

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

(A) **Basic Requirement.** Landscaping is required for all apartment development and all nonresidential development in accordance with the regulations of this section.

(B) **Intent and Purpose.** ~~The intent of the regulations in this section is to provide visually attractive landscape buffers around the perimeter of developments, provide a visually attractive streetscape, intersperse trees throughout off-street parking areas to provide shade and reduce large expanses of pavement and parked cars, provide landscaped areas around apartments, and reduce impacts of nonresidential uses on residences.~~

(1) The intent of these regulations is to establish landscape standards that enhance, improve and maintain the quality of the public environment by providing visual relief from urbanization while enriching Albuquerque's character and quality of life.

(2) The purpose of this section is to define and regulate landscape requirements that establish visually attractive, sustainable desert landscapes that aid in the creation of a quality public realm. The City recognizes landscaping as a vital component to quality environments that enhance Albuquerque's overall appearance and provides public benefit through:

(a) Providing visual relief from urbanization;

(b) Establishing a consistent, attractive streetscape that generates a sense of continuity and a strong, positive City image;

(c) Improving the aesthetic appearance of commercial, industrial and multi-family residential development thereby protecting and enhancing public/ private investments and property values;

(d) Ensuring the use of native and/or adapted, low water-use or xeric species, regionally appropriate, sustainable design and maintenance techniques to conserve water resources; and

(e) Contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retention. Landscaping should be designed to retain soil moisture, prevent erosion and help encourage the growth of abutting plantings, and mitigate urban, heat-island effects whilst aiding in the abatement of air and water pollution, dust, noise, heat and glare.

(f) Street trees should have a positive effect on reducing the frequency and severity of automobile accidents and provide significant improvements for pedestrian comfort.

(C) **Landscaping Plan.** See also the definition of this term in § 14-16-1-5 of this Zoning Code.

(1) As to apartment and nonresidential developments, all applicants for building permits for construction of a new building or building addition over 200 square feet shall submit and have approved by the Planning Director a landscaping plan prior to issuance of a related building permit; however, foundation permits may be issued on the basis of simple designation of appropriate areas of the site to be landscaped.

(2) Prior to design, the existence of underground utility lines shall be verified. Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas,

telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs ~~shall~~ should be planted no less than three feet from existing gas mains or gas service lines and underground electric utility lines.

- (3) The landscaping plan shall show:
- (a) The common names and botanical name of the plants to be used; if there is no common name ~~or if that name does not clearly indicate the species,~~ only the botanical name shall be used;
 - (b) Topography in the form of finished contour lines;
 - (c) The type of watering system;
 - (d) The parties responsible for maintenance of the landscaping;
 - (e) The square footage for each separate area of landscaping and also a total for all landscaping on the site; dimensions of each landscaping area shall be provided, along with the quantities of trees and shrubs, and their mature height and spread.

(D) Installation and Maintenance.

- (1) Landscaping shall be installed according to the approved plan; installation shall be completed within 60 days of the related building's occupancy.
- (2) Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials, which have been approved by the applicable public utility as part of a plan for landscaping on the public right-of-way, shall be the responsibility of such public utility. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials.
- (3) Landscaping shall have adequate maintenance. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notification.

(E) Landscaping Area Requirements.

- (1) ~~The total landscaped area required~~ for each development that is required to include landscaping shall ~~not equal~~ equal ~~not~~ less than 15% of the net lot area. For the purposes of this section, NET LOT AREA is defined as ~~means~~ the total area of the lot minus the following:
 - (a) The area of the lot covered by buildings;
 - (b) The portions of the lot that are not required for off-street parking or a parking lot and which are fully screened from view from any ~~adjacent~~ abutting lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscaping will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening; and

