north without compliance with the provisions of Subsection (1) because:

5-10(C)(2)(a) The lot(s) to the north are large enough or higher in elevation than the lot to the south, so that there are many good locations for passive or active solar collector that would not be blocked by proposed construction that does not comply with the height restrictions of Subsection (1) above.

5-10(C)(2)(b) The development on the lot(s) to the north is already served by as much solar collector area as is likely to ever be needed for that lot, and solar access to those collector surfaces will not be impaired by the proposed construction.

5-10(C)(2)(c) The owner or builder proposing the height limit waiver has demonstrated that there will clearly not be a primary building on the lot to the north within 35 feet north of the proposed building.

## 5-10(D) PERMITS FOR SOLAR RIGHTS

Permits to protect solar rights may be requested pursuant to Part 14-11-7 of ROA 1994 (Permits for Solar Rights) and any relevant standards in the DPM.

# 5-11 BUILDING DESIGN

## 5-11(A) PURPOSE

The standards in this Section 14-16-5-11 are intended to enhance the visual appearance of development of the city, to promote street and neighborhood character, and to strengthen the pedestrian environment. Regulations for large-scale development are also provided to mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to large commercial buildings.

## 5-11(B) APPLICABILITY

The standards in this Section 14-16-5-11 shall apply to development in any zone district when any of the following takes place:

5-11(B)(1) Construction of a new building.

5-11(B)(2) Expansion of the gross floor area of an existing building by 50 percent or more, or 15,000 square feet, whichever is less, in which case the standards of this Section 14-16-5-11 apply to all portions of the building created by or reconstructed as part of the expansion project.

5-11(B)(3) Addition of a second story to an existing single-family or two-family detached dwelling.

5-11(B)(4) Expansions or renovations of existing buildings that are listed on the National Register of Historic Places or the State Register of Cultural Properties or that are determined to be eligible for listing by the appropriate agency.

## 5-11(C) LOW-DENSITY RESIDENTIAL DEVELOPMENT

All low-density residential development in any zone district shall comply with all of the standards in this Subsection 14-16-5-11(C).

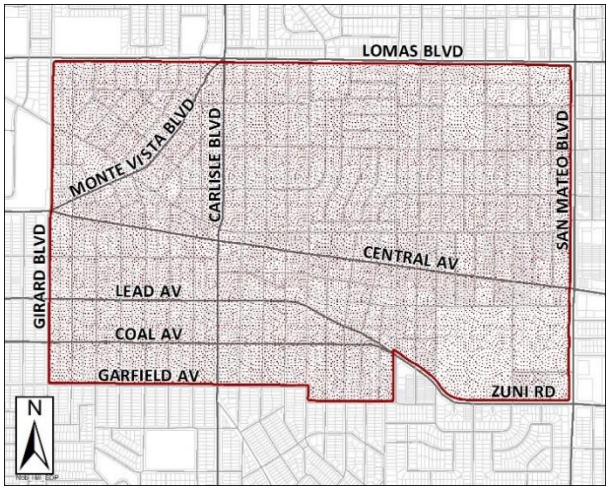
### 5-11(C)(1) Primary Building Stepback

Second-story additions and portions of buildings over 15 feet in height shall be stepped back a minimum of 6 feet from the front façade in the following mapped areas, as noted.

5-11(C)(1)(a) Downtown Neighborhood Area – CPO-3
R-1 and R-T zone districts in the Downtown Neighborhood Area – CPO-3. When there is an existing porch, the stepback is measured from the edge of the porch closest to the street.

5-11(C)(1)(b) Los Duranes – CPO-6

5-11(C)(1)(c) Nob Hill/Highland Area




5-11(C)(1)(d) Sawmill/Wells Park – CPO-11
R-1 and R-T zone districts in the Sawmill/Wells Park – CPO-11.

## 5-11(C)(2) Garages

5-11(C)(2)(a) A garage that is accessed from the side (i.e. the garage door is perpendicular to the front façade of the primary building), the street-facing façade of the garage shall be articulated to resemble the façade of the primary building and shall include at least 5 linear feet of windows.

5-11(C)(2)(b) Rear-loaded residential garages shall be set back a minimum of 3 feet from an alley or street.

## 5-11(C)(3) Accessory Buildings

5-11(C)(3)(a) Accessory buildings shall not be located in any required front setback and shall not occupy over 25 percent of the side and rear yards combined.

5-11(C)(3)(b) An accessory building in any required setback shall not exceed the height of the primary building and any applicable height limitations imposed by Section 14-16-5-10 (Solar Access) unless it is in a required street side setback, where it shall not exceed the maximum height of a wall or fence allowed by Subsection 14-16-5-7(D).

5-11(C)(3)(c) On a corner lot, the rear yard of which abuts the front yard of a residentially-zoned lot, an accessory building shall comply with the same street side setback as the primary building.

5-11(C)(3)(d) An accessory building that is not covered by Subsection (c) above has no required setback from a lot line.

5-11(C)(3)(e) No accessory building may extend across the width of the rear or side yard unless a passage of at least 5 feet is provided at some point along the width.

5-11(C)(3)(f) An accessory building may be connected to the principal building with a roof, provided that at least 2 sides of the connecting structure are not enclosed with a material other than that

necessary for roof supports. The roof shall be located at least as far from any side lot line as is the roof of the principal building.

5-11(C)(3)(g) All accessory buildings must comply with the provisions in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code).

## 5-11(D) MULTI-FAMILY RESIDENTIAL DEVELOPMENT

All multi-family residential development in any Residential zone district and containing more than 50 dwelling units shall comply with all of the standards in this Subsection 14-16-5-11(D).

### 5-11(D)(1) Building Entrances

Primary pedestrian entrances to each primary building shall be emphasized through variations in façade colors or materials, porticos, roof variations, recesses or projections, or other integral building forms.

### 5-11(D)(2) Façade Design

5-11(D)(2)(a) No street-facing façade of a primary building shall extend more than 80 horizontal feet without projections or recesses. Each façade greater than 100 horizontal feet in length shall incorporate wall plane projections or recesses having a depth of at least 5 percent of the length of the façade and extending at least 20 percent of the length of the façade.

5-11(D)(2)(b) In UC-MS-PT areas, each floor of every façade that faces a public street shall contain a minimum of 20 percent of the façade in clear, transparent windows and/or doors.

### 5-11(D)(3) Roof Design

Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least 2 feet. Roofs with a pitch of less than 2:12 shall be screened by a parapet wall, which shall not be calculated as part of building height.

### 5-11(D)(4) Garages and Carports

To the maximum extent feasible, garages and carports shall not be located between any street-facing façade of any primary multi-family building and the abutting street, but shall instead be internalized within building groups so as not to be directly visible from the street frontage.

## 5-11(E) MIXED-USE AND NON-RESIDENTIAL ZONE DISTRICTS

All multi-family, mixed-use, and non-residential development located in any Mixed-use or Non-residential zone district, excluding MX-FB, NR-LM, NR-GM, NR-SU, and NR-PO, shall comply with the standards in this Subsection 14-16-5-11(E).

### 5-11(E)(1) Ground Floor Height

In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum height of 12 feet.

## 5-11(E)(2) Façade Design

### 5-11(E)(2)(a) General

1. Façades shall be designed to provide a sense of human scale at ground level by providing a clear architectural distinction between ground floor levels and all additional levels.
2. Each façade facing a public street shall incorporate at least 2 of the following features along at least 30 percent of the horizontal length of the façade. The features listed below shall be distributed along the façade so that each horizontal façade length of 40 linear feet contains at least 1 of the following features:
   a. Ground-floor clear, transparent display windows, with the lower edge of window sills no higher than 30 inches above the finished floor.
   b. Windows on upper floors.
   c. Primary pedestrian entrances.
   d. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
   e. Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
   f. Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
3. Each street-facing façade longer than 100 feet shall incorporate at least 1 of the following additional features:
   a. Wall plane projections or recesses of at least 1 foot in depth, occurring at least every 100 linear feet and extending at least 25 percent of the length of the façade.
   b. A change in color, texture, or material occurring every 50 linear feet and extending at least 20 percent of the length of the façade.
   c. An offset, reveal, pilaster, or projecting element, no less than 2 feet in width and projecting from the façade by at least 6 inches and repeating at minimum intervals of 30 feet.
   d. Three-dimensional cornice or base treatments.
   e. A projecting gable, hip feature, or change in parapet height for every 100 linear feet of the façade.
   f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

4. All accessory buildings visible from a public street shall be similar in color, material, distinctive rooflines, finishing details, and accent features to the primary building.

**5-11(E)(2)(b) Urban Centers, Activity Centers, and Main Street and Premium Transit Areas**

1. Each ground floor façade facing a public street shall contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor (see figure below).
   a. Signs or graphics covering windows or doors must comply with the provisions in Table 5-12-2.
   b. For commercial or office uses, interior space must be visible to a depth of 20 feet from the façade.
2. Each second floor and higher façade facing a public street or alley shall contain a minimum of 30 percent of its surface in clear, transparent windows and/or doors (see figure below).

3. Except in Urban Center areas, street-facing façades shall change a minimum of every 50 linear feet in height, setback, or material.
   Planters, portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather shall be provided along no less than 50 percent of the length of street-facing façades.
4. Each side or rear façade adjacent to any Residential or Mixed-use zone district shall have a similar level of façade articulation, materials, and detailing as the façade facing a public street, except where constructed at property lines where fire walls are allowed by building and fire codes.

