



# Regulatory Plan

## **Introduction**

This Regulatory Plan establishes The North Fourth Street Form-Based Overlay Zone (Overlay Zone) and corresponding Development Districts to regulate lot layout, building form, frontage and use, building articulation, parking, street designations and standards, block configuration, landscaping, lighting and signage. The Overlay Zone provides the regulatory framework necessary for implementing many of the urban design goals for the corridor. The intent is to permit and encourage higher land use intensity with more compact and walkable developments than allowed under current zoning.

## **Consistency with Comprehensive Plan and North Valley Area Plan**

City resolution R-270-1980 states that, “A proposed [zone] change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto...”

The Albuquerque/Bernalillo County Comprehensive Plan and the Planned Growth Strategy guide the future development of the Albuquerque Urban Area. The envisioned development and redevelopment of the North Fourth Corridor Plan and Form-Based Overlay Zone are in compliance with the following elements found in both of these plans:

- a variety of housing types are available,
- development takes place as a mixture of uses rather than large acreages of single land types,
- residents need to travel fewer miles every day to go about their lives,
- there is an active pedestrian life,

- development is characterized by human rather than automotive scale,
- a city who's older, established areas are as desirable to live in as its new ones
- and quality design in all new development, which is appropriate to the plan area.

The North Valley Area Plan (adopted by R-255, Enactment No. 60-1993) guides planning and regulatory actions in the plan area including corridor plans. Two of the applicable policies from the area plan include the following:

Page 8-2f: Undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West to address land use conflicts, nonconforming uses, redevelopment of vacant land, affordable housing, transportation, streetscape improvements, cultural sites and other issues.

Page 9-3c: Promote commercial development and redevelopment of existing commercially zoned properties.

The Form-Based Overlay Zone introduced by this Corridor Plan is consistent with the policies cited above.

### **Changes in Neighborhood or Community Conditions along the Corridor**

R-270-1980 also states that, “The applicant must demonstrate that the existing zoning is inappropriate because ... changed neighborhood or community conditions justify the [zone] change.” The zoning that the City of Albuquerque put in place for North Fourth Street during the 1960s reflected 1950’s development patterns. Historically, North Fourth Street had served as a transportation route that connected Albuquerque to Santa Fe and other towns. During the 1950’s, the agriculture and housing that bordered the street became interspersed with commercial businesses, many of which catered to automobile traffic. The street became attractive to a mix of businesses serving local, citywide, and regional market demands.

Later in the 1960s, market conditions changed significantly when the freeway system drew much of the commercial development to malls sited in the Northeast Heights. The freeways also displaced the out-of-state traffic from North Fourth. Many businesses, such as motels, gas stations, and restaurants that had depended on travelers for their primary customer base, lost a substantial share of their markets. With the rapid growth of the West Mesa since the 1980s, much of Albuquerque's new development has shifted west of the Rio Grande. As a result, development near and along North Fourth Street has slowed, although drivers commuting to and from the West Side discovered the corridor as a commuting route. Simultaneously, "big box" development, by such companies as Wal-Mart and Costco, has provided fierce competition for many small businesses. These market changes over the past five decades have resulted in an uneven development pattern along the corridor.

In summary, neighborhood and community conditions along North Fourth Street are significantly different from the conditions that existed when the City approved the existing zoning over fifty years ago.

### **Summary of Zone Change Justification**

The zone changes that this Corridor Plan permits for North Fourth Street are well justified and consistent with R270-1980. In summary, the justification is as follows:

- A. The objectives for the new overlay zone are consistent with policies from the Comprehensive Plan and the North Valley Plan;
- B. Conditions along the corridor have changed significantly since the existing zoning was instituted over 50 years ago;
- C. After an extensive public process, the North Fourth Street Negotiating Group announced that it supports the adoption of the form-based overlay zone.

## **Form- Based Overlay Zone and Development Districts**

This Regulatory Plan does not change the existing zoning for properties within the plan area boundaries. The Overlay Zone allows for higher land use intensities with more compact and walkable developments than the current zoning through the use of a Form-Based Overlay Zone. When developing a property, in most cases, there is an option of either developing in accordance to the regulations under the existing zoning or under the Overlay Zone. However, the Regulatory Plan does contain trigger mechanisms that under certain circumstances require new development to build according to the Overlay Zone.

The North Fourth Street Form-Based Overlay Zone contains general provisions for the entire zone as well as establishing three distinct Development Districts with corresponding regulations that respond to desired development in the context of those districts. Each Development District regulates land uses through permitted building forms and establishes standards for setbacks, heights, encroachments, parking, and landscaping. Each district may utilize a number of different building forms. But, because the districts differ from one another, not all building forms are suitable for all zones.

Please refer to North Fourth Street Form-Based Overlay Zone Map, page 3-7, for the locations and boundaries of the Development Districts. Brief descriptions of the Development Districts are as follows:

### **North Fourth Transit Oriented Development (NFTOD) District**

The NFTOD District is designed for the major transit areas of the corridor. The District covers parcels in the southern portion of the corridor from Mountain Road to north of Menaul Boulevard and parcels at the northern portion of the corridor along Montano and Fourth Street to the Railroad tracks. The intent of NFTOD District is to support and take advantage of transit investments by serving relatively large areas, providing community-serving retail and services and high density housing.

### **North Fourth Mixed Use Development (NFMXD) District**

The NFMXD District is designed as a pedestrian scale, principally commercial development area that is integral to a mixed use neighborhood. This district establishes commercial and mixed uses that serve residential neighborhoods, and can be used to redevelop existing shopping areas and centers. The area is generally along Fourth Street from Menaul to Solar Road.