- (c) The area of any approved landscaping that the property owner installs and maintains in the ~~adjacent~~ abutting public right-of-way, exclusive of the area of any existing or planned public sidewalk, shall include the installation of an adequate irrigation system that meets the minimum technical requirements of the City of Albuquerque with a separate meter for the landscape area in the public right-of-way, or a separate valve at the property line allowing isolation of the irrigation to the landscaping within the public right-of-way. Drip irrigation systems and artificial turf shall not be allowed within the public right-of-way.
- (d) For the purposes of this section, “total landscaped area” is defined as 15% of net lot area
- (2) Required Vegetative Coverage. All landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as trees, grasses, vines, shrubs, or flowers. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Coverage will be calculated from the realistic, mature spread of the plants, including the mature canopies of trees, all calibrated for Albuquerque’s desert climate/environment, and as follows:
- (a) The total landscaped area shall have at least 75% coverage by living, vegetative materials.
- (b) A minimum of 30% of the total landscaped area shall be achieved by ground-level plants (shrubs, groundcover, grasses, etc.).
- (c) A minimum of five (5) species must be used on the site to have a mix of living vegetative materials represented in understory plantings.
- (d) Trees selected from the Official Albuquerque Plant Palette and Sizing List and included on a landscape plan contained within a Site Development Plan or a Building Permit set that satisfy the requirements of the landscape regulations contained within Section 14-16-3-10, subsections (E) - Landscape Area Requirements, (G) - Special Landscape Standards and (H) - Street Trees may also be counted provided that the provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met. Any street trees required by the City that are planted within 20-feet of the back of curb of the abutting street may be used to help fulfill section 14-16-3-1(H) and landscaping regulations for off-street parking areas abutting a street frontage, street tree and coverage requirements.
- (3 2) Clear sight areas ~~satisfactory to the Planning Director~~ as specified in the DPM shall be maintained at all exits of parking areas. The clear sight triangle (at street corners), as defined in ~~Chapter 8~~ Section 8-2-2-15, Traffic Code, and also in § 14-16-1-5 of this Zoning Code, shall be kept clear.
- (4 3) Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. On sites controlled by the shopping center regulations (§ 14-16-3-2) and planned development areas controlled by site development plans, these requirements shall be based on the entire area of the planning site unless otherwise approved by the Planning Commission. Landscape buffers may be crossed by driveways connecting to ~~adjacent~~ abutting land. No parking is permitted within a required landscape buffer area. Landscaping approved within ~~adjacent~~ the abutting public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscaping and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer locations and minimum widths shall be as follows:

- (a) ~~Front - Ten feet for sites of three acres or less, increasing at the rate of one foot in width per two-acre increase in site size to a maximum required width of 20 feet.~~
1. Ten feet, if there is/are no building(s) or forecourt(s) within ten (10) feet of the front property line;
 2. The landscape buffer can be reduced or eliminated if the building(s), forecourt(s) and/or frontage(s) are located within ten (10) feet of the front property line as allowed by underlying zoning;
 3. Adequate room and spacing for required Street Trees (§14-16-3-10(H)) may be accommodated/provided in the public right-of-way and/or on the site immediately abutting the public sidewalk: minimum 100 sq. ft. planting area for each tree; and maximum of 25 - 30 feet spacing on-center. For planting areas with over 1,000 CF of uncompacted soil, tree spacing may be increased to up to 35 feet on-center.
- (b) ~~Side - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.~~ Six (6) feet, where the side yard of a property abuts and/or fronts a street. Street trees are appropriately located in this landscape buffer area.
- (c) ~~Rear - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.~~ Around Dumpster Enclosures Five (5) feet. Landscaping should not interfere with the functioning of the enclosure gates or the refuse collection service.
- (5 4) Special Buffer Landscaping/Screening Requirements. Where a nonresidential zone is developed after April 2, 1990 for a nonresidential purpose and the site abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the non-residential activities in the residential area:
- (a) The standard buffer landscaping shall be a landscaping strip at least ten feet wide where located along the residential/nonresidential boundary. ~~The required landscaped setbacks specified in division (3) above may be utilized for this purpose;~~
 - (b) The buffer landscaping shall consist primarily of trees, which trees shall ~~be~~ have a 2.0 inch caliper for deciduous trees or a height of 6 feet for Evergreens at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees; where utilities and/or utility easements may interfere with tree placement and/or growth, the number of trees may be reduced and/or the trees may be grouped to minimize conflicts with utilities and/or utility easements. Trees shall not be planted near existing or proposed street pole lights. Conflicts can occur with large trees near overhead electric utility lines. The larger the tree, the farther it should be located from an electric utility line. Small growth trees (those under 25 feet high at maturity) can be near the electric utility lines. If possible, locate medium growth trees at least 15 feet away from the electric utility lines and locate large growth trees at least 25 feet from electric utility lines. Trees that grow into or near electric lines may be trimmed back to prevent any growth into the lines;
 - (c) Where parking or vehicle circulation areas ~~are adjacent to~~ abut the landscaping strip, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area from the ~~adjacent~~ abutting residential zone; chain link fence with slats shall not constitute acceptable screening; the landscape area may be