### 5-11(E)(3) Outdoor Seating and Gathering Areas

**5-11(E)(3)(a) General**

Each primary building containing more than 30,000 square feet of gross floor area shall provide at least 1 outdoor seating and gathering area for every 30,000 square feet of building gross floor area, meeting all of the following standards:

1. Each required seating and gathering area shall be at least 400 square feet in size for each 30,000 square feet of gross floor area.
2. At least 25 percent of the required seating and gathering areas shall be shaded from the sun.
3. The seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.
4. The required seating and gathering area shall be linked to the primary entrance of the primary building and the public sidewalk or internal driveway or located adjacent to or to maximize views to public or private open space.

**5-11(E)(3)(b) Urban Centers, and Main Street and Premium Transit Areas**

Each primary building containing more than 30,000 square feet of ground floor area shall provide at least 1 outdoor seating and gathering area for every 30,000 square feet of ground floor area, meeting all of the following standards:

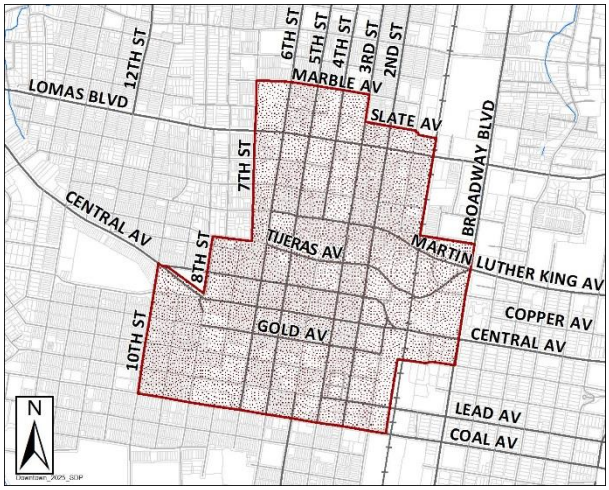
1. Each required seating and gathering area shall be at least 400 square feet in size for each 30,000 square feet of building gross floor area and shall be visible from a public street.
2. At least 25 percent of the required seating and gathering areas shall be shaded from the sun.
3. The required seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.

**5-11(E)(3)(c) Large Retail Facilities and Large Developments**

Each large retail facility site that includes a primary building 125,000 square feet or greater or an aggregate of buildings 125,000 square feet or greater shall provide seating and gathering areas in the amount of 400 square feet for every 20,000 square feet of building space. A minimum of 50 percent of the required public space shall be provided in the form of aggregate space that encourages its use and that serves as the focal point for the development.

## 5-11(F) HISTORIC BUILDING FAÇADES

This Subsection 14-16-5-11(F) applies in the following mapped area to buildings that are listed on the National Register of Historic Places or the State Register of Cultural Properties or that are determined to be eligible for listing by the appropriate agency.




5-11(F)(1) Renovated buildings shall incorporate elements of the original façade.

5-11(F)(2) Existing original façade details shall not be covered with panels, signs, or by painting them out.

5-11(F)(3) The shape of existing original openings shall not be altered. If a window must be blocked, maintain its original shape.

5-11(F)(4) The original façade shall be restored, where possible, by removing later additions of materials.

5-11(F)(5) For demolition of historic buildings in certain mapped areas, see Subsection 14-16-6-6(B) (Demolition Outside of an HPO).

## 5-11(G) PARKING STRUCTURES

Parking structures shall meet the design standards in Section 14-16-5-5(G) (Parking Structure Design).

# 5-12 SIGNS

## 5-12(A) PURPOSE

The purpose of the regulations in this Section 14-16-5-12 is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types. More specifically, these regulations are intended to help implement adopted ABC Comp Plan policies, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve scenic and natural beauty, minimize sign clutter, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, curb the deterioration of the community's appearance and attractiveness, comply with all applicable federal and state laws regarding the First Amendment and free speech, and avoid regulating signage based on content, viewpoint, or message.

## 5-12(B) APPLICABILITY

5-12(B)(1) This Section 14-16-5-12 shall apply to the erection of all signs located outside of, or located within but designed to be viewed from outside of, a structure in any zone district, unless specifically exempted by this IDO.

5-12(B)(2) Part 14-16-3 (Overlay Zones) may include sign regulations, which prevail over any other standards in this IDO.

5-12(B)(3) Additional sign regulations listed in Sections 14-16-4-3 (Use-specific Standards) may apply. In the case of conflict, the stricter provision shall apply.

5-12(B)(4) Notwithstanding Subsections (1), (2), and (3) above, the provisions of this Section 14-16-5-12 shall not apply to any sign erected or required to be erected by any state or federal governmental agency, or public utility provided that the size, height, location, type and illumination of the sign comply with these provisions to the maximum extent practicable, including compliance with the New Mexico Night Sky Protection Act, as regulated by the state.

5-12(B)(5) Any sign legally erected before the effective date of this IDO that is no longer in compliance with the standards in this Section 14-16-5-12 may be retained in use, subject to the provisions of Subsection 14-16-6-8(F) (Nonconforming Signs).

5-12(B)(6) For signs in the public right-of-way, see Section 8-2-2-1 of ROA 1994 (Traffic Control Devices, Signs Restricting Use of Streets) and the DPM.

## 5-12(C) SIGNS PROHIBITED IN ALL ZONE DISTRICTS

The following signs are prohibited, and these types of signs shall be removed or brought into conformance with this IDO and the DPM in accordance with maintenance standards for signs in Subsection 14-16-5-13(B)(10):

5-12(C)(1) Any sign contributing to confusion of traffic control or resembling traffic control lighting; unauthorized sign, signal, marking, or device that purports to be or imitates official traffic control devices or railroad signs or signals; unauthorized sign that attempts to control traffic on any public right-of-way; or sign that hides or interferes with the effectiveness of any official traffic control devices or any railroad signs or signals.

5-12(C)(2) Any sign located in a clear sight triangle, as regulated by the DPM.

5-12(C)(3) Any on-premises sign that advertises an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located for more than 30 consecutive days after the vacancy or change of business that causes the sign to become inaccurate.

5-12(C)(4) Any rotating, pulsating, or oscillating beacon of light; searchlight; or HID strobe light.

5-12(C)(5) Any sign with an audible device.

## 5-12(D) PERMITTING

In addition to complying with the applicable provisions for signs in this IDO, a sign may require a Sign Permit as described in this Subsection 14-16-5-12(D) and in Subsection 14-16-6-5(F) (Sign Permit).

### 5-12(D)(1) Signs that Require a Sign Permit

5-12(D)(1)(a) Unless exempted by Subsection 14-16-5-12(D)(2) (Activities That Do Not Require a Sign Permit), new signs that meet any of the following criteria may not be erected until a Sign Permit is obtained pursuant to Subsection 14-16-6-5(F) (Sign Permit):

1. Signs with an area greater than 24 square feet.
2. Signs taller than 8 feet.
3. Illuminated signs.
4. Signs with moving elements.
5. Freestanding and projecting signs.
6. Portable signs.
7. Electronic signs, including changes to an existing sign that turn it into an electronic sign and expansion of the electronic area of an electronic sign.

5-12(D)(1)(b) Electronic signs require an annual permit, pursuant to Subsection 14-16-6-5(F).

### 5-12(D)(2) Activities That Do Not Require a Sign Permit

The following operations shall not require a sign permit provided that they comply with the standards applicable to that type of sign in this IDO.

5-12(D)(2)(a) Changing the advertising copy or message, including the interchange of the sign face, on an approved painted or printed sign structure or on a marquee or similar approved sign, provided the size of the sign is not changed.

5-12(D)(2)(b) Painting, cleaning, and other normal maintenance and repair of a sign or sign structure unless a structural change is made.

## 5-12(E) STANDARDS APPLICABLE TO ALL SIGNS

### 5-12(E)(1) Content

5-12(E)(1)(a) The regulations in this Section 14-16-5-12 shall be administered and implemented without regard to sign content or message,

except as required to determine the applicability of and compliance with Subsection 14-16-5-12(G) (Off-premises Signs).

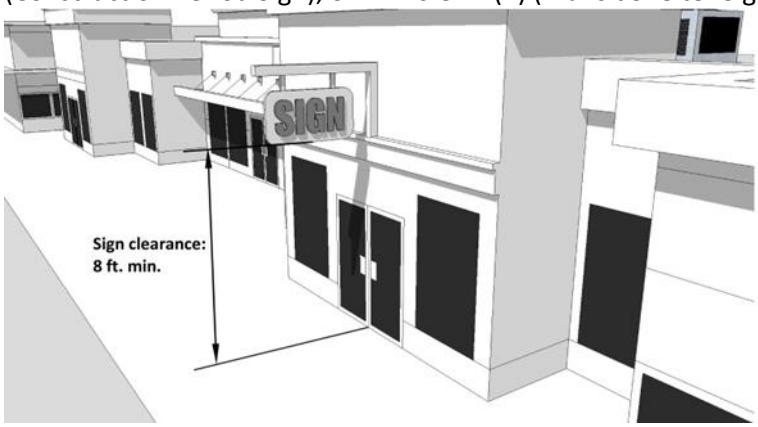
5-12(E)(1)(b) Any sign content or message may be substituted for different sign content on any sign allowed under this Section 14-16-5-12, or on any sign that is a legal nonconforming sign under this IDO.

### 5-12(E)(2) Location

No sign or part of a sign shall be located on any property without the consent of the owner, holder, lessee, agent, trustee, or other party controlling the use of such property.

### 5-12(E)(3) Clearance

5-12(E)(3)(a) Any part of a sign extending over a public right-of-way or private walkway shall have a minimum vertical clearance of 8 feet above any sidewalk or walkway and a minimum vertical clearance of 12 feet above any vehicle driving surface, unless it is a sign allowed by Subsection 14-16-5-12(F)(4)(b) (Portable Signs), 14-16-5-12(J) (Construction Period Sign), or 14-16-5-12(K) (Transit Shelter Signs).