### **North Fourth Infill Development (NFID) District**

The NFID District serves as a buffer and provides a standard to encourage the context-sensitive development of empty lots or the redevelopment of sites in substantially built up areas. It offers relief from rigid zoning, while ensuring that new development respects its surroundings and achieves compact, pedestrian friendly environments. The District is situated in key areas near existing neighborhoods along the northern and middle portion of the corridor.



**North Fourth Street Form-Based Overlay Zone Map**  
*(Contact City of Albuquerque Geographic Information System (AGIS) for larger maps and electronic files)*

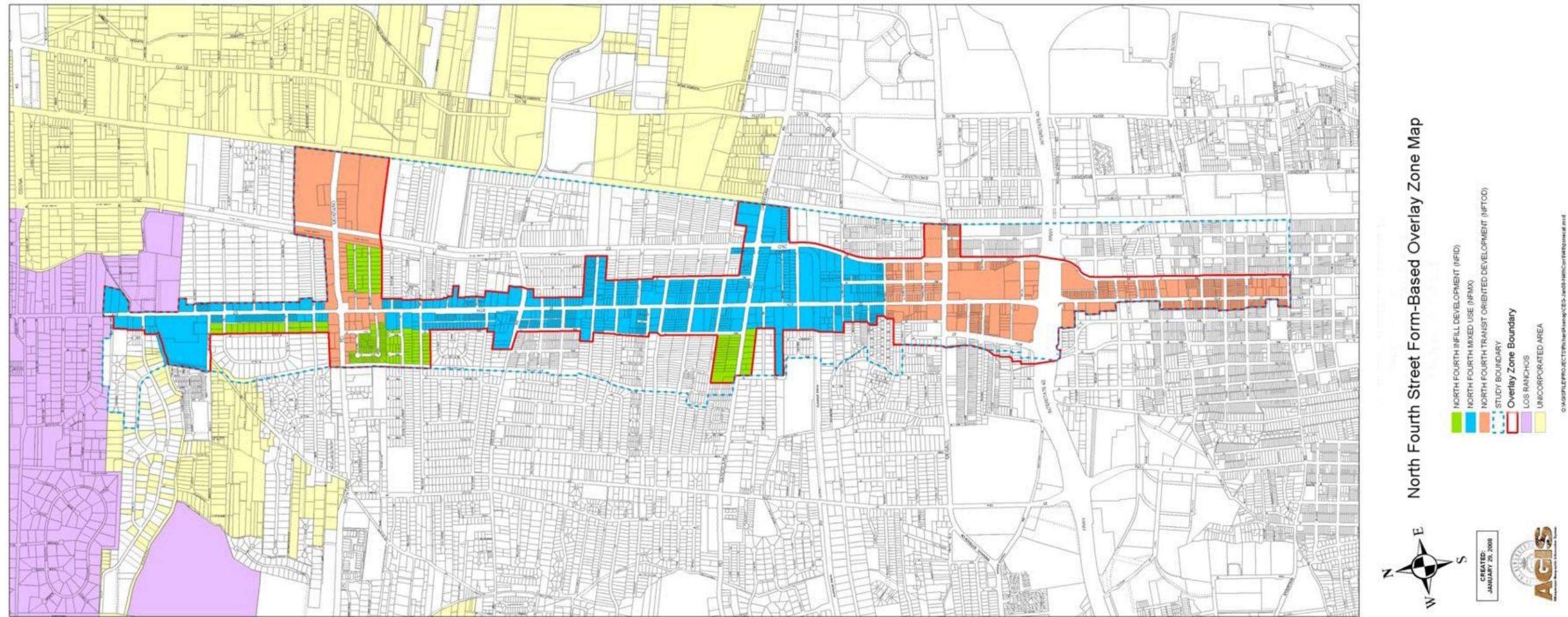


Figure 3-1



### North Fourth Street Corridor Plan Existing Zoning Map

(Contact City of Albuquerque Geographic Information System (AGIS) for larger maps and electronic files)

