



## 4.0 ZONING

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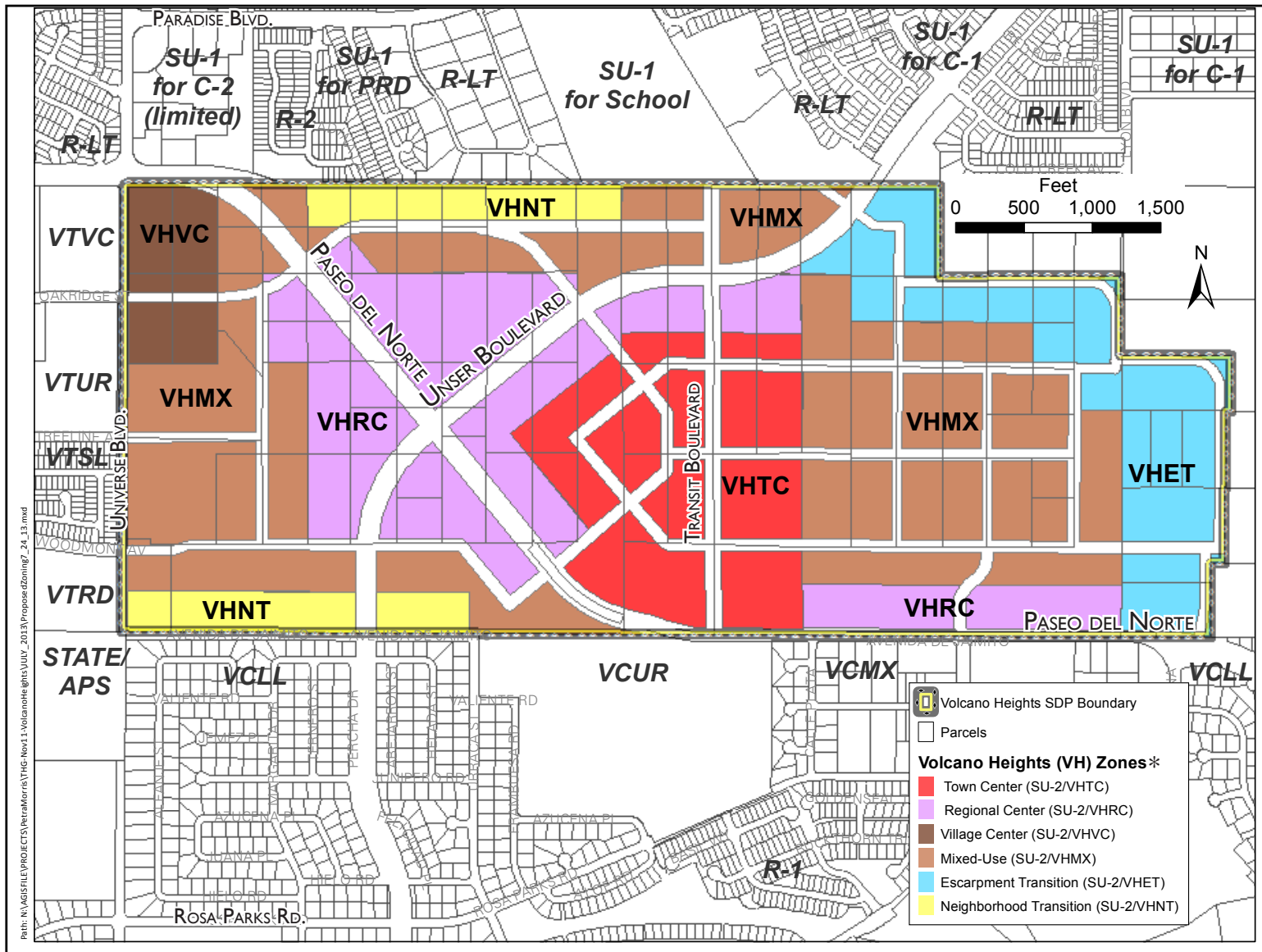


EXHIBIT 4.1 – ZONING ESTABLISHED BY THE VOLCANO HEIGHTS SECTOR DEVELOPMENT PLAN



**4.1. Adoption of Volcano Heights Zoning**

4.1.1. The Volcano Heights Zoning Map (**Exhibit 4.1**) is hereby adopted as the official **zoning map**. Within any area subject to the approved zoning map, this Plan establishes mandatory regulations and governs all subject properties.