5-12(E)(3)(b) Approval from one of the following entities is required for any part of any sign extending over a public right-of-way or private walkway:

1. The City, for signs that extend over a public right-of-way.
2. The owner of the property containing the pedestrian traffic area, for signs that extend over a private walkway.

### 5-12(E)(4) Design and Construction

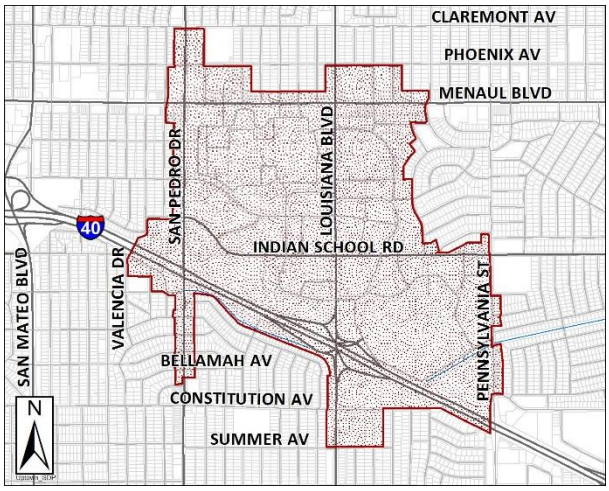
5-12(E)(4)(a) All signs shall be constructed of durable material and maintained in good condition and repair, shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections, and shall be constructed to withstand expected wind loads appropriate to design and installation.

5-12(E)(4)(b) No sign may have overhead wiring to supply electric power, except for a freestanding off-premises sign where underground power cannot be accessed from the site.

5-12(E)(4)(c) Sign supports for building-mounted signs other than allowed rooftop signs shall be covered in a manner that integrates the sign with the building design.

5-12(E)(4)(d) Building-mounted signs shall not extend more than 2 feet above the wall of a building, except in the following mapped areas, as noted.

1. East Downtown – CPO-4
   Rooftop signs are allowed pursuant to Subsection 14-16-5-12(F)(3)(a) (Standards Applicable in Mapped Areas).
2. East Downtown – HPO-1
   Rooftop signs are allowed pursuant to Subsection 14-16-5-12(F)(3)(b) (Standards Applicable in Mapped Areas).
3. Nob Hill/Highland – CPO-8
   Higher building-mounted signs are allowed pursuant to Subsection 14-16-3-4(I)(5)(c) (Signs).
4. Uptown Area
   In the mapped area below, signs may extend more than 2 feet above the wall of the building if the following criteria are met:
   a. The sign is a continuation of the plane where it is mounted.
   b. No more than 25 percent of the sign height extends above the wall where it is mounted.




5-12(E)(4)(e) Freestanding sign structures shall not use guy wires, bracing, or external supports.

## 5-12(E)(5) Illumination and Motion

### 5-12(E)(5)(a) General

1. Signs may be internally or externally lit, provided that the light source is not directly visible from the public right-of-way or from adjacent properties, unless specified otherwise in this IDO.

2. No portion of an illuminated sign shall have a luminance greater than 200 foot lamberts or 685 nits at night.
3. No sign or any part of any sign shall move or rotate at a rate of more than once each 10 seconds, with the exception of wind devices, the motion of which is not restricted.
4. No sign or any part of any sign shall change its message or picture at a rate of more than once each 8 seconds.

**5-12(E)(5)(b) Residential Zone Districts**

In any Residential zone district or within 50 feet of any Residential zone district, all of the following provisions apply.

1. Illuminated signs are prohibited on lots with low-density residential development.
2. No more than 1 sign per premises with multi-family residential, mixed-use, or non-residential development shall be illuminated, apart from the general illumination of the premises, between 11:00 PM and sunrise, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies a more restrictive standard.

**5-12(E)(5)(c) Mixed-use and Non-residential Zone Districts**

An illuminated sign or illuminated element of a sign in any Mixed-use or Non-residential zone district may turn on or off or change its brightness, provided that the following requirements are met, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies any more restrictive standard or Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue) applies any less restrictive standard to eligible signs.

1. The sign is not within 200 feet of any Residential zone district and visible from that zone district.
2. The sign is not within 330 feet of Major Public Open Space.
3. Change of illumination does not produce any apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling.
4. There is no continuous or sequential flashing in which more than 1/3 of the lights are turned on or off at one time.

## 5-12(F) ON-PREMISES SIGNS

### 5-12(F)(1) Signs in Residential Zone Districts

The provisions in this Subsection 14-16-5-12(F)(1) and Table 5-12-1 apply to all signs in any Residential zone district, unless specified otherwise in this IDO.

**Table 5-12-1: On-premises Signs in Residential Zone Districts**

| Sign Type | Zone District | | | |
|---|---|---|---|---|
| | R-A | R-MC | R-1, R-T | R-ML, R-MH |
| **Residential Uses** | | | | |
| Wall Sign[1] | | | | |
| *Number, maximum* | Low-density residential development: 1 / dwelling<br>Multi-family residential development: 1 / building / street frontage | | | |
| *Size, maximum* | 2 sq. ft. | | | Low-density residential: 2 sq. ft.<br>Multi-family residential: 24 sq. ft. |
| Window Sign | Not allowed | | | Limited to signs not discernible from a public right-of-way. |
| Yard Sign | | | | |
| *Number, maximum* | 1 / dwelling in lieu of wall sign if dwelling is more than 30 ft. from street | Not allowed | | |
| Size, maximum | 2 sq. ft. | | | |
| Monument Sign | | | | |
| *Number, maximum* | Not allowed | | | 1 / street frontage |
| *Size, maximum* | | | | 24 sq. ft. |
| *Height, maximum* | | | | 4 ft. |
| **Allowed and Nonconforming Non-residential Uses** | | | | |
| Building-mounted or Freestanding Sign | | | | |
| *Number, maximum* | 1 / street frontage | | | |
| *Size, maximum* | 24 sq. ft. | | | |
| *Height, maximum* | Freestanding sign: 6 ft. | | | |

[1] For low-density residential development, wall signs can only be used for home occupation uses.

## 5-12(F)(2) Signs in Mixed-use and Non-residential Zone Districts

### 5-12(F)(2)(a) General

The provisions in Table 5-12-2 and this Subsection 14-16-5-12(F)(2) apply to all signs that are not located within any Residential zone district, unless specified otherwise in this IDO.

**Table 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts**

| Sign Type | Zone District: Mixed-use Zone Districts, NR-C, NR-LM, NR-GM | Zone District: NR-BP, NR-SU, NR-PO, PD, PC |
|---|---|---|
| Wall Sign | | |
| *Number, maximum* | N/A | Per approved plan[1] |
| *Size, maximum* | Shall not exceed the following percentages of façade area, inclusive of door and window openings.<br>MX-T, MX-FB-ID: 5%<br>MX-L: 10%<br>MX-M, MX-H, MX-FB-FX, MX-FB-AC, MX-FB-UD, NR-C: 15%<br>NR-LM, NR-GM: 25% | |
| *Location* | Where there is no side setback between 2 establishment frontages in the same or abutting buildings, no wall sign may extend closer than 2 feet to the shared edge of the frontage. | |
| Window Sign | No more than 15% of window and door areas may be covered with signs | |
| Canopy Sign | | |
| *Number, maximum* | 1 / establishment frontage<br><br>MX-FB: 1 / entry/exit | Per approved plan[1] |
| *Width, maximum* | 50% of building frontage width<br><br>MX-FB-AC, MX-FB-UD: full building frontage width | |
| *Message Surface Height, minimum* | Letters and images must be located on vertical surfaces, which may not exceed 18 in. height | |
| Marquee Sign | | |
| *Number, maximum* | 1 / theater or performance venue frontage.<br>A marquee sign is allowed in lieu of – not in addition to – an allowable wall sign. | Per approved plan[1] |
| *Size, maximum* | Same as maximum size of wall sign it replaces. | |
| *Height of Message Surface, maximum* | 3 ft.<br><br>MX-FB-AC, MX-FB-UD: 5 ft. | |
| *Projection, maximum* | 50% of the distance over any abutting sidewalk or 10 t. from the façade, whichever is less. | |
| Projecting Sign | | |
| *Number, maximum* | 1 / establishment<br>MX-H and MX-FB: 1 / establishment frontage<br>A projecting sign is allowed in lieu of – not in addition to – an allowable freestanding sign. | Per approved plan[1] |
| *Size, maximum* | Same as maximum size of freestanding sign it replaces. | |

**Table 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts**

| Sign Type | Zone District: Mixed-use Zone Districts, NR-C, NR-LM, NR-GM | Zone District: NR-BP, NR-SU, NR-PO, PD, PC |
|---|---|---|
| *Projection, maximum* | 30 in. from the façade<br><br>In DT area and on N. 4th Street (as mapped in Subsection 14-16-5-12(G)(1)(e)10), if lower edge of sign is ≥12 ft. above sidewalk:<br>• 50% of the distance over any abutting sidewalk<br>• 75% of the distance over any abutting sidewalk on Central Avenue between 1st and 8th Streets | |
| Rooftop Sign | | |
| Number, maximum | 1 / building<br>Rooftop signs are only allowed in mapped areas pursuant to Subsection 14-16-5-12(F)(3) (Standards Applicable in Mapped Areas). | Per approved plan[1] |
| Height, maximum | 15 ft. or 25% of the height of the building, whichever is less. | |
| Size, maximum | 75 sq. ft. | |
| Freestanding Sign | | |
| *Number, maximum* | 1 / premises / street frontage. A freestanding sign is allowed only where the street frontage is at least 100 linear ft.<br>or 1 / Joint Sign Premises, pursuant to Subsection 14-16-5-12(F)(2)(a). | Per approved plan[1] |
| *Size, maximum* | MX-T, MX-FB-ID: 50 sq. ft.<br>MX-L: 100 sq. ft.<br>Any other Mixed-use zone district, NR-C, NR-LM, NR-GM:<br>100 sq. ft. at allowable locations abutting a local or collector street.<br>200 sq. ft. at allowable locations abutting an arterial street or interstate highway.<br>300 sq. ft. at allowable locations within 200 feet of a through lane of an interstate highway and visible from the interstate highway. | |
| *Height, maximum[2]* | MX-T, MX-FB-ID: 9 ft.<br>MX-L: 18 ft.<br>Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 26 ft. | |

[1] Per approved NR-BP Master Development Plan; NR-SU, PD, or PC Site Plan – EPC; or NR-PO Master Plan as applicable.
[2] For any freestanding sign that is within 200 feet of a through lane of an interstate highway, the maximum height is measured from the highway road grade at the closest point from the premises.

