

PART 3: GENERAL REGULATIONS

Editor's note: Sections 14-16-3-1 through 14-16-3-15 of this article were originally codified as one section (i.e., § 7-14-40) in the Zoning Code set forth in the 1974 Revised Code of Ordinances. In the current edition of the code, the subsections of the General Regulations section have been upgraded into separate sections for the convenience of the code user and to aid in supplementing amendments to the Zoning Code. The ordinance history affecting all sections of § 7-14-40 ROA 1974 appears at the end of § 14-16-3-15.

§ 14-16-3-1 OFF-STREET PARKING REGULATIONS.

An applicant for a building permit for construction of a new building or building addition of 200 square feet or more shall provide parking in accordance with the general requirements of this section. In addition, new buildings and building additions over 2500 square feet constructed after November 1, 2002 shall also be required to comply with all parking design requirements set forth in this section. In zones where off-street parking is required, off-street parking shall be provided for all uses and buildings, except buildings constructed before October 22, 1965 need supply such parking only to the extent on-premise ground space is available.

- (A) Parking spaces for automobiles and light trucks shall be provided on-site or on a site zoned P-R within 300 feet of the use, measured along the shortest public right-of-way, as follows. However, if a use is covered by a duly approved development plan, any different parking requirement of that plan shall apply.
- (1) Boarding or lodging house: one space for each two guest rooms.
 - (2) Bowling alley: four spaces for each alley or lane.
 - (3) Church or other place of worship: one space for each four seats in main room (each 30 inches of pew space is considered one seat).
 - (4) Club in a separate structure: one space for each five members.
 - (5) Club not in a separate structure: one space for each 200 square feet of net leasable area.
 - (6) Community residential corrections program: two spaces per employee on the largest shift; however, a different requirement may be applied as part of conditional use approval, based on the needs of the specific operation.
 - (7) Community residential program other than community residential corrections program: one space plus one space per four clients or fraction thereof; however, a different requirement may be applied as part of conditional use approval, based on the needs of the specific operation.
 - (8) Dance hall, skating rink: one space per three persons of permitted fire occupancy load.
 - (9) Day care center: two spaces plus one additional space for each 500 square feet of net leasable area.
 - (10) Dormitory, fraternity or sorority house: one space for each three persons in residence.

- (11) Emergency shelter: seven spaces; however, a different requirement may be applied as part of conditional use approval, based on the needs of the specific operation.
- (12) Exercise or health club: one space per three persons of permitted fire occupancy load.
- (13) Flea market, outside: one space for each 200 square feet of stall space and customer circulation area.
- (14) Greenhouse or lath-house (retail): one space for each 400 square feet of net leasable area.
- (15) Home occupation: no additional spaces.
- (16) Hospital, convalescent or nursing home: one space for each two beds.
- (17) Manufacturing and wholesaling: one space for each three employees on the largest shift or one space per 1,000 square feet of net leasable area, whichever requirement is greater.
- (18) Medical or dental office, clinic: five spaces for each doctor.
- (19) Mobile home: two spaces for each mobile home.
- (20) Motel or hotel: one space for each rental unit.
- (21) Offices: one space per 200 square feet of net leasable area on the ground floor and one space per 300 square feet of net leasable area in the basement areas and on all floors above the ground floor.
- (22) Public assembly place, such as auditorium, mortuary, sports arena, stadium, or theater: one space for each four seats (each 30 inches of bench space is considered one seat).
- (23) Recreation, outdoor: one space per 200 square feet of site where customers circulate, participate in, or watch the recreation.
- (24) Residential use, except community residential program and emergency shelter, which have separate parking listings under this division (A):
 - (a) For each dwelling not covered by another item of this division (24): one space per bath but not less than two spaces.
 - (b) For each dwelling with net leasable area of less than 1,000 square feet and which is not covered by either divisions (c) or (b) of this division (24): one space per bath but not less than one and one-half spaces.
 - (c) Vehicle parking and maneuvering areas in the front yard setback area shall be either a dust free surface consisting of concrete, cement, brick, or sealed aggregate pavement; or three inches of crushed rock or crusher fines over a four inch compacted subgrade.
 - (d) For each house or townhouse on a lot designated with the suffix "p1" on the subdivision plat (on streets classified for Intermittent Parking as provided in the Subdivision Regulations set forth in Chapter 14, Article 14 of this code):
 1. Three spaces if the dwelling has up to two bedrooms; or
 2. Four spaces if the dwelling has three or four bedrooms; or