4.1.2. **Zone Lines and Property Lines:** In **Exhibit 4.2**, properties designated with more than one zone are identified by labels A-V. Where zone lines do not correspond to property lines, they shall begin at or be measured according to the methods corresponding to **Exhibit 4.2** and **Table 4.1**.

- (i) **Property Index:** The properties with multiple zones are also shown in **Table 4.2**, organized alphabetically by property as an index for easy reference.
- (ii) **Property Ownership:** See **Exhibit A.39** in **Appendix A**.
- (iii) **Legal Descriptions:** Available for each property on the City of Albuquerque Geographic Information Systems (GIS) page: <http://www.cabq.gov/gis>

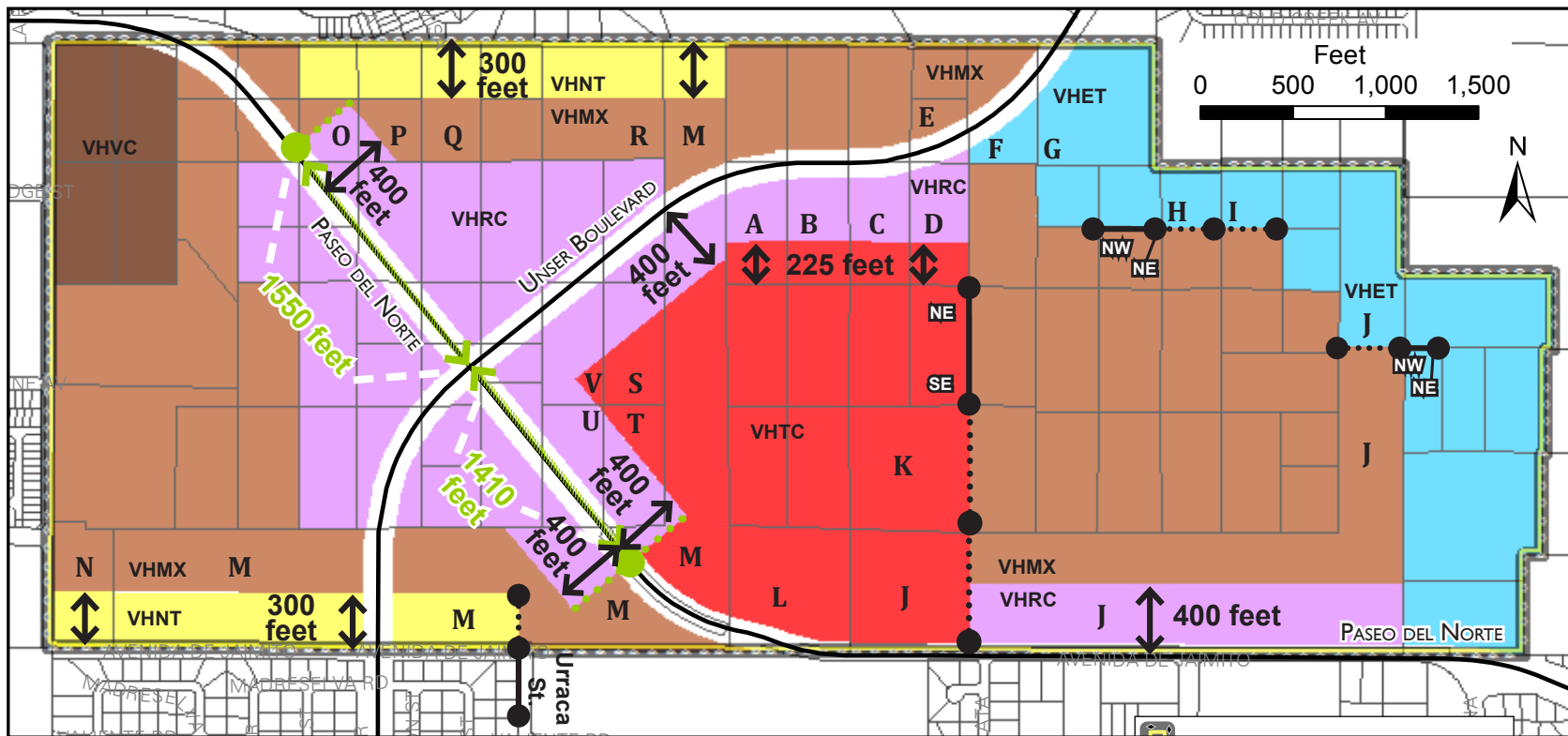


EXHIBIT 4.2 – ZONING DEMARCATION FOR PROPERTIES WITH MULTIPLE ZONES

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TABLE 4.1 – ZONE DEMARCATION FOR PROPERTIES WITH MULTIPLE ZONES

ITEM	VOLCANO HEIGHTS SU-2 ZONE	ZONE DEMARCATION DESCRIPTION	RELEVANT PROPERTIES
TC 1	Town Center	For properties labeled A, B, C, or D, the Town Center zone shall extend 225 feet from the southern property edge due north. The remaining portion of the property shall be zoned RC. [See also <b>RC 1</b> .]	A B C D
TC 2		For properties labeled J and K, the eastern edge of Town Center shall follow the same bearing as the line formed between the northeast and southeast corners (i.e. the eastern property edge) of the property to the north as shown in <b>Exhibit 4.2</b> to the southern edge of the subject property.	J K
TC 3		For the property labeled L, the portion of the property north of Paseo del Norte shall be zoned Town Center; the remainder of the property shall be zoned MX. [See also <b>MX 5</b> .]	L
TC 4		For the portion of the property labeled M that is northeast of Paseo del Norte, the RC zone shall be designated per <b>RC 3</b> in this table, with the remainder zoned Town Center. [For the portion of the property southwest of Paseo del Norte, see also <b>RC 5</b> , <b>MX 6</b> , <b>NT 1</b> , and <b>NT 2</b> .]	M
TC 5		For properties labeled S through V, the Regional Center zone shall be designated per <b>RC 3</b> in this table; the remainder of the properties shall be zoned Town Center.	S T U V
RC 1	Regional Center	For the properties labeled A through D, the Town Center zone shall be designated per <b>TC 1</b> in this table. The remaining portion of the property to the northern property line shall be zoned Regional Center.	A B C D