### 5-12(F)(2)(a) Joint Sign Premises

A Joint Sign Premises may be created by the owners of 2 or more abutting premises who wish to cooperate in order to jointly obtain permission for 1 freestanding sign on the Joint Sign Premises. To qualify for a freestanding sign, the Joint Sign Premises shall meet the following requirements:

1. The individual premises included in the Joint Sign Premises must each have less than 100 feet of street frontage along the same street.
2. The combined premises shall have no less than 100 feet of frontage along the same street.

3. The owners of the individual premises shall submit a joint agreement with their application for a Sign Permit pursuant to Subsection 14-16-6-5(F).

### 5-12(F)(3) Standards Applicable in Mapped Areas

In addition to other standards for on-premises signs, this Subsection 12-16-5-12(F)(3) applies as noted in the following mapped areas.

5-12(F)(3)(a) East Downtown – CPO-4

Rooftop signs are allowed in any Mixed-use or Non-residential zone district in the the East Downtown – CPO-4 if they meet all of the following standards:

1. At least 70 percent of the sign area shall consist of open space, through which the structural framework may be viewed.
2. The remaining portion of the sign area may consist of channel letters, channel graphics, open lighting elements, or a solid panel.

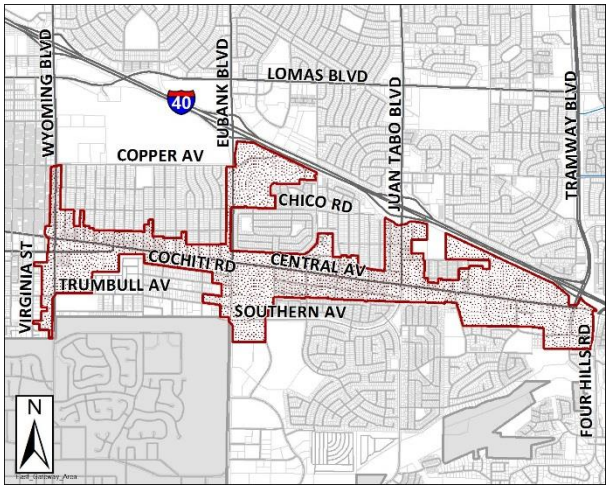
5-12(F)(3)(b) East Downtown – HPO-1

Rooftop signs are allowed in any Mixed-use or Non-residential zone district in the East Downtown – HPO-1 if they meet all of the following standards:

1. At least 70 percent of the sign area shall consist of open space, through which the structural framework may be viewed.
2. The remaining portion of the sign area may consist of channel letters, channel graphics, open lighting elements, or a solid panel.

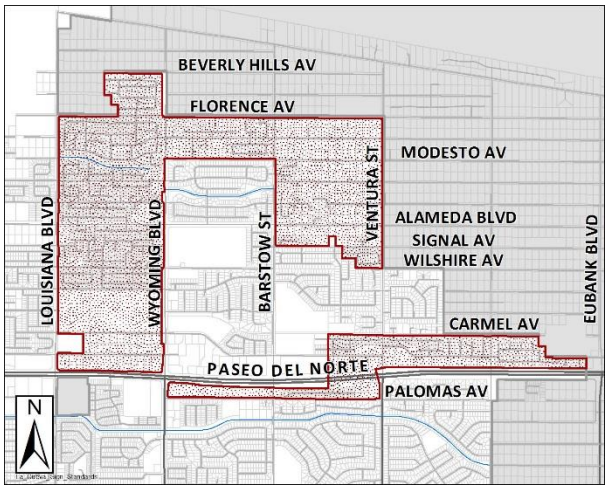
5-12(F)(3)(c) East Gateway Area

Projecting and freestanding signs shall be a maximum size of 75 square feet in any Mixed-use zone district in the following mapped area.




5-12(F)(3)(d) La Cueva Area

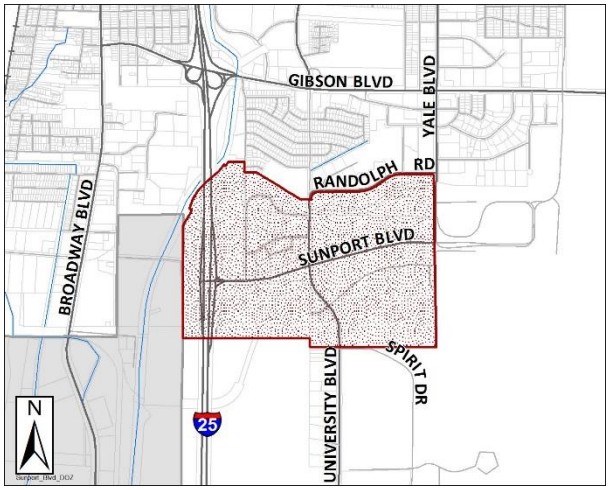
The following provisions apply in any Mixed-use or Non-residential zone district in the following mapped area.




1. Wall signs are prohibited on façades that face abutting Residential zone districts.
2. Freestanding signs shall be monument signs only and shall be a maximum of 50 square feet with a maximum height of 8 feet.

5-12(F)(3)(e) Sunport Boulevard Area

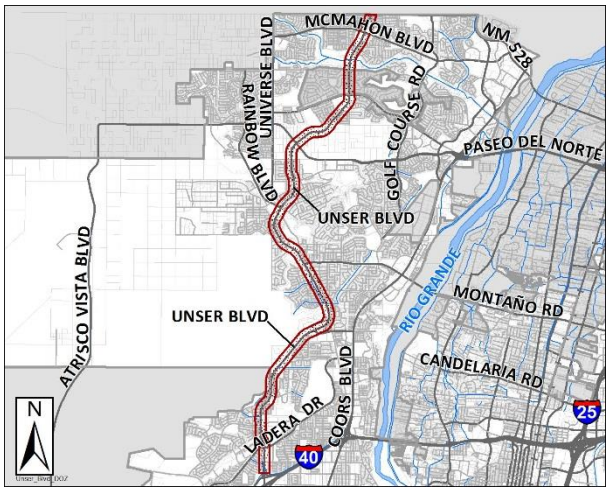
The following provisions apply in any Mixed-use or Non-residential zone district in the following mapped area.




1. Only wall and freestanding signs are allowed.
2. Wall signs shall have a maximum size of 15 percent of the façade area, inclusive of door and window openings.
3. Freestanding signs shall have a maximum size of 75 square feet and a maximum height of 12 feet, except that properties over 5 acres may have 1 freestanding sign up to 26 feet in height within 200 feet of Sunport Boulevard.
4. The base of freestanding signs shall be surrounded by a landscaped area of at least 36 square feet with a minimum of 75 percent vegetative cover.
5. No sign or any part of a sign shall rotate.

5-12(F)(3)(f) Unser Boulevard Area

The following provisions apply in any Mixed-use or Non-residential zone district in the following mapped area.




1. Only wall and freestanding signs are allowed.
2. Freestanding signs shall be a maximum size of 75 square feet with a maximum height of 12 feet.
3. No sign or any part of a sign shall move or rotate.

## 5-12(F)(4) Standards for Specific Types of Signs

### 5-12(F)(4)(a) Neon Signs along Central Avenue

The provisions of this Subsection 14-16-5-12(F)(4)(a) provide size and height bonuses for qualifying neon on-premises signs, allow animation, and provide incentives and flexibility from otherwise applicable sign regulations in specific areas of the city. In case of conflict between these standards and other sign standards applicable to the same property, these standards shall prevail.

1. Applicability
   The following additional regulations apply to:
   a. Signs on all lots that abut or have direct frontage to Central Avenue.
   b. Signs on all lots located within 300 feet of the edge of the Central Avenue right-of-way.
   c. Signs located on lots located within 300 feet of an intersection of Central Avenue and the following streets: Tramway Boulevard, Juan Tabo Boulevard, Eubank Boulevard, Wyoming Boulevard, Louisiana Boulevard, San Pedro Boulevard, San Mateo Boulevard, Yale Boulevard, University Boulevard, I-25, Broadway Boulevard, Atrisco Drive, Old Coors Drive, Coors Boulevard, Unser Boulevard north of Central Avenue, and 98th Street north of Central Avenue.
2. Eligibility for Incentives

In order to qualify for incentives in Subsection 3 below, the applicant must comply with all of the following criteria:

a. Amount of Neon
Luminous neon shall comprise at least 50 percent of the sign face area and include text and/or images.

b. Location
The sign shall not obscure portions of a building that contribute to architectural character, including but not limited to doors and windows.

c. Lighting Technology
Signage that uses LED tubing or a similar alternative and has the appearance of neon is allowed if it produces a continuous lit appearance similar to neon lighting technology, and does not create darker and/or shadowy spaces between individual LEDs that make the linear, illuminated image appear non-continuous. Incandescent bulbs, another historic sign illumination type, or compact fluorescent bulbs that appear to be incandescent bulbs shall comprise no more than 50 percent of the sign face area.

d. Design Elements
Consistency with at least 1 of the following design elements:

i. Sign Restoration
Restoration of a historic sign that includes neon and/or incandescent light bulbs qualifies the applicant for the neon sign incentives in Subsection 3 below.

ii. Neon Design
The neon portion of the sign shall be intricate, creative, and expressive. There shall be added text and/or imagery, preferably both, highlighted with neon.

iii. Sign Design
If the sign is a rectangle or a square, the mounting structure shall have a unique design that integrates with the sign.

iv. Illumination
One hundred (100) percent of the sign illumination shall consist of neon or other historic forms of illumination, such as incandescent bulbs. Illumination calculations exclude any portion of the sign that is backlit plastic panels where sign content is painted or printed on the panel, instead of originating from luminous tubing.

e. Compliance with National Electric Safety Code

All signs must be in compliance with the latest enforced clearance section of the National Electric Safety Code, which governs minimum required clearance distances for electric utility facilities. Electric overhead transmission lines are located perpendicular and parallel to Central Ave. Electric overhead distribution lines are frequently located in or overhanging the public ROW, generally crossing or paralleling Central Avenue. All proposed neon installations at these locations must be approved by PNM through the Sign Permit process in Subsection 14-16-6-5(F) to ensure vertical and horizontal safety clearances.