3. Five spaces if the dwelling has five or more bedrooms.
- (e) For each house or townhouse, on lots designated with the suffix "p2" on the subdivision plat (on streets classified for Infrequent Parking as provided in the Subdivision Regulations set forth in Chapter 14, Article 14 of this code):
1. Four spaces if the dwelling has up to two bedrooms; or
 2. Five spaces if the dwelling has three or four bedrooms; or
 3. Six spaces if the dwelling has five or more bedrooms.
- (f) Parking on any portion of a front yard setback area, other than the improved parking and maneuvering areas, is prohibited.
- (25) Residential use - apartment in the R-4 zone: for each dwelling unit, one space per bath but not less than one and one-fourth spaces.
- (26) Restaurant, bar: one space for each four seats for establishments without a full service liquor license; otherwise one space per three persons of permitted fire occupancy load.
- (27) Retail and service uses unless otherwise specified in this section: one space per 200 square feet for the first 15,000 square feet of net leasable area; then, one space per 250 square feet for the next 45,000 square feet of net leasable area; then, one space per 300 square feet for the net leasable area that exceeds 60,000 square feet.
- (28) School - elementary and middle: one space for each employee.
- (29) School - high: one space for each four seats in the main auditorium or three spaces for each classroom, whichever is greater.
- (30) School - private commercial and private trade: one space for each two seats, or to the extent that seats are not provided, one space for each two student and employee stations.
- (31) Warehouse: one space per 2,000 square feet of net leasable area.
- (B)** Parking for bicycles shall be provided on-site or on a site within 300 feet of the use, measured along the shortest public right-of-way, as follows:
- (1) Residential use, five or more dwelling units or mobile homes per lot: one bicycle space per two dwelling units.
 - (2) Dormitory, fraternity or sorority house: one bicycle space for each six persons in residence.
 - (3) Nonresidential uses: one bicycle space per each 20 parking spaces required for automobiles and light trucks, but not less than two spaces per premises, unless otherwise specified below:
 - (a) Drive-in theater, mortuary, or motel or hotel rental unit: None.
 - (b) School - elementary and middle: one bicycle space for each 20 students.
 - (c) School - high, commercial, and trade: one bicycle space for each 50 students.
- (C)** Parking for motorcycles, mopeds, and motor scooters shall be provided on-site as follows:

- (1) Non-residential uses:

| Total Required Off-Street Parking Spaces | Minimum Motorcycle Parking |
|--|---|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-100 | 3 |
| 101-150 | 4 |
| 151-300 | 5 |
| 301-500 | 6 |
| 501-750 | 7 |
| 751-1,000 | 8 |
| More than 1,000 | 8 plus 1 for each additional 500 spaces |

- (2) These spaces shall be located in an area that is visible from the entrance of the building on the site and shall be designated by its own conspicuously posted upright sign, either free-standing or wall mounted. Each sign shall be no smaller than 12 by 18 inches and shall have its lower edge no less than four feet above grade.

(D) Procedure.

- (1) An applicant for a building permit must submit plans showing the off-street parking required by this section. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory to the Planning Director and Traffic Engineer. Signs between the street or alley and the parking area must be shown. If a premises is to contain ten or more off-street parking spaces, the parking plans must include satisfactory landscaping plans meeting the requirements of § 14-16-3-10(G) of this Zoning Code.
- (2) An applicant for a building permit whose off-street parking requirement is to be met in any part on a lot which does not and is not expected to contain a part of the building for which the building permit is requested must secure P-R zoning for the land to be used for parking. All owners of property directly involved must join in the application for the zone change.

(E) General Requirements.