RC 2		For the property labeled E, the portion of the property southeast of Unser Boulevard shall be designated the Regional Center zone.	E

TABLE 4.1 – ZONE DEMARCATION FOR PROPERTIES WITH MULTIPLE ZONES (Cont'd.)

ITEM	VOLCANO HEIGHTS SU-2 ZONE	ZONE DEMARCATION DESCRIPTION	RELEVANT PROPERTIES
RC 3	Regional Center <i>(continued)</i>	Where this zone applies to a portion of the property only, the zone shall extend 400 feet from the centerline of Unser Boulevard or Paseo del Norte as of 2013, whichever is closer to the property, except for the four properties labeled A through D.	J M O P S T U V
RC 4		For the property labeled J, the western edge of Regional Center shall be defined per the line described in <b>TC 2</b> in this table. [See also <b>RC 3</b> , <b>RC 4</b> , <b>MX 3</b> , and <b>ET 3</b> .]	J
RC 5		For the properties labeled M and O, the edge of the Regional Center zone not defined by a property line shall be defined by a line perpendicular to the centerline of Paseo del Norte as of 2013 beginning at the intersection approved by TCC Resolution R-13-03. [See <b>Appendix C</b> .]	M O
MX 1	Mixed Use	For properties labeled E, F, and G the portion northwest of Unser Boulevard shall be zoned Mixed Use.	E F G
MX 2		For properties labeled H and I, Escarpment Transition zone shall be designated per <b>ET 2</b> . The remaining portion of the property shall be zoned Mixed Use.	H I
MX 3		For the property labeled J, the portions of the property not zoned as noted below shall be zoned Mixed Use: <ul style="list-style-type: none"> <li>• The portion of the property zoned Town Center shall be designated per <b>TC 2</b> in this table.</li> <li>• The portion of the property zoned Regional Center shall be designated per <b>RC 3</b> and <b>RC 4</b> in this table.</li> <li>• The portion of the property zoned Escarpment Transition shall be designated per <b>ET 3</b> in this table.</li> </ul>	J
MX 4		For the property labeled K, the Town Center portion of the property shall be zoned per <b>TC 2</b> in this table; the remainder of the property shall be zoned MX.	K
MX 5		For the property labeled L, the Town Center portion of the property shall be zoned per <b>TC 3</b> in this table; the remainder of the property southwest of Paseo del Norte shall be zoned MX.	L