3. Incentives and Flexibility
   The following incentives and flexibility apply to signs that meet the requirements of Subsections 1 and 2 above:
   a. Sign area for a freestanding or projecting sign may be up to 50 percent larger than the sign area allowed in the underlying zone district, up to a maximum of 250 square feet after the bonus is applied. Lettering is allowed a proportionate size bonus.
   b. Sign area for a building-mounted sign, except projecting signs, may be up to 25 percent larger than the sign area allowed in the underlying zone district. Lettering is allowed a proportionate size bonus.
   c. The height of a freestanding sign shall not exceed 30 feet, except that the height of a sign within 200 feet of a through lane of an interstate highway shall not exceed 26 feet, as measured from the highway road grade at the closest point from the premises.
   d. The height of a building-mounted sign shall not exceed 110 percent of the building height or 35 feet, whichever is less. Building-mounted signs shall be located below the top edge of any non-residential portion of the building to which it is attached, or shall otherwise be located so that the illumination from the sign is shielded from any residential portion of the building.
4. Animation
   a. Flashing and physical movement of a sign and/or its elements are not allowed and do not qualify as an animated sign.
   b. Signs that meet the other standards of this Section 14-16-5-12(F)(4)(a) may be animated by changing the neon illumination in a sequential or radial manner to produce apparent motion of the visual image.

**5-12(F)(4)(b) Portable Signs**

1. Portable signs are only allowed for land uses in the Food, Beverage, and Indoor Entertainment or Retail Sales categories, provided they comply with the standards in Table 5-12-3.

**Table 5-12-3: Portable Sign Standards**

| Topic | Standard |
|---|---|
| Number, maximum | 1 / establishment |
| Number of sides, maximum | 2 |
| Size, maximum | 6 sq. ft. / side |
| Width, maximum | 2.5 ft. |
| Height, maximum | 3 ft. |
| Location | Must be located in front of the premises owned or occupied by the person or entity placing the sign.<br>May be located in the public right-of-way, but not within 2 feet of the curb, and not in areas that are required to be clear for pedestrian movement next to any street furniture. |
| Construction | Must be constructed of wood, metal, or other durable materials in such a manner as to resist movement by high winds. May consist of a changeable writing board, chalkboard, or surface that accommodates changeable letters. Paper signs, balloons, banners, and wind-activated devices shall not be used or attached to a sign.<br>Must be constructed in a manner that incorporates a base from which no supports or feet that may cause pedestrians to trip extend. No external cables, brackets, wires, or props shall be allowed. No sign that requires electricity or any other power source shall be allowed. |
| Pedestrian clear passage | |
| Sidewalk <8 ft. wide | ≥3 ft. wide shall be maintained at all times |
| Sidewalk ≥8 ft. wide | ≥6 ft. wide shall be maintained at all times |
| Removal of signs | Sign shall be removed during non-business hours of the establishment and stored inside the business and away from public view and shall be removed when weather conditions create potentially hazardous conditions. |

2. Portable signs and signs that are mounted on wheels or a movable vehicle, or made easily movable in any manner, are prohibited in the following mapped areas.
   a. Coors Boulevard – CPO-2
   b. North I-25 – CPO-9, in the Alameda Boulevard Sub-area
   c. Old Town – HPO-5

## 5-12(F)(5) Alternative Signage Plan

An Alternative Signage Plan is allowed pursuant to all of the provisions in this Subsection 14-16-5-12(F)(5) and shall be reviewed and decided pursuant to Subsection 14-16-6-5(F)(4) (Alternative Signage Plan).

5-12(F)(5)(a) The property must be a minimum of 5 acres and located in anUrban Center and in an MX-M, MX-H, MX-FB, NR-C, or NR-BP zone district.

5-12(F)(5)(b) An Alternative Signage Plan may allow different sign types, materials, location, means of projecting images, or forms of sign

illumination or motion, as well as greater individual sign area or height, than allowed by other provisions in Subsection 14-16-5-12(F) (On-premises Signs) or 14-16-5-12(H) (Electronic Signs), subject to all of the following limitations:

1. No Alternative Signage Plan may allow a sign area greater than the combined sign area that would be allowed by Subsection 14-16-5-12(F) (On-premises Signs) for all lots within the area covered by the Alternative Signage Plan.
2. No Alternative Signage Plan may allow a taller sign on a parcel than would otherwise be allowed by any Overlay zone regulating that parcel.
3. No Alternative Signage Plan may allow an electronic sign in an area where electronic signs are not allowed by Subsection 14-16-5-12(H) (Electronic Signs).
4. No Alternative Signage Plan may allow a change in sign illumination or motion beyond that allowed by any part of Section 14-16-5-12 (Signs) for a property that is within 50 feet of any Residential zone district or for a sign that is visible from any Residential zone district.

## 5-12(G) OFF-PREMISES SIGNS

### 5-12(G)(1) Locations

5-12(G)(1)(a) Off-premises signs are prohibited in any Residential zone district.

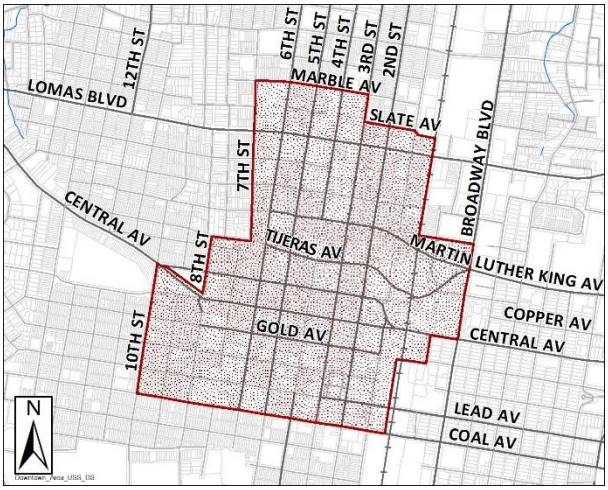
5-12(G)(1)(b) Off-premises signs are prohibited in the MX-T, MX-FB, and NR-PO zone districts.

5-12(G)(1)(c) Off-premises signs are only allowed in the NR-BP, NR-SU, PD, or PC zone districts if the maximum number, size, height, and location of such sign(s) are specifically authorized in the EPC or City Council decision approving such zone district, including an associated Master Development Plan or Site Plan.

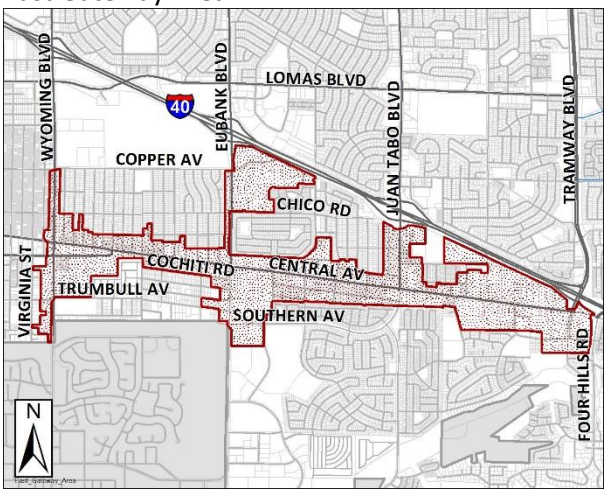
5-12(G)(1)(d) Off-premises signs are prohibited within 660 feet of Interstate Highway 25 or Interstate Highway 40.