reduced by up to 25% if the surface of the parking or vehicle circulation area is of a permeable material and approved by the Planning Director or her/his designee.

- (d) This division (4) requirement does not apply to lots which were entirely developed as of January 1, 1976.
- (5) Special Screening Requirements for Certain Uses. In addition to the above requirements in division (4), an additional screening requirement applies where a principal business is:
- (a) A mobile home sales lot; or
 - (b) Outdoor vehicle storage where the vehicles are typically not moved for one week or more: if the site is so developed after April 2, 1990, and abuts a residential zone or is separated only by public right-of-way from a residential zone, a minimum eight foot high opaque wall or fence shall be required to visually screen the parking or display area from the ~~adjacent~~ abutting residential zone; chain link fence with slats shall not constitute acceptable screening.
- (F) ***Plant Palette and Plant Sizes.*** The Planning Director or his/her designee, appropriate staff and entities such as the ABCWUA, the local chapter of the American Society of Landscape Architects, local landscape maintenance firms, and local nurseries, shall create an official, Albuquerque-specific tree and plant palette (Official Albuquerque Plant Palette and Sizing List). Except as otherwise specified in this section, the minimum acceptable sizes of plants or amounts of seed, at the time of planting, are as follows:
- (1) Trees.
 - (a) Deciduous Trees: Two inches in caliper measured six inches above grade;
 - (b) Evergreen Trees: six feet in height.
 - (2) Shrubs ~~and low-growing evergreens~~: one gallon;
 - (3) Ground cover ~~and turf~~: adequate to provide general ground coverage within one growing season after planting.
- (G) ***Special Landscaping Standards.***
- (1) Off-Street Parking Area Landscaping. Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:
 - (a) One tree is required per ten parking spaces;
 - (b) No parking space may be more than 100 feet from a tree trunk;
 - (c) The minimum size of tree planters within off-street parking areas shall be ~~36~~ 80 square feet per tree; the tree planter area may be reduced if the surface of the parking or vehicle circulation area is of a permeable material;
 - (d) At least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.
 - (2) Street Trees. Street trees meeting the requirements of §§ ~~6-6-2-1 et seq.~~ 14-16-3-10(H), Street Trees, are required along all arterial and collector street frontages.

~~(3) Required Vegetative Ground Cover. All required landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as grasses, vines, spreading shrubs, or flowers, over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of the plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan.~~

(3) Artificial turf/grass. Artificial turf/grass may be allowed, but only as an accent and only up to 5% of the total landscaped area referenced under §14-16-3-10 (E)(1)(d) above. Artificial turf/grass shall not be counted as living vegetative material or to meet the Required Vegetative Coverage Requirements section referenced under §14-16-3-10 (E)(2) above. Artificial/turf grass will help provide water savings and drought tolerant options for landscape purposes.

(a) Minimum material standards for artificial turf/grass:

(i) Artificial turf/grass shall consist of green lifelike individual blades of grass that emulate natural turf in look and color for the duration of its use.

(ii) All artificial turf/grass shall have a minimum eight-year manufacturer's warranty that protects against color fading and a decrease in pile height.