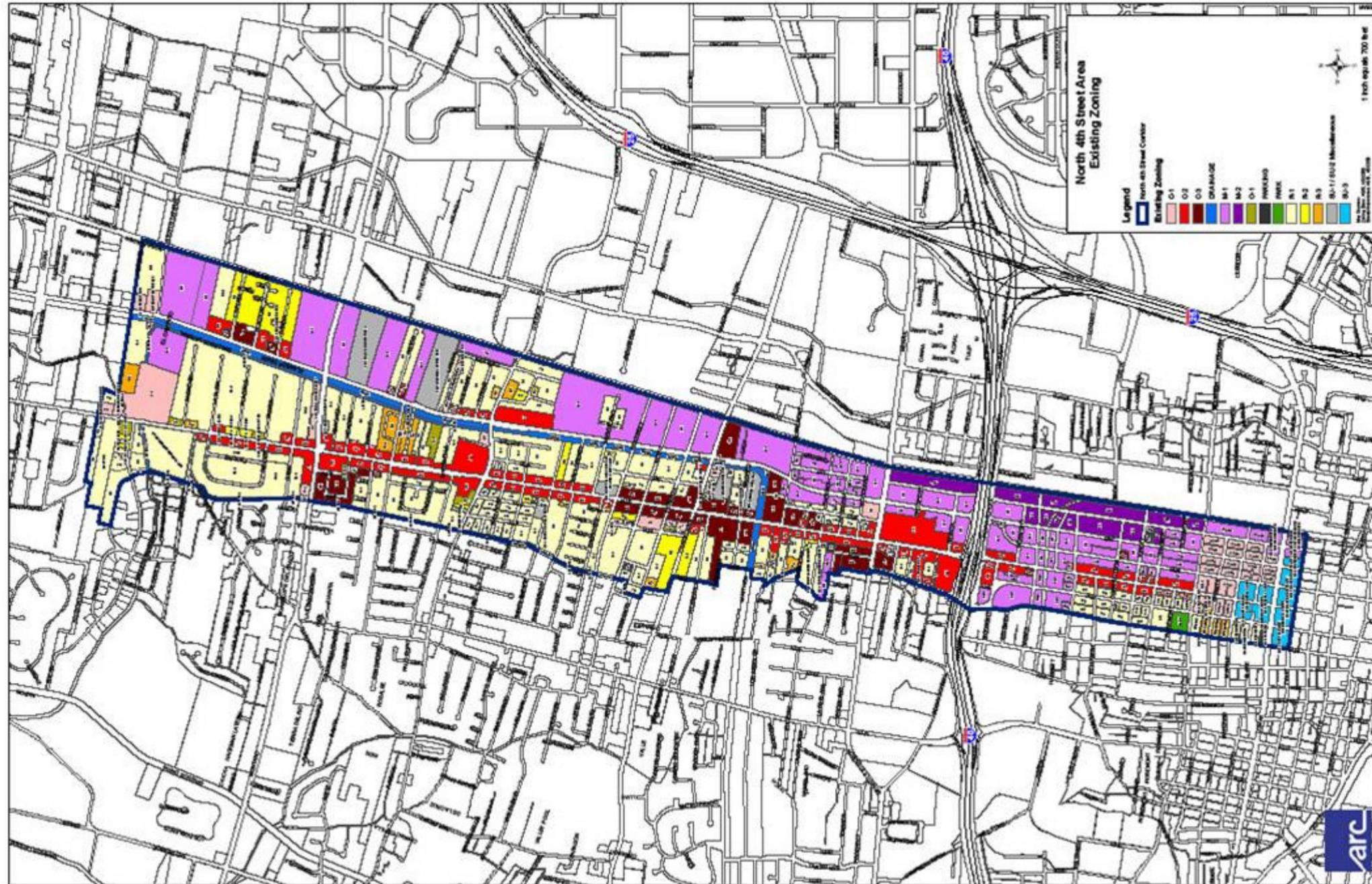


Figure 3-2



### **Overlay Zone General Provisions**

The following provisions apply only to areas of the plan that are within the boundaries of the Overlay Zone. Development within the Overlay Zone Boundaries that is not required to comply with the Overlay Zone or is not requested by owners shall follow all regulations and provisions provided by the existing underlying zoning.

### **Using this Document**

- Locate property on the North Fourth Overlay Zone Map page 3-7 and determine which Development District applies.
- Review application of Overlay Zone and determine if Overlay Zone is required or optional. If required or owner has chosen to apply the Overlay Zone, review corresponding development review process for development on the property. If the Overlay zone is not required or requested by its owner, refer to the City's Comprehensive Zoning Code for existing underlying zoning and omit steps 3 through 7 below.
- Review general provisions for land use, street designations, and standards.
- Review building forms permitted by applicable Development District and select appropriate building form for proposed use.
- Follow general Overlay Zone standards for solar access, frontages, materials, parking and landscape.
- Follow selected Development District standards for Permitted Building Forms:
  - Densities, intensities and height
  - Building Frontage Types and Articulation
  - Building Placement
- Follow selected Building Form and associated Building Frontage standards.

## **Application of Overlay Zone**

The conditions listed below, determine whether new development is required to comply with requirements of the Overlay Zone or whether compliance is optional.

Development not regulated by the Overlay Zone will be regulated by the underlying existing zoning (see Existing Zoning Map page 3-9) and shall follow applicable zoning requirements of the City Comprehensive Zoning Code (Chapter 14, Article 16 Code of Ordinances).

Uses that are (i) permissive, or (ii) conditional and approved for each parcel within the boundaries of the Overlay Zone on the effective date of this Corridor Plan shall continue to be legal conforming uses for that parcel; and conformance with the Overlay Zone standards may be required as specified below:

### **Overlay Zone standards are required as a result of:**

- Construction of a replacement building after voluntary demolition of existing building.
- Construction of new building on a vacant parcel.
- Commencement of a new use that is permissible under Overlay Plan but was not permissible on that parcel before Corridor Plan adoption.
- Change to a new Conditional Use under existing zoning that was not being employed on that parcel before Corridor Plan adoption.

**Overlay Zone standards are not required as a result of:**

- Construction of a replacement building after involuntary damage to or destruction of existing building (such as fire damage).
- Repair or remodeling of interior and exterior of existing building, including, but not limited to, changes to comply with current building codes.
- Change in use to one that was a permissive use for that parcel before Corridor Plan adoption. If it is listed as a “noxious use” under Overlay Zone General Land Uses it is not permitted.
- Continuation or recommencement of a conditional use of a parcel that was approved before Corridor Plan adoption.
- Change in ownership of a parcel.
- Continuation of use on a parcel that was permissive before Corridor Plan adoption.

### Development Review Process

The development review process under the Form-Based Overlay Zone provides incentives for its use by simplifying and shortening the review process on projects complying with these regulations; encouraging higher densities and floor area ratios, promoting mixed uses within a building and providing reductions in parking requirements.