5-12(G)(1)(e) Off-premises signs are prohibited in the following mapped areas:

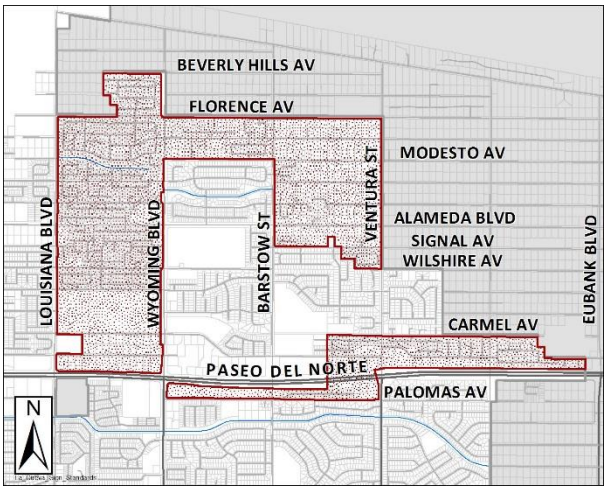
1. Coors Boulevard – CPO-2
2. Downtown Area



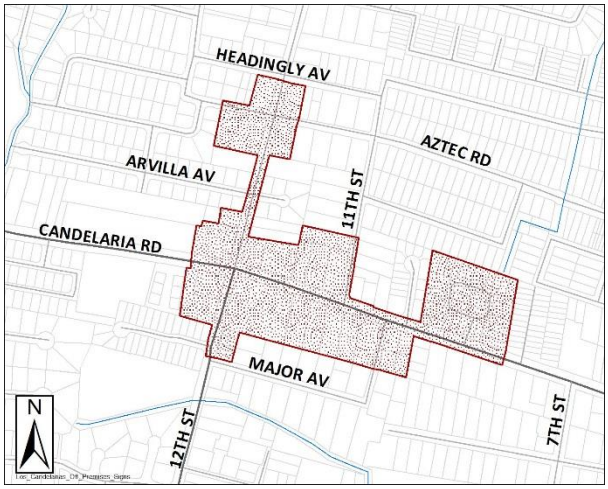

3. East Downtown – CPO-4
4. East Downtown – HPO-1
5. East Gateway Area



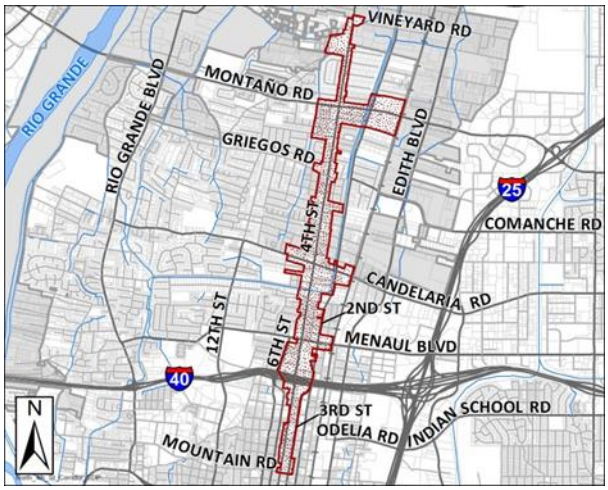

6. La Cueva Area
   Off-premises signs are prohibited in any Mixed-use zone district in the following mapped area.



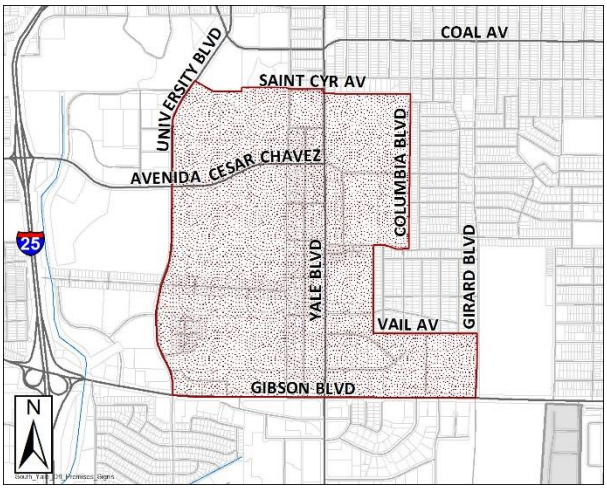
7. Los Candelarias Area



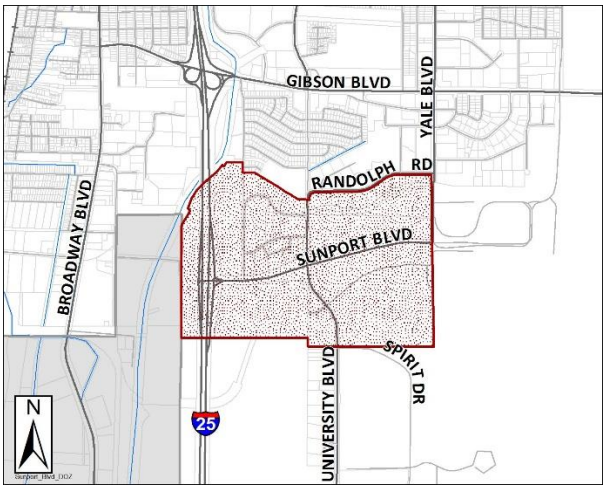

8. Los Duranes – CPO-6
9. Nob Hill/Highland – CPO-8
10. North 4th Street Area



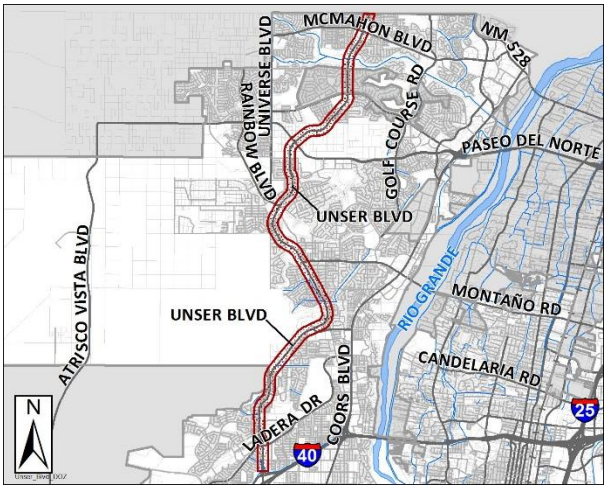

11. North I-25 – CPO-9, in the Alameda Boulevard Sub-area
12. Rio Grande Boulevard – CPO-10
13. South Yale Area
    Off-premises signs are prohibited in any Mixed-use zone district in the following mapped area.



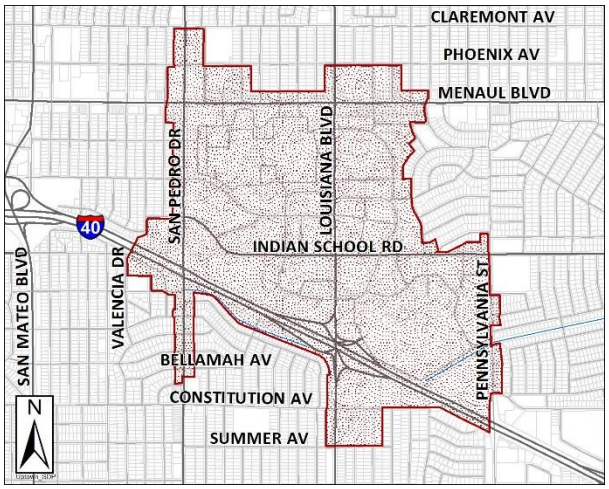

14. Sunport Boulevard Area




15. Unser Boulevard Area




16. Uptown Area




17. Volcano Mesa – CPO-12

## 5-12(G)(2) Standards

5-12(G)(2)(a) Off-premises electronic signs must follow the regulations in Section 14-16-5-12(H) (Electronic Signs).

5-12(G)(2)(b) A new off-premises sign will be approved only upon removal of an existing off-premises sign and support structure of equal or greater sign area. The removed signs must be located on property of equivalent or less intense zoning than the location of the proposed off-premises sign, as determined by the Planning Director based on the maximum height and size of development allowed in each zone district.

5-12(G)(2)(c) Where allowed, off-premises signs shall comply with the standards in Table 5-12-4.

**Table 5-12-4: Off-premises Signs in Mixed-use and Non-residential Zone Districts**

| Topic | Zone District | | |
|---|---|---|---|
| | MX-L | MX-M, NR-C | MX-H, NR-LM, NR-GM |
| Type allowed | | | |
| *Area of Change* | Freestanding or Wall | | |
| *Area of Consistency* | Wall | | |
| Number, maximum | New sign with removal of existing sign, pursuant to Subsections 14-16-5-12(G)(2)(b) and 14-16-5-12(H)(3)(b) | | |
| Separation, minimum[1] | | | |
| *From Residential use* | 150 ft. | | |
| *From other off-premises sign* | 300 ft. | | |
| *From an existing on-premises sign of any type (for freestanding signs only)* | 100 ft. | | |
| Setback, minimum | | | |
| *From public right-of-way* | 12 ft. | 7 ft. | |

**Table 5-12-4: Off-premises Signs in Mixed-use and Non-residential Zone Districts**

| Topic | Zone District | | |
|---|---|---|---|
| | MX-L | MX-M, NR-C | MX-H, NR-LM, NR-GM |
| Size, maximum | 72 sq. ft. plus 6 sq. ft. for add-on sign | Freestanding: 300 sq. ft. + 18 sq. ft. for add-on sign<br>Wall: Same as allowable on-premises sign | Freestanding: 672 sq. ft. + 34 sq. ft. for add-on sign<br>Wall: Same as allowable on-premises sign |
| Height, maximum | 15 ft. plus 3 ft. for add-on sign | 26 ft. plus 5 ft. for add-on sign | 29 ft. plus 5 ft. for add-on sign |
| Illumination | Not allowed | Same as allowable on-premises sign | |
| Motion of sign or sign parts | Not allowed | Same as allowable on-premises sign | |

[1] Separation distances do not apply to 2 sign faces of a "V" sign where only 1 sign face may be viewed at one time from any given lane of traffic, or signs separated by a building or other obstruction so that only one sign is visible at one time from the public right-of-way.

## 5-12(H) ELECTRONIC SIGNS

### 5-12(H)(1) Applicability

5-12(H)(1)(a) The standards in this Subsection 14-16-5-12(H), in addition to any other applicable standards in this Section 14-16-5-12 (Signs), apply to electronic signs, a specific type of illuminated sign. In addition to a sign that is all electronic, the following also constitute an electronic sign:

1. An existing sign that is modified to be partly or wholly electronic.
2. Any expansion of the electronic area of an electronic sign.