(iii) Artificial turf/grass shall be lead free.

(b) Installation and maintenance standards for artificial turf/grass:

(i) All artificial turf/grass installations shall be anchored.

(ii) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate artificial turf/grass from soil and live vegetation.

(iii) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.

(iv) Turf/grass shall be maintained in good condition, shall present a healthy, neat, and orderly appearance, and shall be free from refuse and debris. (must be replaced at the end of life span – talk to Legal about how to phrase)

(v) Artificial turf/grass shall not interfere with the drainage of the site.

~~(5-4) Tree Requirements for Multi-Family Residential Developments. In addition to the above requirements, multi-family residential sites must provide trees in areas around residential structures as follows:~~

~~(a) Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two second-story dwelling units. No additional trees are required for units above the second story;~~

~~(b) At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.~~

(H) Street Trees.

(1) Required Street Trees.

- (a) All applicants for building permits for construction of a new building or building addition of over 200 square feet shall submit a street tree plan for those parts of the lot abutting a major street, a major local street, or another street where street trees are required.
- (b) Any person who constructs a new building addition of over 200 square feet or who paves a parking lot or required off-street parking area for apartments and/or non-residential development on a lot abutting to a major street, a major local street, or another street where street trees are required shall plant street trees according to a street tree plan approved by the Mayor or his/her designee. Such planting shall occur no later than 30 days after the completion of construction and shall occur before final inspection as required in the Building Code.
- (c) Street trees shown on an approved street tree plan and required to meet the requirements of §6-6-2-1 et seq. shall be maintained alive and healthy. Maintenance and trimming of street trees and replacement of dead trees are the responsibility of the owner of the lot abutting or on which the tree is located.
- (d) The Parks and Recreation Department shall maintain a list of trees, as part of the Official Albuquerque Plant Palette and Sizing List, generally suitable for use as street trees in Albuquerque. This Street Tree List shall include a description of the physical characteristics and horticultural requirements of each species.
- (e) City Staff, in coordination with appropriate local private sector input, shall develop and make available information regarding the required soil volume for trees of a given mature size; the Planning Director shall make this available.
- (f) Conflicts can occur with large trees near overhead electric utility lines and/or underground utility lines. The larger the tree, the farther it should be located from an electric utility line. Small growth trees (those fewer than 25 feet high at maturity) can be near the electric utility lines. If possible, locate medium growth trees at least 15 feet away from the electric utility lines and locate large growth trees at least 25 feet from electric utility lines. Trees that grow into or near electric lines may be trimmed back to prevent any growth into the lines.

(2) Street Tree Policies Abutting the Public Right of Way.

The following city policies govern the placement of all street trees which are planted on private property, abutting the public right-of-way, or which are required to be planted near streets pursuant to city plans, policies and ordinances; the policies are-applicable for all street trees:

- (a) Size of the trees at maturity should be in proportion to the planting space provided for them. Spacing between evenly spaced street trees should be no greater than the diameter of the tree canopy at maturity, per the Official Albuquerque Plant Palette and Sizing List. Smaller species of trees will require closer spacing, and larger trees will require greater spacing. Spacing shall be approved as part of the plan approval process.
 - a. Adequate room and spacing for Street Trees (subsection citation) shall be accommodated/provided: minimum 80 sq. ft. planting area for each tree; and