Building Forms	Approvals	
	Substantially Compliant	Major modifications or Non-compliant
Detached single-family dwelling Side-yard Dwelling Townhouse, Rowhouse, Courtyard Townhouse Accessory Unit/Carriage House Duplex, Triplex, Fourplex	<b>Building Permit ZEO</b>	<b>Site Development Plan &amp; Building Permit DRB or EPC*</b>
Terrace Apartment Courtyard apartments Flex Building Live-Work Unit Liner Building Auto Accessed Standalone commercial Civic or Institutional Building Structured Parking	<b>Site Development Plan &amp; Building Permit ZEO</b>	

\*As determined by Planning Director

- A. All redevelopment of more than 5 acres that is substantially in compliance with the Overlay Zone will require review and administrative approval by the Planning Director.
- B. Adaptive reuse of an existing building will require review and administrative approval by the Planning Director.
- C. Overlay Zone interpretations and determinations of substantial compliance are determined by the Zoning Enforcement Officer (ZEO) as per Development Review Manual: Volume 1- Procedure -Chapter 7 Building Permit Process.
- D. Major Modification or non-compliance will be referred to the EPC or DRB as determined by the Planning Director
- E. The provisions of § 14-16-3-3(7), regarding solar access, apply to all zones.
- F. Where this regulating plan conflicts with the Subdivision Regulations (Revised Code of the City of Albuquerque (“ROA”) §14-14-1-1 et seq.) or Development Review Manual, this regulating plan prevails.
- G. All decisions are appealable as outlined in the Development Review Process Manual: Volume I – Procedure – Chapter 15 Appeal Procedures.

**Site Development Plans** are intended to encourage innovation in planning and design by providing the flexibility to adjust zoning regulations such as setback requirements and height limitations. Site Development Plans must provide enough detail to satisfy the City that the proposed development is compatible with neighboring zones and/or land uses. All Site Development Plans must be accompanied by a Landscaping Plan. Approaches to conservation through landscaping may be shown on the Landscaping Plan.

**Site Development Plan:** an accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies:

- a. For Subdivision: the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height minimum building setback, and maximum total dwelling units and for non-residential uses, maximum floor area ratio.
- b. For Building Permits: in addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan-(e.g. appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building (construction), and proposed schedule for development. Similar, related data may be required when relevant to the City's evaluation. (Section 7-14-5.B. R.O.A. 1994).

### **Submittal Checklist**

In order to clarify and expedite the permitting process, a submittal checklist shall be provided for all proposed development submitting to the Overlay Zone Standards.

### Overlay Zone General Land Uses

Uses are primarily determined by building form standards including different uses assigned to each floor of a mixed use development. Suggested uses, stated in general terms (e.g., retail, residential), are identified for each building form beginning on page 3-43.

To the extent that building forms under the Overlay Zone do not accommodate uses that were permissible for a parcel before Sector Plan adoption (such as "C-3" and "M" zoning categories); it shall continue to be permissible for such uses to be employed on such parcel inside a building or other area that screens the activity from view of Fourth Street by architecturally compliant structures.

It is the intent of the Overlay Zoning that existing buildings be rehabilitated for adaptive reuse whenever possible, rather than demolition, to meet the form-based regulations.

*Form-based codes (FBCs) regulate development at the scale of an individual building or lot, encouraging independent development by multiple property owners. The built results of FBCs often reflect a diversity of architecture, materials, uses, and ownership that can only come from the actions of many independent players operating within a communally agreed-upon vision and legal framework.*

The following “noxious uses” shall be the only uses specifically prohibited within the Overlay Zone:

- sale of alcoholic liquor for off-premise consumption except at a grocery store (service station convenience store is not considered a grocery store);
- adult amusement establishments, adult bookstores, adult photo studios or adult theaters;
- toxic waste disposal;
- cement plant;
- truck terminal;
- outside storage as a primary use;
- automobile dismantling; and
- rendering plant

## Overlay Zone General Standards

### Applicability

These standards apply to all new development controlled by the Overlay Zone in all three Development Districts of the North Fourth Street Overlay Zone. If development is not required to follow regulations of the Overlay Zone, the existing underlying zoning applies.

Specific Development District Standards regulating Permitted Building Forms, Permitted Frontage Types, Densities, Intensities and Height, Building Frontage and Articulation, and Building Placement, begin on page 3-32.

### Modifications

The standards of the Overlay Zone are specific and prescriptive. This level of specificity provides certainty for applicants, neighborhoods and zoning staff. However, these standards do not limit design creativity or ignore unique site or neighborhood conditions. The standards are set at a level of detail that allows creativity within the framework of desirable mandated features of the built environment.

The standards may be modified if the proposed modification is:

- consistent with the Comprehensive Plan and the Planned Growth Strategy;
- a reasonable accommodation of unique site or neighborhood conditions; and
- in response to revisions of the City's Form Based Code (ROA §14-16-3-20) as it is implemented and refined over time.

The applicable Development District regulations may permit additional modifications. Standards may also be varied under the variance process for zoning (ROA § 14-16-4-2) or subdivisions (ROA § 14-14-6).

**Traffic Impact and Street Designations**

A Traffic Impact Study (TIS) shall be submitted if a proposed development will create more than 100 a.m. or p.m. peak hour trips entering or exiting the site.

The following measures must be included as part of the mitigation required as part of the TIS:

1. Commercial buildings must provide pedestrian access to adjoining properties, where the adjoining property owner has allowed access to the property.
2. A building's onsite circulation system shall connect to existing or proposed streets, access-ways and driveways, or be stubbed out to adjoining property if the adjoining property is undeveloped.
3. Buildings must provide direct pedestrian connections between transit stops and building entrances.

## **Street Designations**

Building frontage, access and parking regulation found in the Building Form standards often reference and are determined by the types of streets bordering the site. All streets on or bordering a site, excluding alleys, shall be designated an “A” Street or a “B” Street, as follows:

“A” or “Pedestrian/Transit Oriented Streets” include Fourth, Candelaria, Menaul, Griegos and Montano Streets. “B” or “Side Streets” include all streets except those defined as “A” Streets above.