5-12(H)(1)(b) Unless specified otherwise, the standards in this Subsection 14-16-5-12(H) apply to both on-premises and off-premises electronic signs.

### 5-12(H)(2) Prohibited Areas

Electronic signs are prohibited in the following areas, as noted.

5-12(H)(2)(a) Within any HPO zone or state or nationally registered historic district.

5-12(H)(2)(b) In residential development in any Residential zone district. For other types of development in any Residential zone district, electronic signs are limited to 25 percent of the total sign area.

5-12(H)(2)(c) Within 660 feet of the outer edge of the right-of-way of the following streets:

1. Alameda Boulevard.
2. Griegos Road.
3. Rio Grande Boulevard.
4. Tramway Boulevard.
5. Unser Boulevard.

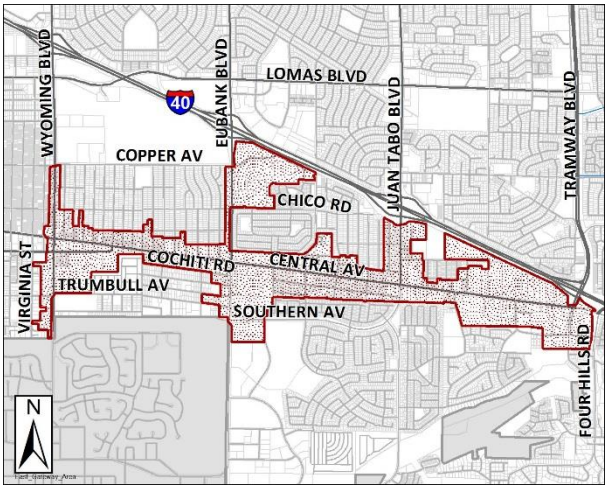
5-12(H)(2)(d) Within 660 feet of the outer edge of the right-of-way of Coors Boulevard along the following 2 segments:

1. Between Calabacillas Arroyo and Saint Joseph Drive.
2. Between Central Avenue and the southern City limit.

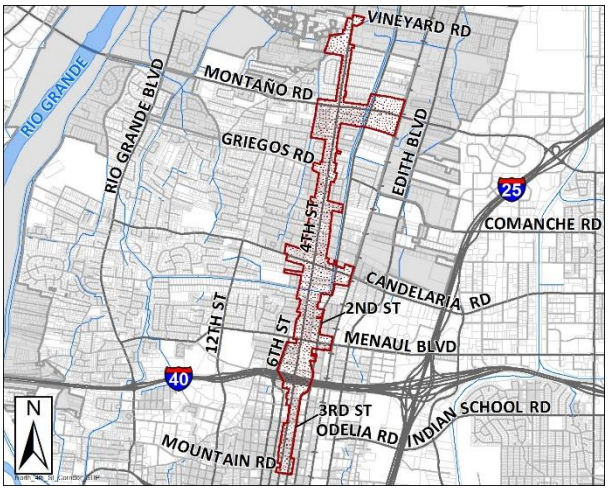
5-12(H)(2)(e) Within 1,320 feet of Major Public Open Space.

5-12(H)(2)(f) In the following mapped areas as noted:

1. Downtown Neighborhood Area – CPO-3
   Electronic signs are prohibited in the R-ML, MX-T, MX-L, and MX-M zone districts in the Downtown Neighborhood Area – CPO-3.
2. East Gateway Area
   Electronic signs are prohibited in Mixed-use zone districts in the following mapped area.




3. North 4th Street Area
   Electronic wall signs are prohibited in the following mapped area.




4. Sawmill/Wells Park – CPO-11
   Electronic signs are prohibited on any lot abutting Mountain Road in the Sawmill/Wells Park – CPO-11.

## 5-12(H)(3) Type and Maximum Number of Electronic Signs

### 5-12(H)(3)(a) On-premises Signs

1. If a premises meets the requirements for an electronic sign in this Subsection 14-16-5-12(H), the premises shall not have more than 1 electronic sign.
2. The type of electronic sign is limited to a freestanding, wall, or canopy sign and is also subject to provisions in Table 5-12-1, Table 5-12-2, and Table 5-12-4.

### 5-12(H)(3)(b) Off-premises Signs

1. The modification of an existing off-premises sign that makes the sign an electronic sign shall constitute a new electronic sign. However, such modification shall not cause an existing off-premises sign located in one of the following areas to forfeit its status as a nonconforming sign only with respect to its location along an interstate highway:
   a. Within 660 feet of Interstate Highway 25.
   b. Within 660 feet of Interstate Highway 40.
2. A new off-premises electronic sign may be allowed if the applicant can demonstrate that existing off-premises signs and support structures containing at least 3 times the advertising area of the proposed electronic sign will be permanently removed.
3. The removed signs must be located on a property of equivalent or less intense zoning than the location of the proposed off-premises electronic sign, as determined by the Planning Director based on the maximum height and size of development allowed in each zone district.
4. Off-premises signs that have been removed and not replaced may count as removed advertising space for the purpose of permitting a new electronic off-premises sign.
5. Subsections 2, 3, and 4 above shall not apply to the improvement, upgrade, or replacement of an existing electronic sign so long as the advertising space is not increased by such improvement, upgrade, or replacement.

## 5-12(H)(4) Illumination, Brightness, and Images

Electronic signs shall comply with all the following requirements, in addition to any applicable and more restrictive requirements in Subsection 14-16-5-12(E)(5) (Illumination and Motion).

5-12(H)(4)(a) Electronic signs shall have automatic dimming controls, with either photocell (hardwired) or software settings.

5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance indicated in Table 5-12-5 based on sign area.

| Table 5-12-5: Illumination Measurement Distance | | | |
|---|---|---|---|
| **Area of Sign (sq. ft.)[1]** | **Measurement Distance (ft.)** | **Area of Sign (cont.)[1]** | **Measurement Distance (cont.)** |
| 10 | 32 | 65 | 81 |
| 15 | 39 | 70 | 84 |
| 20 | 45 | 75 | 87 |
| 25 | 50 | 80 | 89 |
| 30 | 55 | 85 | 92 |
| 35 | 59 | 90 | 95 |
| 40 | 63 | 95 | 97 |
| 45 | 67 | 100 | 100 |
| 50 | 71 | 300 | 150 |
| 55 | 74 | 378 | 200 |
| 60 | 77 | 672 | 250 |

[1] For signs with an area other than those specifically listed in this table, the measurement distance may be calculated with the following formula: Measurement Distance (ft.) = square root of [Area of Electronic Sign (sq. ft.) x 100].

5-12(H)(4)(c) The luminance level shall also comply with any regulations for illumination of on-premises or off-premises signs in Section 14-16-5-12 (Signs) as applicable.

5-12(H)(4)(d) Electronic signs shall have only static messages and images.

5-12(H)(4)(e) The message or image on an electronic sign shall not change more often than once each 8 seconds.

5-12(H)(4)(f) Transition between messages or images on an electronic sign shall not exceed 1 second and shall not include any visual effects during that time.

## 5-12(I) TEMPORARY SIGNS

### 5-12(I)(1) Standards

Temporary signs may be erected without obtaining a sign permit, provided that they comply with the standards in Table 5-12-6. They shall not count toward any maximum number of signs or sign area allowed on a property.

| Table 5-12-6: Temporary Sign Standards | |
|---|---|
| **Topic** | **Standard** |
| Number, maximum | 4 / premises |
| Size, maximum[1] | 16 sq. ft. |
| Height, maximum[1] | 4 ft. above the top of the highest wall on the lot where the sign is placed.<br>8 ft. if no walls exist on the lot where the sign is placed. |
| Illumination | Not allowed. |
| Location | Not allowed on the wall of a residential building or accessory structure.<br>Not allowed in common areas, such as homeowners association areas and easements, unless approved by the owner of the common area, or in the public right-of-way. |

[1] Maximum size and height apply to the total sign area that may be used for up to 4 signs.

### 5-12(I)(2) Time Period

Temporary signs may be in place no longer than 15 consecutive days, with the following exceptions:

5-12(I)(2)(a) One (1) temporary sign per street frontage may be displayed during any time period that the property is actively listed for sale or for rent.

5-12(I)(2)(b) One (1) temporary sign per street frontage may be displayed during any time period when the property is under construction allowed by a valid building permit.

5-12(I)(2)(c) One (1) temporary sign may be displayed for up to 60 consecutive days prior to and 10 consecutive days after an election.

5-12(I)(2)(d) Temporary signs associated with a Temporary Use must comply with the standards in Table 5-12-6 and may be displayed during the time period allowed pursuant to any Use-specific Standards in Subsection 14-16-4-3(G).

## 5-12(J) CONSTRUCTION PERIOD SIGN

Signs during construction are allowable, provided they comply with Table 5-12-7 and the other provisions of this Subsection 14-16-5-12(J).

5-12(J)(1) Requests to erect such a sign shall require approval from the Planning Director.

5-12(J)(2) Remediation or removal of substandard or improperly maintained signs shall be in accordance with Subsection 14-16-5-13(B)(10).

**Table 5-12-7: Construction Period Sign Standards**

| Topic | Standard |
|---|---|
| Number, maximum | 4 |
| Size, maximum[1] | 20 sq. ft. |
| Height, maximum[1] | 5 ft. |
| Height, individual sign | Between 9.5 in. and 11 in. |
| Width, maximum[1] | 5 ft. |
| Illumination | Not allowed |
| Allowed locations | On private property or in the public right-of-way at a location approved by the City Department of Municipal Development, but not within a median or at an intersection. |
| Prohibited locations | Facing any low-density residential development.<br>On a street designated as a local street in the LRTS Guide.<br>Within 100 ft. of any Residential zone district on a street designated as a collector street in the LRTS Guide.<br>Within 50 ft. of any Residential use on a street designated as an arterial street in the LRTS Guide. |

[1] Unless referring to individual signs, maximum size, height, and width apply to the total sign area that may be used for up to 4 signs.