- (1) It is unlawful to reduce the amount of existing parking below the minimum required by this section except as provided in Paragraph (D)(6) below.
- (2) Whenever a permit has been issued in compliance with the requirements of this section, subsequent use of the structure, or use of land is conditioned upon the unqualified availability of off-street parking as shown in the plans submitted prerequisite to receiving the permit.
- (3) A new use for a building shall not be approved if it would create or increase a deficit in off-street parking.
- (4) In the event of mixed uses, the total number of required off-street parking spaces is the sum of the requirements of the various uses computed separately. The total number of required off-street parking spaces may be reduced according to Paragraph (D)(6) below.

- (5) In calculating the total number of required off-street parking spaces, fractional amounts are to be rounded up to the next whole number.
- (6) Parking Reductions:
 - (a) Transit Reductions:
 1. The parking requirement of a building or use shall be reduced 10% if it is within 300 feet of a regular Albuquerque Transit System route.
 2. The parking requirement of a building or use shall be reduced an additional 5% for premises which provide, at the owner's cost, transit rider shelters of a type and location acceptable to the City.
 3. The parking requirement of a building or use shall be reduced an additional 5% for premises of five acres or more which provide, at the owner's cost, transit pull-offs of a type and location acceptable to the City.
 - (b) Mixed Use Shared Parking Reductions:
 1. In situations where a mix of uses creates staggered peak periods of parking demand, shared parking calculations can be made to reduce the total amount of required parking. All non-residential uses may share parking areas. In no case shall shared parking include the parking required for residential uses.
 2. The Planning Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods provided:
 - 1) pedestrian access is provided to and from the parking area and each building or use; and
 - 2) all other requirements listed in this section are met. (NOTE: Each situation shall be judged according to the individual facts presented.)
 3. Parking spaces that are reserved for a specific business (e.g., reserved for doctors only) shall not be counted toward meeting the shared parking requirements.
 4. Shared parking spaces may be located on a different lot than the building or use that it serves only where the following conditions are met:
 - a. The parking is located no more than 500 feet from the building or use that it serves. The distance between the building or use and the parking area shall be measured following a reasonable and safe walking route from the main entrance of the building or use to the parking area in question;
 - b. The sharing of the required parking shall be guaranteed by a legally binding agreement, duly executed and acknowledged, between the owner of the parking area and the owner of the building or use which 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.
 - c. The applicant for a building permit or certificate of occupancy for the use which is served by parking spaces on the other lot shall submit a copy of such agreement along with his or her application for such permit or certificate.

5. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit shared parking calculations to the Planning Director that clearly demonstrate the feasibility of shared parking. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 20 percent.
6. The sharing of the required parking shall be guaranteed by a legally binding Shared Parking Agreement duly executed and acknowledged among all owners of record. Such agreement shall address the issue of how parking will be shared if the parties change their operating hours and peak business periods. Such written agreement shall be recorded by the applicant with the Bernalillo County Recorder's Office prior to the issuance of a building permit or certificate of occupancy, and a copy filed in the project review file.

(c) The total maximum reduction for transit and shared parking shall not exceed 25%.

(d) On-Street Parking Credit.

1. Where parking spaces are provided on a public street and abut the property, one half of the parking may be counted toward the off-street parking requirement of a building or use on such property provided the on-street parking spaces are approved by the Traffic Engineer, in conjunction with a site plan approval for off-street parking.
2. The on-street parking credit allowance does not apply to residential development of 10 dwelling units per acre or less.
3. Buildings constructed before 1965 cannot take advantage of the on-street parking credit until all off-street parking requirements are met first.
4. The granting of on-street parking does not obligate the City to provide on-street parking in perpetuity since the City could require the public right-of-way for other uses at some future time. If on-street parking is removed as a result of City action, the property owner will not be in violation of this section of the Zoning Code and will not be required to provide additional parking, provided no subsequent development approvals are requested.
5. Notification Requirement. The Planning Department, by regular mail, shall notify all residents within 250 feet of the property for which on-street parking credit is sought. Such residents may submit written comments to the Planning Director regarding the request for on-street parking credit within 15 days from the date the notice was mailed. Comments received by the Planning Director that meet the requirements of this section shall be considered by the Traffic Engineer prior to the final determination of whether to grant credit for on-street parking.

