

**§ 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.**

**(A) Height regulations.**

- (1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:
  - (a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.
  - (b) Where contiguous to non-residential property, it does not exceed ten feet in height above the abutting grade on the residential side except in the required front-yard setback.
  - (c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
  - (d) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (2) A wall, fence, retaining wall, or vertical combination of these that face a public street right-of-way, a public park, open space, or designated trail and is in a residential zone may be built within a required setback, provided:
  - (a) It does not exceed three feet in height above the abutting grade on the street side and 11 feet in height above the abutting grade on the private side within the required front yard; or shall not exceed six feet in height above the abutting grade on the street side and 14 feet in height above the abutting grade on the private side within the required side or rear yard, except:
    1. Any combination of a wall, fence and retaining wall height along the required side or rear yard that exceeds six feet in height above the abutting grade on the public side in order to retain higher ground on the private property side may be constructed up to eight feet in height; such wall shall not exceed six feet in height from the abutting grade on the private property side of the wall. The design of this wall combination shall include at least two of the façade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section;
    2. A wall, fence and retaining wall or a combination of these shall have no segment rising more than six feet in height visible from the public street right-of-way. A minimum horizontal distance of four feet shall separate the vertical height segments. The top-most segment may be constructed up to eight feet in height

provided the wall does not exceed six feet in height above the abutting grade on the private property side of the wall. Such wall combination shall include at least two of the façade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section.

3. Design elements may project vertically two feet above the allowed wall height. Such elements shall have a maximum width of five feet, and are allowed at intervals of no less than 200 feet.
- (b) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the public street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
  - (c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
  - (d) Sound mitigation. A wall, retaining wall or a vertical combination of these that face a public street right-of-way may be higher than otherwise allowed on any residentially zoned property, for an existing residence where approved as a conditional use. The wall height shall be no higher than eight feet in height above the abutting grade on the public side of the wall and must be at least ten feet from the property line in areas where walls are limited to three feet in height. Where a wall is along a sloped street, the wall may be stepped at intervals not to exceed eight feet, and each interval may be eight feet in height at the lower end of the interval. For approval of sound mitigation walls, the following conditions shall be met:
    1. The existing traffic noise level during daytime exceeds 67 dB(A) Leq (Table 1 of Title 23 Part 772 of the Code of Federal Regulations, and as amended) at any location on the affected property.
    2. The proposed solid wall provides a sound level reduction of at least 4 dB(A) Leq as compared to the noise level without the solid wall;
    3. The maximum wall height approved shall be limited to that required to reduce sound levels to 67 dB(A);
    4. The design of the wall shall include at least two facade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section;
    5. A noise analysis shall be certified by a licensed Engineer and must be collected in the following manner:
      - a. The existing sound levels must be measured using an instrument sensitive to pressure fluctuations and meeting the standards of the ANSI S1.4-1983 Type 1 or Type 2 or those of International Electro Technical Commission (IEC) Publication 651 or those of the latest respective revisions thereof;

- b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;
      - c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methodology. An alternative predictive methodology in consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.
  - (3) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:
    - (a) Within five feet of public street right-of-way, where they shall not exceed three feet in height above the abutting grade on the street side; and
    - (b) If a wall, fence, retaining wall, or vertical combination of these abutting a residential zone has a height of over eight feet above the abutting grade on the residential side, the Zoning Hearing Examiner shall decide the required height through a conditional use.
  - (4) No wall, fence, or retaining wall or vertical combination of these shall be erected in the clear sight triangle unless the Traffic Engineer, based on a finding that it would not be a traffic hazard, approves its type and location.
- (B) **Barbed tape, razor wire, barbed wire or similar materials.** Barbed tape, razor wire, barbed wire or similar materials are prohibited in and abutting residential zones, and shall not be visible from a public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones. Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.
- (C) **Design regulations.**
- (1) Applicability. These design regulations shall apply to the following:
    - (a) The side of all walls, fences, retaining walls or a vertical combination of these that exceed four feet in height and that face:
      - 1. Arterial, collector and local street rights-of-way;
      - 2. Public park;
      - 3. Public open space; and
      - 4. Designated public trails.
    - (b) Any wall that does not exceed four feet in height above the abutting grade on the public side shall only comply with subsections (B)(2)(b) Façade and (B)(2)(c) Materials and texture of this section.
    - (c) The public street side of all front, side, and rear yard walls that require a special exception.
  - (2) Design standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.

(a) Layout.

1. The layout shall incorporate at least one of the following features to break the massing of the wall:
  - a. Indentations at intervals that shall not exceed three lots and shall be the width of at least one lot in the following manner:
    - i. Indented every other lot with minimum indentions of 16 inches in depth;
    - ii. Indented every second lot or two contiguous lots with minimum indentions of 32 inches in depth;
    - iii. Indented every third lot or three contiguous lots with minimum indentions of 48 inches in depth.
    - iv. An angular indentation in compliance with i., ii., or iii shall be allowed.
  - b. Curvilinear alignments with a minimum distance of four feet between the outer surfaces of the wall. The outermost point of each curve shall have intervals no greater than 80 feet;
  - c. Vertical pilasters with a minimum projection of two inches from the public side of the wall surface at intervals of no more than 20 feet in length.
  - d. Decorative features, such as columns with a minimum projection of four inches from the public side of the wall surface at intervals of no more than 60 feet in length.
  - e. Terracing of walls with a minimum horizontal distance of four feet separating the vertical height segments. The height of the wall(s) shall meet the requirements of subsection (A)(2) of this section.

(b) Façade.

1. Façade design along the public side shall comply with at least one of the following, and the façade design elements shall be distributed throughout the length of the wall:
  - a. Openings, at least 5% of the wall façade surface, constructed into the façade or created by using see-through pattern blocks, tubular steel or wrought iron bars, wood or other grillwork;
  - b. Variation in the top of the wall, such as stepping down and/or up vertically within subsection (A)(3) Height Regulations of this section. The normal stepping of the wall to accommodate grade change does not satisfy this requirement;
  - c. A variety of materials, texture or color on at least 20% of the wall façade surface;

- d. A continuous overhang cap along the length of the wall projected at least two inches from the public side face of the wall;
  - e. A variety of living shrubs, trees and/or vines covering or overhanging at least one third of the length of a wall in conjunction with a streetscape/landscape maintenance agreement between the City and the adjoining community association as part of the subdivision approval.
- (c) Materials and texture.
- 1. Acceptable materials include but are not limited to stucco over concrete masonry units (CMU) or other structural materials; stabilized adobe; split face blocks; slump blocks; bricks; stone; glass blocks; curved interlock blocks; wood; tubular steel; wrought iron bars; other grill work; or a combination of these materials. Exposed flat-faced CMU blocks may constitute no more than 50 percent of the wall façade.

(Ord. 29-2004; Am. Ord. 2012-037)

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