## **Building Forms**

The North Fourth Street Form-based Overlay Zone establishes 18 building forms beginning on page 3-43, which regulate the following components to ensure compatibility between uses:

- Access and Entry
- Parking
- Frontage
- Building Width
- Massing
- Exposure to Light and Air
- Building Length
- Articulation
- Open Space
- Placement and Massing
- Orientation and Composition

Each Development District permits a distinctive array of building forms. Permitted building forms for each Development District are listed in Table 3-1:

NFFBOZ Building Forms	Development Districts		
	NFTOD	NFMXD	NFID
p= permitted by right			
<b>RESIDENTIAL BUILDING FORMS</b>			
Detached Single-Family Dwelling			p
Side-yard Dwelling			p
Townhouse, Rowhouse, and Courtyard Townhouse	p	p	p
Accessory Unit / Carriage House	p	p	p
Duplex, Triplex and Fourplex	p	p	p
Terrace Apartment	p	p	p
Courtyard Apartments	p	p	
<b>COMMERCIAL OR MIXED USE BUILDING FORMS</b>			
Flex Building	p	p	p
Live-Work Unit	p	p	
Liner Building	p	p	
<b>UTILITARIAN BUILDING FORMS</b>			
Auto Accessed	p	p	
Standalone Commercial	p	p	
Civic or Institutional Building	p	p	p
Structured Parking	p	p	p

Table 3-1

## **Frontage Types**

All Frontage Types as illustrated and described on page 3-63 may be used in all three Development Districts as prescribed by the corresponding Building Forms. These Frontage Types include:

- Forecourt
- Front Yard
- Portal (Arcade)
- Porch
- Shop Front
- Stoop

## **Building Materials**

Building materials should reflect and complement the traditional materials and techniques of New Mexico. They should express the construction techniques and structural constraints of traditional, long-lasting building materials and the specific climate of Albuquerque. Simple configurations and solid craftsmanship are favored. All building materials to be used shall express their specific properties.

## **Street Walls**

Permitted street wall materials include native/regional stone and equivalent imitation stone; metal (wrought iron, welded steel and/or aluminum), brick, stucco, and a combination of up to 3 of these materials. Painted concrete block, painted concrete, light gage sheet metal, barbed wire and razor ribbon are prohibited. Configurations and techniques are consistent with those identified above for Building Materials.

## **Glazing**

In structures adjacent to “A” Streets, glass or similar surfaces shall possess a minimum of 75% light transmittance factor on the ground floors fronting “A” Streets and a minimum of 60% light transmittance factor on floors above, as indicated by the manufacturer’s specifications.

## Signage

### Purpose and Intent

The standards in this section apply to all development and parcels controlled by the Overlay Zone standards. The standards are intended to ensure that signs are clear, informative to the public and weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled (reduced in size) to the desired nature of the district. Signage that is glaring or too large creates distraction, intrudes into and lessens the visual experience, and creates clutter. This section generally regulates only the sign structure or copy design, and not the sign's content.

The General Sign Regulations §14-16-3-5 apply to the extent that they are consistent with this section. If this section and a portion of the General Sign Regulations conflict, this section applies. This section does not apply to political signs or any other sign displaying a noncommercial message. Any sign authorized in this Article is allowed to contain noncommercial copy in lieu of any other copy.

Sign Configurations for Flex Buildings, Live-Work, Auto Accessed, Standalone Commercial Buildings, Liner Buildings, Civic or Institutional Buildings, and Structured Parking:

- Wall signs are permitted within the area between the second story floor line and the first floor ceiling, within a horizontal band not to exceed 2 feet in height. For buildings higher than 7 stories, simple logos near the building top are permitted.
- Signs shall not come closer than 2 feet to an adjacent private lot line.
- Logos, names or noncommercial messages may be placed within the horizontal band as defined above, or placed or painted within ground floor or second story office windows. This copy shall not be larger than a rectangle of 8 square feet.

- A masonry or bronze plaque may be placed in the building's cornice or a parapet wall or under the eaves, and above the upper story windows. The plaque shall be no larger than a rectangle of 18 square feet.
- Street addresses may be placed at between 6 feet and 12 feet above grade using 6 to 10 inch tall, non-cursive type lettering.
- Refurbishment of historic wall signs and neon signs is permitted and encouraged.

**Projecting Signs:**

- may be hung below the third story level, perpendicular to the ROW;
- may be supported from an overhang or awning;
- shall not project more than 4 feet, perpendicular to the ROW and beyond the façade;
- may not exceed 8 feet in area; and,
- must be located so as to permit at least 9 feet clear in height above the sidewalk.

**Prohibited Signs:**

The following signs are prohibited for development and parcels controlled by the Overlay Zone standards:

- Off-premise signs
- Pole signs
- Portable signs, except for A-frame boards, erected by a nearby business, allowed only during business hours

**Special Signage**

No flashing, traveling, animated, or intermittent lighting shall be visible on the exterior of any building in the North Fourth Infill Development District.

## Lighting

### Purpose and Intent

The standards in this section apply to all development and parcels controlled by the Overlay Zone standards.

Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

Generally, site lighting shall be of a design and height and shall be located so as to illuminate only the lot. Up-lighting is not permitted. An exterior lighting plan must be consistent with these standards.

#### A. Pedestrian Street Lights

Pedestrian street lights shall be located between thirteen (13) feet and sixteen (16) feet above grade with a maximum average spacing (per block face) of 60 feet on center on "A" Streets and 75 feet on center on "B" Streets. Pedestrian street lights must be placed two (2) feet from the back of curb on each side of the street and travel lanes, unless otherwise indicated. Street lighting and street trees should not conflict.

#### B. Exterior Building Lights

On the street front elevation, exterior lights shall be mounted between 6 feet and 14 feet above adjacent grade.