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TABLE 4.1 – ZONE DEMARCATION FOR PROPERTIES WITH MULTIPLE ZONES (Cont'd.)

ITEM	VOLCANO HEIGHTS SU-2 ZONE	ZONE DEMARCATION DESCRIPTION	RELEVANT PROPERTIES
MX 6	Mixed Use ( <i>continued</i> )	For the property labeled M: <ul style="list-style-type: none"> <li>the portion of the property zoned TC shall be designated per <b>TC 4</b> in this table; and</li> <li>the portion of the property zoned RC shall be designated per <b>RC 3</b> and <b>RC 5</b> in this table; and</li> <li>the portion of the property zoned NT shall be designated per <b>NT 1</b> and <b>NT 2</b> in this table; and</li> <li>the remainder of the property shall be zoned MX.</li> </ul>	M
MX 7		Where a property is zoned a combination of Mixed Use and Neighborhood Transition and/or Regional Center: <ul style="list-style-type: none"> <li>the portion of the property zoned RC shall be designated per <b>RC 3</b> in this table; and/or</li> <li>the portion of the property zoned NT shall be designated per <b>NT 1</b> in this table; and</li> <li>the remainder of the property shall be zoned MX.</li> </ul>	N O P Q R
ET 1	Escarpment Transition	For the properties labeled E, F, and G, the portion of the subject property southeast of Unser Boulevard shall be zoned Escarpment Transition. [See also <b>MX 1</b> in this table.]	E F G
ET 2		For the properties labeled H and I, the Escarpment Transition zone shall extend from the northernmost property edge south to a line following the same bearing as the line formed between the northwest and northeast corners (i.e. the northern property edge) of the property to the west as shown in <b>Exhibit 4.2</b> extending to the eastern edge of the subject property.	H I
ET 3		For the property labeled J, the Escarpment Transition zone shall extend from the northernmost property edge south to a line following the same bearing as the line formed between the northwest and northeast corners (i.e. the northern property edge) of the property to the east as shown in <b>Exhibit 4.2</b> extending to the western edge of the subject property. [See also <b>TC 2</b> , <b>RC 3</b> , <b>RC 4</b> , and <b>MX 3</b> in this table.]	J
NT 1	Neighborhood Transition	Where this zone applies to a portion of the property only, the zone shall extend 300 feet from the border of the Plan area, which corresponds to property edges.	M N P Q R
NT 2		For the property labeled M, the eastern edge of the Neighborhood Transition zone shall follow the same bearing as the line formed by the eastern edge of the platted roadway Urraca St. to the south. [See also <b>NT 1</b> and <b>MX 6</b> .]	M