- maximum of 25 feet spacing on-center. For planting areas with over 800CF of un-compacted soil, tree spacing may be increased to up to 35 feet on-center.
- b. The planting hole shall be twice as wide as the root ball of the tree being planted, but only as deep as the distance from the bottom of the root ball to the top of the highest first-order root in the root ball.
- c. On sites where evenly-spaced street trees are not possible or do not conform to the overall design objectives of the site, random clustering of street trees may be acceptable, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly-spaced.
- (b) Where less than three feet of space exists between the curb and the public sidewalk, street trees shall not be planted into the parkway strip. Any street trees required by the City shall be planted within 20-feet of the back of curb of the abutting street. In addition to fulfilling the street tree requirement, such trees can be included in the calculation described in 14-16-3-10.E.2. Furthermore, if an off-street parking area is located along the frontage of the site, these trees may be used concurrently to fulfill the landscaping regulations for these areas, in possible addition to the street tree and coverage requirements.
- (c) Where the sidewalk is at the curb, preferably street trees shall be planted at least two feet beyond the property-side edge of the sidewalk;
- (d) Notwithstanding the standards in division (1) above, the location of street trees shall be determined by the Development Review Board if the standards of division (1) above would result in a tree being located less than eight feet from the face of the street curb. In making decisions on tree location, the Development Review Board shall balance traffic safety with the appearance of the streetscape. The Board shall consider the purposes of §14-16-3-10(H) as well as traffic speed and other relevant traffic aspects which may impact public safety.
1. Street trees shall be selected from the species in the Official Albuquerque Plant Palette and Sizing List. The most appropriate species will depend upon the conditions of the particular site.
 2. Street trees shall be at 2.0 inches in caliper at the time of planting.
 3. Notwithstanding the other provisions of this section, trees planted ~~in~~ abutting the public right-of-way or in easements for underground utilities should be located so as not to interfere, either at the time of installation or later, with the function of overhead and underground utility lines. Where this is not possible, street trees shall be planted near but off the public right-of-way. Reasonable location is the responsibility of the person preparing the street tree plan and the person planting the tree. The Planning Director or his/her designee may approve alternative planting schemes.
 4. As it is desirable to have a mix of species and genera represented in the urban forest in order to protect against the loss of trees due to disease, insects or environmental conditions, the following guidelines shall be used:
 - a. Plantings of five (5) or fewer trees may all be of the same genus;

- b. Plantings of six (6) to ten (10) trees must use at least two different genera, with roughly equal numbers of each;
- c. Plantings of more than ten (10) trees shall use no more than 30% of trees in any one genus.

(e) One of every three street trees planted may be an accent tree per the Official Albuquerque Plant Palette and Sizing List, provided the guidelines in (G) 1, above, are met.

(3) Street Tree Programs.

- (a) The Mayor or his/her designee shall prepare, distribute, and continue to keep available to the public a booklet or other printed material encouraging street trees, indicating recommended species, city regulations, appropriate street tree locations, and tree care.
- (b) The Mayor or his/her designee shall, through the Capital Improvements Program, cause street trees to be planted near the street frontages of all city-owned lots, at least meeting the requirements of §6-6-2-1 et seq.
- (c) The Mayor or his/her designee shall propose to the City Council appropriate major streets for special assessment districts for the planting and maintenance of street trees. The Mayor shall designate appropriate city staff to administer such supports.
- (d) Whenever a city project on the public right of way removes or kills one or more street trees, the Mayor shall replace each such tree with one of the same species in approximately the same location, unless the species or location is contrary to §6-6-2-1 et seq. or to related regulations or plans, in which event each such tree shall be replaced with a tree of conforming species and location.

(4) More Detailed Regulations.

Regulations detailing the provisions of §6-6-2-1 et seq. should be enacted in coordination with and through the Parks and Recreation Department, and be amended by the Environmental Planning Commission at an advertised public hearing.

(5) Waivers.

The Mayor or his/her designee, upon application of land owners, may waive or modify requirements of §6-6-2-1 et seq., if it is found that:

- (a) Street trees would necessarily contribute to unsafe conditions on the public right-of-way;
- (b) The lot frontage is sufficiently forested to be in general compliance with the intent of §6-6-2-1 et seq. or
- (c) Alternative landscaping plans, in harmony with the surroundings and meeting the intent of §6-6-2-1 et seq. are proposed.

(6) Appeals.

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

(74 Code, §7-14-40J, §8-5-4; §8-5-5, §8-5-6, §8-5-8, §8-5-9) (Ord. 54-1981; Am. Ord. 19-1986; Am. Ord. 44-1989; Am. Ord. 12-2004; Am. Ord. 40-2004; Am. Ord. 19-2008)