#### C. Alleys

All lots with alleys shall have lighting fixtures between 8 and 12 feet in height that illuminates the alley but are shielded or aimed in such a way that they do not shine into adjacent lots.

#### D. Lighting Elements

Lighting elements shall be compact fluorescent, metal halide or halogen only. No HID or fluorescent tube lights (excepting compact fluorescent bulbs) may be used on the exterior of buildings.

## E. Floodlights and Directional Lights

Floodlights or directional lights may be used to illuminate alleys, parking garages and working (maintenance) areas, but must be shielded or aimed in such a way that they do not shine into other lots or the street.

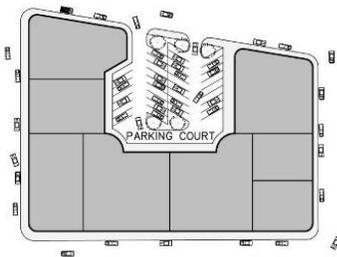
## Mechanical Equipment

The following shall not be stored or located within any street ROW, and shall be screened from view from the street ROW and adjoining lots: air compressors, mechanical pumps, exterior water heaters, water softeners, , garbage cans, storage tanks, and similar equipment. Roof mounted equipment shall be screened from view from the street ROW contiguous to the lot and all adjoining lots.

## General Parking Standards

The standards in this section apply to all development and parcels controlled by the Overlay Zone. In addition to the parking location standards prescribed for each of the Building Forms, the following general standards apply:

- A. Off street parking shall be primarily located behind or under the principal structure. A common parking area may be located interior to the block.
- B. Teaser parking and side parking with visibility and frontage on Fourth St could be utilized with screening by a building or combination of 3' minimum wall and landscaping elements.
- C. Teaser Parking is permitted for commercial or mixed use building forms with at least 200 ft frontage on "A" streets. Teaser parking is a small parking court located in front of the building, and enclosed on three sides by the building, to provide visible parking to retail uses without impacting pedestrian comfort.



Maximum 30% of total parking requirement can be met in a teaser parking area. Building forms frontage minimums can be reduced by 50% along the public street. Permitted Frontage types include shop fronts, portals and forecourts.

- D. Existing alleys shall remain and where possible extended to provide access for parking, loading and trash collection.
- E. New alleys or access easements shall be required where possible and shall follow regulations in Chapter 23 Traffic & Street Standards section 2-1A
- F. On street parallel parking is permitted and encouraged along all street frontages except at transit stops. Diagonal on-street parking is only permitted on “B” Streets. On-street parking provisions will be defined by the 30% Fourth Street Corridor Design.
- G. A 5 foot pedestrian access path will be maintained between building and parking area.

## **Parking Space Requirements**

### **Applicability**

The minimum vehicle parking space requirements and reduction factors of the § 14-16-3-1(A) (Off-Street Parking Regulations) apply to all development or parcels controlled by the Overlay Zone, except as follows.

### **Projecting Demand**

For individual uses, the minimum number of parking spaces required for individual uses is calculated by using the Peak Demand for Individual Uses (below) and by applying reduction factors for mixed-use development and proximity to transit (subsections B and D below).

**A. Peak Demand for Individual Uses:**

<b>Use of Building Form</b>	<b>Peak Demand</b>
Amusement enterprises	1 space per 4 occupants
Banquet halls	1 space per 4 seats
Cultural facilities	1 space per 3 seats
Cinemas, theaters & auditoriums	1 space per 3 seats
Community & Recreation Facilities	1 space per employee plus 1 space per 1000 square feet, plus curbside drop-off
Office	3 spaces per 1,000 square feet (net leasable area)
Retail liner building, less than 30 feet deep and one story in height	Exempt from parking requirements
Liner building, more than 30 feet deep or more than one story	3 spaces per 1,000 square feet (net leasable area)
Personal services	3 spaces per 1,000 square feet (net leasable area)
Professional services	3 spaces per 1,000 square feet (net leasable area)
Residential and Live-Work	1.5 spaces per 1 bedroom & studio 1.5 spaces per 2 bedrooms 1.5 spaces per 3+ bedrooms
Residential Accessory Units	1 space per unit
Retail trades	3 spaces per 1,000 square feet (net leasable area)
Warehouse	1 space per 2,000 square feet (net leasable area)

Table 3-2

**B. Reduction Factors:**

Parking reductions from § 14-16-3(1) (a) apply, along with the following:

- Uses within the NFTODD may factor a 10% reduction in parking.
- Uses within 650 feet of Bus Rapid Transit Stops, the Rail Runner platform or Streetcar stations may factor a 20% reduction in parking requirements.

Reduction factors may be added together but the total shall not exceed 40% reduction.

**C. Calculating Supply**

Parking requirements shall be met by considering the sum of all:

- on-site parking (at surface and in structures), plus
- on-street parking contained within or immediately adjacent to the project, plus
- contributions made by off-site parking facilities available to uses of the building within 660' (including joint use facilities).

#### D. Shared Parking

The required minimum parking requirement may be reduced where parking is shared between uses that have different peak parking periods, as calculated below:

Locate the shared parking reduction ratio for the shared parking use in the table below. Calculate the adjusted minimum parking requirement by dividing the required combined minimum parking for the individual uses for which there is shared parking (from subsections A and B above), by the shared parking reduction ratio in the Table 3-3 below.