(F) **Automobile, Light Truck and Motorcycle Space Standards.** Off-street parking, except for houses, shall comply with the following:

(1) Paving, all of which shall be maintained level and serviceable, shall be:

- (a) Blacktop or equal: Two inches of asphaltic concrete on a prime coat over a four inch compacted subgrade, or a surface of equal or superior performance characteristics. Hereinafter, where a premises has four or more off-street parking spaces which, as laid

out, require access off of an alley, the full width of the alley shall be paved to City specifications from the parking access drive to a street.

- (b) Permeable Pavement or Permeable Pavement System: The permeable surface or permeable pavement system shall be designed to meet the requirements of the City Engineer and/or their designee(s). Alternate paving materials shall be installed and maintained according to manufacturer's specifications. Pavement must support the expected loading and traffic and be sufficiently durable. Designated disabled parking spaces and pedestrian pathways must be paved with 2" asphaltic pavement or equivalent per City of Albuquerque standards to ensure compliance with Federal Guidelines.
- (2) The parking area shall have barriers such as concrete bumpers or curbs to prevent vehicles from extending over any public sidewalk or adjacent property line, to prevent damage to adjacent walls or fences, and to prevent vehicle overhang from reducing minimum required widths of pedestrian walkways and landscape areas.
- (3) If the parking is in a nonresidential zone, a solid wall or fence at least six feet high shall be erected on sides which abut land other than public right-of-way land in a residential zone. (See also § 14-16-3-10). However:
 - (a) Such wall or fence shall be three feet high in the area within 11 feet of a public sidewalk or planned public sidewalk location.
 - (b) If the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Planning Director shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
- (4) Where parking areas abut the public street and are greater than 100 linear feet, and where total premises parking amounts to 50 spaces or more, screening shall be provided in the form of walls, evergreen landscaping, or a combination thereof. Screening shall be a minimum of 30 inches in height but shall not exceed 36 inches in height according to subsection F(3)(a) of this section. Where walls are provided, they shall integrate with building materials/colors. Where landscaping is provided, proper evidence must be provided indicating the plant selection will achieve proper height.

EXCEPTION TO THE SCREENING REQUIREMENT may be allowed where the parking area is three feet or more below the grade of the public street.

- (5) Ingress or egress shall be designed to discourage parking lot traffic from using local residential streets for more than 150 feet, unless no reasonable alternative is available.
- (6) Automobile and Light Truck Dimensions: refer to § 14-16-1-5, Definition of Parking Space.
- (7) Motorcycle Parking Space Dimensions: At least four feet wide and eight feet long.
- (8) Parking shall be allowed only in appropriately marked parking spaces.
- (9) Parking spaces for vehicles with valid distinctive registration plates for the physically disabled as provided by Section 66-3-16 NMSA 1978 shall be provided off street in the amount indicated in division (a) below and meeting the standards indicated in division (b) below. While disabled parking configurations approved under prior zoning regulations will be considered conforming, no building permit shall be issued for new construction or renovation of a building resulting in an increase in required minimum number of parking

spaces unless the parking lot has designated disabled parking spaces as described in this division (8); however, see division (c) below as to newly required signed for existing off-street parking.

(a) The minimum numbers of designated disabled parking spaces are as follows:

| Total Required Off-Street Parking Spaces | Minimum Designated Disabled Parking Spaces |
|--|--|
| 1 to 25 | 1 |
| 26 to 35 | 2 |
| 36 to 50 | 3 |
| 51 to 100 | 4 |
| 101 to 300 | 8 |
| 301 to 500 | 12 |
| 501 to 800 | 16 |
| 801 to 1,000 | 20 |
| More than 1,000 | 20, plus 1 for each additional 100 |

(b) Such spaces shall be:

1. At least 12 feet in width and 20 feet in length, or 8.5 feet in width if an additional adjacent delineated access aisle of at least 3.5 feet at one side is provided; spaces 8.5 feet in width may share a common access aisle between two spaces.
2. The designated disabled parking spaces shall be located so as to provide convenient access, at least 36 inches wide, to a primary, accessible building entrance unobstructed by bumpers, curbs, or other obstacles to wheelchairs. The site design shall not permit parked vehicle overhangs or any other obstacle to reduce the clear width of adjacent walkways. Disabled parking spaces and aisles shall not have surface slopes exceeding 1:20 (5% slope or five feet in 100 feet) in any direction.
3. Each disabled parking space shall be designated by its own conspicuously posted upright sign, either free-standing or wall mounted, showing the international disabled symbol of a wheelchair; it may include such wording as "disabled parking" or "handicapped parking." Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four feet above grade. Signs shall be maintained in good condition; in parking lots serving nonresidential uses, barriers shall protect free-standing signs from being hit by motor vehicles. However, for any such spaces required for dwelling parking, where the premises is required to have ten or fewer off-street parking spaces, no sign need be displayed so long as no person with need of a designated disabled parking space is a resident on the premises.

- (c) Legally installed disabled parking spaces with any clearly visible depiction of the international disabled symbol of a wheelchair may continue with only such marking until November 15, 1986. Beginning November 15, 1986, all disabled parking spaces shall be marked in conformance with (b)(3) above.
 - (10) Parking spaces shall be appropriately marked to indicate the location of the spaces.
 - (11) Parking requiring access off an alley must meet the requirements of division (F)(1) above.
 - (12) Where shopping carts are offered to customers, shopping cart corrals or similar shopping cart storage facilities shall be provided intermittently throughout the parking area. Such shopping cart facilities shall not be provided in lieu of required parking spaces and shall be indicated on all site plans.
 - (13) 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.
- (G) ***Bicycle Space Standards.*** Required bicycle spaces shall comply with the following:
- (1) Paving is not required, but the outside ground surface shall be paved or planted in a way which avoids mud or dust.
 - (2) Bicycle spaces shall be racks or lockers anchored so that they cannot be easily removed. Racks shall be so designed that both wheels and the frame of a bicycle can be locked securely to it with a heavy chain, cable, or padlock. Lockers shall be so designed that an unauthorized person cannot remove a bicycle from them.
 - (3) Fixed objects which are intended to serve as bicycle racks but not obviously intended for such purposes shall be clearly labeled as available for bicycles.
 - (4) If a room or common locker not divided into individual lockers or rack spaces is used, one bicycle per 12 square feet of floor area is assumed.
- (H) ***Pedestrian Connections.*** The intent of the regulations in this subsection is to accommodate the inter-related movement of vehicles, bicycles, and pedestrians, safely and conveniently, both within the proposed development and to and from the street and the surrounding areas, and to contribute to the attractiveness of the development.
- (1) Pedestrian walkways within a site shall be a minimum of six feet in width, unobstructed, and clearly demarcated by the use of techniques such as special paving, grade separation, or pavement marking of a permanent nature, except that clear width may be reduced to 4 feet 6 inches at planting areas for a maximum distance of 10 feet. Pedestrian walkways shall also be lined with adjacent shade trees spaced approximately 25 feet on center and placed within defined planting areas that have a minimum interior dimension of 80 square feet, these trees may also be counted toward Section 14-16-3-10 (E)(2) of the Landscape Regulations provided that the provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met.
 - (2) Pedestrian walkways shall be provided from all street sidewalks to the principal customer entrance(s) of the nearest building(s) on a site.
 - (3) All buildings within a site shall be connected to each other with pedestrian walkways. The connections shall be as direct as possible.

- (4) Where building facades abut parking areas, pedestrian sidewalks, no less than eight (8) feet in width, shall be provided adjacent to and along the full length of the building. A minimum width of six feet shall remain clear and unobstructed at all times for pedestrian use.
- (5) Parking areas shall be visually and functionally segmented into smaller subareas separated by landscaping and/or pedestrian walkways. No single subarea shall exceed 150 parking spaces.
- (6) Parking subareas shall be linked to the main pedestrian walkway(s) leading to the main entrance(s) of the building(s) by means of pedestrian walkways.

('74 Code, § 7-14-40A) (Am. Ord. 50-1993; Am. Ord. 36-2002; Am. Ord. 51-2003; Am. Ord. 2-2006; Am. Ord. 17-2007; O-13-62; O-16-5)