## 5-12(K) TRANSIT SHELTER SIGNS

Signs that are attached to or part of the structure of a transit shelter as allowed in Section 6-5-5-18 of ROA 1994 (Sidewalks, Drive Pads, and Curb Ramp Repair and Maintenance; Permitting Commercial Advertising on Transit Shelters) shall comply with the provisions in Table 5-12-8.

**Table 5-12-8: Transit Shelter Sign Table**

| Topic | Standard |
|---|---|
| Number, maximum | 1 / transit shelter |
| Size, maximum | 24 sq. ft. |
| Height, Maximum | 7 ft. |
| Illumination | Shall comply with all standards for a sign of that type established in this IDO. |
| Allowed locations | On the public right-of-way or on private property abutting the right-of-way, with permission from the City Transit Department. |
| Prohibited locations | Facing any low-density residential development.<br>On a street designated as a local street in LRTS Guide.<br>Within 100 ft. of any Residential zone district on a street designated as a collector street in the LRTS Guide.<br>Within 50 ft. of any Residential use on a street designated as an arterial street in the LRTS Guide. |

# 5-13 OPERATION AND MAINTENANCE

All properties in the city shall comply with the following standards for operation and maintenance, as well as any standards for operations and maintenance in the DPM, unless this IDO or another section of ROA 1994 provides an exception or a different standard for operation or maintenance.

## 5-13(A) OPERATING STANDARDS

All structures, uses, and activities in any zone district shall be used or occupied to avoid creating any dangerous, injurious, noxious, or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this IDO are violations of this Section 14-16-5-13 and shall be subject to the penalties of Section 14-16-6-9 (Violations, Enforcement, and Penalties). Property owner responsibilities under this Section include, but are not limited to, compliance with the following standards.

### 5-13(A)(1) Air Quality

All uses and activities shall be conducted in compliance with the requirements of the Albuquerque-Bernalillo County Air Quality Control Board as set forth in Section 20-11 of the New Mexico Administrative Code (NMAC).

### 5-13(A)(2) Burning

5-13(A)(2)(a) The burning of wood shall comply with Part 9-5-4 of ROA 1994 (Woodburning) and the standards and regulations established by the Albuquerque-Bernalillo County Air Quality Control Board.

5-13(A)(2)(b) No use or activity shall burn solid waste except as allowed under Section 9-10-1-12 of ROA 1994 (Burning of Solid Waste) and in compliance with the regulations established by the Albuquerque-Bernalillo County Air Quality Control Board.

### 5-13(A)(3) Electromagnetic Interference

Every Wireless Telecommunications Facility shall meet health and safety standards and electromagnetic interference regulations as established by the Federal Communications Commission and any other federal or state agency with authority to regulate electromagnetic emissions and interference.

### 5-13(A)(4) Glare

In addition to complying with the requirements of Section 14-16-5-8 (Outdoor Lighting), all uses and activities shall be conducted so that direct or reflected glare, including glare from exterior lighting or high-temperature processes (such as combustion or welding), shall not be visible at the property line.

### 5-13(A)(5) Hazardous Materials

All uses and activities shall comply with all state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

### 5-13(A)(6) Noise

All uses and activities shall comply with Article 9-9 of ROA 1994 (Noise Control), as enforced by the City Environmental Health Department. Uses and activities shall be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties.

### 5-13(A)(7) Vibration

All uses and activities shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the site on which the use is located.

### 5-13(A)(8) Waste and Recycled Materials

All waste and materials for recycling shall be managed to prevent fumes, dust, fire hazard, leakage, drainage onto the ground, or rodent or insect infestation, shall comply with Article 9-10 of ROA 1994 (Solid Waste Management and Recycling), and shall be screened in accordance with Section 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas) of this IDO.

### 5-13(A)(9) Weeds, Litter, and Snow

All properties shall be maintained free of waste, litter, and debris in accordance with Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

## 5-13(B) MAINTENANCE STANDARDS

All property, buildings, and structures shall be maintained in a clean and safe condition and shall not create any public or private nuisance. When the standards and procedures of this IDO or the conditions attached to any permit, approval, or Variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those buildings or site features in good repair as approved and for replacing required site features if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. Property owner obligations include, but are not limited to, the following.

### 5-13(B)(1) Alleys

All alleys shall be maintained by the abutting property owner.

### 5-13(B)(2) Buildings and Structures

All primary and accessory buildings, structures, and site features shall be maintained in good repair, whether occupied or vacant, and any damage or destruction to any building or feature shall be repaired, replaced, or removed within 90 consecutive days after the City notifies the property owner of a violation. In addition, all properties shall comply with the Articles of ROA 1994, as follows:

5-13(B)(2)(a) All residential buildings shall be maintained to comply with Article 14-3 of ROA 1994 (Uniform Housing Code).

5-13(B)(2)(b) All commercial and industrial buildings shall be maintained to comply with all building and technical codes as adopted under Article 14-1 of ROA 1994 (Uniform Administrative Code and Technical Codes).

### 5-13(B)(3) City Landmarks

5-13(B)(3)(a) All landmarked structures shall receive reasonable maintenance and security for the purpose of preserving those structures and carrying out the intent of this Section 14-16-5-13(B)(3).

5-13(B)(3)(b) Any occupied residential landmarked structure shall be maintained to comply with Article 14-3 of ROA 1994 (Uniform Housing Code).

5-13(B)(3)(c) The owner or any other person having legal custody or control of a landmarked structure shall repair or stabilize the structure if it is found to have any of the following defects:

1. A deteriorated or inadequate foundation.
2. Deteriorated, lose, or ineffective waterproofing and weatherproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
3. Any fault in the building or structure that renders it structurally unsafe or not properly watertight.
4. Parts that are inadequately attached that may fall and injure people or damage property.
5. Significant architectural features, as described in the ordinance designating the landmark, that are deteriorating or in need of stabilization to insure their preservation.
6. Any other condition determined by appropriate city officials to cause an immediate threat to public health, safety, or welfare.

5-13(B)(3)(d) Any landmarked archeological site or vacant landmarked structure shall be adequately secured against unauthorized entry.

### 5-13(B)(4) Drainage and Stormwater Management Facilities

Maintenance shall be performed on a regular basis and follow the general standards as established in the DPM.

### 5-13(B)(5) Walls and Fences

Walls and fences shall be maintained in good repair.

### 5-13(B)(6) Landscaping, Buffering, and Screening

5-13(B)(6)(a) Landscaping, screening and buffering areas shall be maintained in compliance with Articles 6-6 (Trees, Vegetation, and Landscaping) and 9-8 (Weeds, Litter, and Snow) of ROA 1994.

5-13(B)(6)(b) All landscaped areas shall be maintained with a neat and orderly appearance, which includes pruning, removal and replacement of dead or diseased plants and trees, disposal of litter, repair of damaged walls and hard surface areas, and upkeep of irrigation systems.

5-13(B)(6)(c) Landscaped areas that become bare shall be re-vegetated to avoid erosion.

5-13(B)(6)(d) Where landscaping was installed pursuant to a Site Plan or development approval, the landscaping shall be replaced

according to any landscaping and maintenance plan under that approval.

5-13(B)(6)(e) Trees or plants that die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 consecutive days after notice from the City. The replacement of dead vegetation is the responsibility of the property owner.

5-13(B)(6)(f) Street trees shall be maintained alive and healthy. Maintaining and replacing street trees or other trees planted in the public right-of-way are the responsibility of abutting property owners.

### 5-13(B)(7) Parking, Circulation, and Loading Areas

5-13(B)(7)(a) All drive-through lanes, loading areas, parking lots, and structures, except driveways for single- and two-family dwellings, shall be kept clean and maintained in good repair. These areas are subject to Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

5-13(B)(7)(b) Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis.

5-13(B)(7)(c) Within 24 hours of the end of a snowfall, the owner or operator of each parking lot shall clear snow and ice from the parking area and the sidewalks in front of such property.

### 5-13(B)(8) Parks and Open Space

All City-owned or managed parks, trails, and Major Public Open Space shall be maintained per City Parks and Recreation standards. Privately-owned parks, trails, and/or open spaces shall be maintained by the property owner (often a homeowners association) to minimize safety hazards. These areas are subject to Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

### 5-13(B)(9) Sidewalks

All sidewalks shall be maintained by the abutting property owners, even if separated by a rear wall.

### 5-13(B)(10) Signs

All signs, including those that do not require a sign permit and those that do not conform to the requirements of this IDO, shall comply with the following standards. Any sign that is removed to comply with these standards shall be replaced only if the replacement sign complies with the standards of Section 14-16-5-12 (Signs).

5-13(B)(10)(a) All signs shall be maintained in good structural condition.

5-13(B)(10)(b) Any sign, including any support structures, that is damaged, inoperative, dilapidated, or dangerous shall be repaired or removed within 30 consecutive days after notice from the City.

5-13(B)(10)(c) Any sign that is chipped, peeled, or flaked to the extent that it cannot be read in whole or in part shall be repainted or removed within 30 consecutive days after notice from the City.

5-13(B)(10)(d) Signs with missing letters, including signs with movable letters, shall have missing letters replaced or be otherwise repaired in order to be readable, within 30 consecutive days after notice from the City.

5-13(B)(10)(e) On-premises signs shall have content removed or be securely covered within 60 consecutive days of the termination of the use or business.

### 5-13(B)(11) Vacant Property

All vacant property shall be maintained in a clean condition, free of nuisances, and in compliance with Articles 9-8 (Weeds, Litter and Snow) and 9-10 (Solid Waste Management and Recycling) of ROA 1994.

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