Type of Use	Residential	Lodging	Office	Retail
Residential		1.1	1.4	1.2
Lodging	1.1		1.7	1.3
Office	1.4	1.7		1.2
Retail	1.2	1.3	1.2	

Table 3-3

## Landscaping

The standards in this section apply to all development and parcels controlled by the Overlay Zone. In addition to the landscape location standards prescribed for each of the Building Forms, the following general standards apply: Landscape standards shall be per the City of Albuquerque Zoning Code (§14-16-3-10) with the following exceptions:

- A. The mature spread of a tree's canopy may count towards the 75% Required Vegetative Ground Cover (§14-16-3-10(G)(3)) for landscape areas up to 100sf.
- B. The use of tree grates is permitted for all tree wells.
- C. Building setbacks not used for pedestrian activity shall have a minimum landscape area of 50%.
- D. Asphalt is not a permitted material within the setback area.
- E. Landscaping on roof decks may be counted toward the required area landscaping.

### Standard Landscape Buffers:

- Front Landscape Buffers: Where parking areas front on a public or private street, a minimum four foot deep landscaped area with a four foot high screen wall adjacent to the parking area shall be maintained between the parking area and the street.
- Side/Rear: A minimum landscaped buffer four feet deep with a minimum four foot high screen wall adjacent to the parking area shall be required between parking areas and abutting residential zones. The landscape buffer shall be planted primarily with evergreen trees or tall shrubs capable of screening the parking area from the abutting residential zone.

Off-street Parking Area Landscaping per Zoning Code §14-16-3-10, with the following exceptions:

- One tree is required for every 8 spaces;
- No parking space may be more than 50 feet from a tree trunk

## **North Fourth Transit Oriented Development (NFTOD) District**

The NFTOD District covers parcels in the southern portion of the corridor from Mountain Road to north of Menaul Boulevard and parcels at the northern portion of the corridor along Montano and Fourth Street to the Railroad tracks. The intent of NFTOD District is to support and take advantage of transit investments by serving relatively large areas, providing community-serving retail and services and high density housing. See Overlay Zone Map page 3-7.

Within North Fourth TOD District, any new multistory buildings are encouraged to include the following uses along at least 50% of their frontage at the street level:

- Multifamily dwellings or their lobbies
- Hotels and their lobbies
- Retail Establishments
- Food Store, Bakery, Shops, Ice Cream, General Business Services
- Movie Theaters
- Museums, Art Galleries or Libraries
- Offices
- Personal Service Establishments
- Professional Services
- Restaurants and Bars

### **Permitted Building Forms:**

The following Building Forms as described beginning on page 3-43, are allowed in the NFTOD District:

**Residential Building Forms:**

- Townhouse, Rowhouse, and Courtyard Townhouse
- Accessory Unit / Carriage House
- Duplex, Triplex & Fourplex
- Terrace Apartment
- Courtyard apartments

**Commercial or Mixed Use Building Forms:**

- Flex Building
- Live-Work Unit
- Liner Building

**Utilitarian Building Forms:**

- Auto Accessed
- Standalone commercial
- Civic or Institutional Building
- Structured Parking

**Permitted Frontage Types**

All six Frontage Types as described on beginning page 3-63 are permitted as prescribed by Building Form.

## Densities, Intensities and Height

- A. The following minimums are encouraged but not mandatory:

Minimum Avg Residential Density	General : 20 dwelling units per acre Within ¼ mile radius of transit station area or major bus transfer point: 24 dwelling units per acre. Distance is measured from the boundary of the station area or transfer point; should equate to a five minute walk.
Minimum FAR	1.0
Minimum Height	2 stories / 26' on at least 60% of the block face

- B. Maximum height in the NFTOD District is limited to the following :

- 4 stories/52' with 3 stories/40' on at least 20% of any block face. 20' minimum step back to 66' 5th story is allowed with the following exception:
- Within 75' of the property line of a developed single family residential area, a new development's building shall not exceed 2 stories / 26' in height.

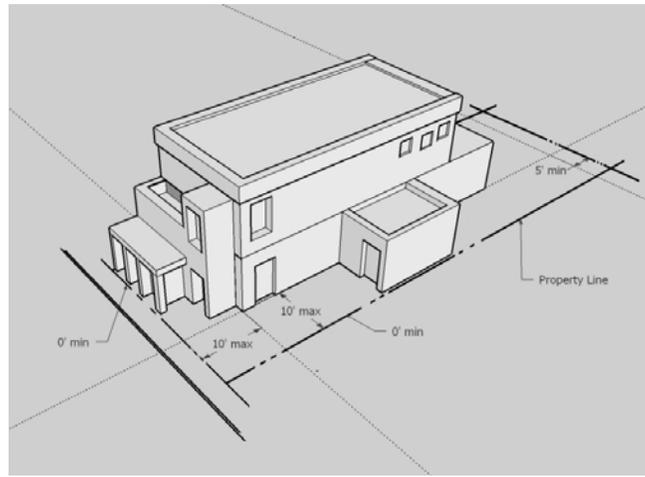
### Building Frontage and Articulation

Glazing of ground floor frontage	75% minimum glazing of ground floor width to a height of at least 8' above the floor level.
Ground story clear height	A ground floor story shall include a minimum 10' clear height.
Building entryways on streets	40' on center minimum or as provided in the Building Form regulations.
Articulation on streets	40' on center minimum or as provided in the Building Form regulations.

Maximum encroachment height is one story. Encroachments in the public ROW shall follow existing City regulations §23-5-K.

## Building Placement

Front setback:		
Maximum	10'	
minimum	0'	
Side street setback:		
Maximum	10'	
Minimum	0'	
Side yard setback:		
Minimum	0'	



Side yard setback from adjacent existing single family development:		
minimum	5'	

Rear setback:		
Minimum	5'	

Rear setback from adjacent existing single family development :		
minimum	10'	

### **North Fourth Mixed Use Development (NFMXD) District**

The NFMXD District is designed for locations within walking or biking distance of residential areas and connected to them by pedestrian and biking paths. This district establishes commercial and mixed uses that serve residential neighborhoods, and can be used to redevelop existing shopping areas and centers. The standards are intended to provide pedestrian scale streetscapes and buildings oriented to the public realm. It generally covers parcels in the corridor located along Fourth Street and fronting major cross streets from the mid-block south of Candelaria to Solar Road. For location see Overlay Zone Map page 3-7.

#### **Permitted Frontage Types**

All six Frontage Types as described on beginning page 3-63 are permitted as prescribed by Building Form.

#### **Permitted Building Forms**

The following Building Forms as described beginning on page 3-43 are allowed in the NFMXD District:

#### **Residential Building Forms**

- Townhouse, Rowhouse, and Courtyard Townhouse
- Accessory Unit / Carriage House
- Duplex, Triplex & Fourplex
- Terrace Apartment
- Courtyard apartments

#### **Commercial or Mixed Use Building Forms**

- Flex Building
- Live-Work Unit
- Liner Building

### Utilitarian Building Forms

- Auto Accessed
- Standalone commercial
- Civic or Institutional Building
- Structured Parking

### Densities, Intensities, Height

The following minimums are encouraged but not mandatory:

Minimum Avg Residential Density	General : 12 dwelling units per acre Building area within 75' of single family residential: 10 dwelling units per acre
Minimum FAR	.5
Minimum Height	2 stories / 26' on at least 60% of the block face

Maximum height in the NFMXDD is limited to the following:

Maximum Height	4 stories/52' with 3 stories/40' on at least 20% of any block face. 20' minimum step back to 66' 5 <sup>th</sup> story is allowed.  Building area within 75' of single family residential: 2 stories / 26'
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**Building Frontage and Articulation**

Glazing of ground floor frontage	40%-90% (Commercial uses required to have 75% minimum glazed width on "A" streets.)
Ground story clear height	A ground floor story shall include a minimum 10' clear height.
Building entryways on streets	40' on center minimum or as provided in the Building Form regulations
Articulation on streets	40' on center minimum or as provided in the Building Form regulations

Maximum encroachment height is one story.

Encroachments in the public ROW shall follow existing City regulations §23-5-K.

## Building Placement

Front setback:

maximum	10'
minimum	0'

Side street setback:

maximum	10'
minimum	0'

Side yard setback:

minimum	0'
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Side yard setback from adjacent existing single family development  
minimum

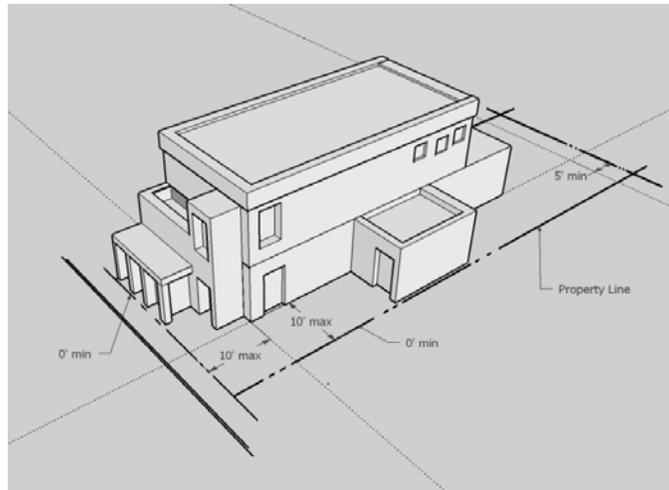
5'

Rear setback  
minimum

5'

Rear setback from adjacent existing single family development  
minimum

10'



### **North Fourth Infill Development (NFID) District**

The NFID District serves as a buffer and provides a standard to encourage the context-sensitive development of empty lots or the redevelopment of sites in substantially built up areas. It offers relief from rigid zoning, while ensuring that new development respects its surroundings and achieves compact, pedestrian friendly environments. The District is situated in key areas near existing neighborhoods along the northern and middle portion of the corridor. For location see Overlay Zone Map page 3-7.

### **Building Placement, Height and Frontage**

#### **A. General Standards**

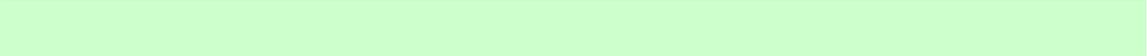
In the case of new structures, additions and alterations, the height, and scale of other buildings on the block shall be substantially maintained; “substantially maintained” means that the front façade of new structures does not exceed the average width of principal structures within three hundred (300) feet of the proposed structure by more than twenty percent (20%) and the height does not exceed the average height of principal structures within three hundred (300) feet of the proposed new structure, addition, alteration by more than one (1) story.

The building setbacks shall be substantially maintained to preserve the pattern of building fronts and setbacks from the street. Substantially maintained means that the building setback is +/-5’ of the average setback on the block.

#### **B. Additions**

Additions do not need to follow a particular building form. However additions shall comply with the standards below:

- Oriented to the front street ROW or to the alley.
- Related to the rest of the building in scale, mass, and shape.
- Compatible with the original structure in window design.
- Compatible with the original structure in terms of roof slope and shape



## **Permitted Building Forms**

The following Building Forms as described beginning on page 3-43, are allowed in the NFID District:

### **Residential Building Forms:**

- Detached Single-Family Dwelling
- Townhouse, Rowhouse, and Courtyard Townhouse
- Accessory Unit / Carriage House
- Duplex, Triplex & Fourplex
- Terrace Apartment

### **Commercial or Mixed Use Building Forms:**

- Flex Building

### **Utilitarian Building Forms:**

- Civic or Institutional Building
- Structured Parking