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TABLE 4.2 – ALPHABETICAL INDEX OF PROPERTIES WITH MULTIPLE ZONES

SUBJECT PROPERTY LABEL(S)	VOLCANO HEIGHTS SU-2 ZONES	RELEVANT ITEMS PER TABLE 4.1
A	Town Center	<b>TC 1</b>
B	Regional Center	<b>RC 1</b>
C		
D		
E	Regional Center Mixed Use	<b>RC 2</b> <b>MX 1</b>
F	Mixed Use	<b>MX 1</b>
G	Escarpment Transition	<b>ET 1</b>
H	Mixed Use	<b>MX 2</b>
I	Escarpment Transition	<b>ET 2</b>
J	Town Center Regional Center Mixed Use Escarpment Transition	<b>TC 2</b> <b>RC 3 and RC 4</b> <b>MX 3</b> <b>ET 3</b>
K	Town Center Mixed Use	<b>TC 2</b> <b>MX 4</b>
L	Town Center Mixed Use	<b>TC 3</b> <b>MX 5</b>
M	Town Center Regional Center Mixed Use Neighborhood Transition	<b>TC 4</b> <b>RC 3 and RC 5</b> <b>MX 6</b> <b>NT 1 and NT 2</b>
N	Mixed Use Neighborhood Center	<b>MX 7</b> <b>NT 1</b>
O	Regional Center	<b>RC 3 and RC 5</b>
P	Mixed Use	<b>MX 7</b>
Q	Mixed Use	<b>MX 7</b>
R	Neighborhood Transition	<b>NT 1</b>
S	Town Center	<b>TC 5</b>
T	Regional Center	<b>RC 3</b>
U		
V		

4.2. Establishment of Character Zones

The zoning map designates the following **character zones**.

4.2.1. **Town Center:** The Volcano Heights Town Center (SU-2/VHTC) zone is intended to implement the City’s vision for an urban center. Development in this zone is intended to create a major employment center with office, entertainment, urban residential, and supporting retail uses. Development can be a mix of employment centers, destination retail, and entertainment, restaurant, and urban residential uses. In addition to general standards in **Sections 6-9**, development within the Town Center Zone shall meet the Site Development and Building Design Standards in **Section 5.1** of this Plan.



Town Center Character Zone

4.2.2. **Regional Center:** The Volcano Heights Regional Center (SU-2/VHRC) zone is intended to provide an appropriate transition into Volcano Heights from the regional, limited-access Paseo del Norte and Unser Boulevard. This area is also intended for large-format and destination retail and office development. In addition to general standards in **Sections 6-9**, development within the Regional Center Zone shall meet the Site Development and Building Design Standards in **Section 5.2** of this Plan.



Regional Center Character Zone

4.2.3. **Village Center:** The Volcano Heights Village Center (SU-2/VHVC) zone is intended for smaller-scale, neighborhood-oriented retail and office development with gateway elements at key intersections. In addition to general standards in **Sections 6-9**, development within the Village Center Zone shall meet the Site Development and Building Design Standards in **Section 5.3** of this Plan.



Village Center Character Zone

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Mixed-Use Character Zone

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Escarpment Transition Character Zone



Neighborhood Transition Character Zone

4.2.4. **Mixed-Use:** The Volcano Heights Mixed Use (SU-2 VHMx) zone is intended to provide the most flexibility of use and development standards surrounding the Regional and Town Centers. VHMx also serves to buffer **Transition zones** from the **auto-oriented** uses of the Regional Center and the more intensive urban uses and taller buildings allowed within the Town Center. In addition to general standards in **Sections 6-9**, development within the Mixed Use Zone shall meet the Site Development and Building Design Standards in **Section 5.4** of this Plan.

4.2.5. **Escarpment Transition:** The Volcano Heights Escarpment Transition (SU-2 VHET) zone is intended to protect **sensitive lands** in the eastern portion of the Plan area **adjacent** to the Petroglyph National Monument from the higher-density and intensity **mixed uses** in adjacent zones. Properties **adjacent** to or **abutting** the Monument are subject to the Rank 3 NWMEP regulations for “Impact Area” designation where it covers this area.

This zone is intended for single-family residential, live-work, and townhouse uses as well as smaller-scale office, and neighborhood retail in key locations. In addition to general standards in **Sections 6-9**, development within the Escarpment Transition zone shall meet the Site Development and Building Design Standards in **Section 5.5** of this Plan.

4.2.6. **Neighborhood Transition:** The Volcano Heights Neighborhood Transition (SU-2 VHNT) zone is intended to provide transitions of building scale and uses from the more dense, urban Mixed Use zone to adjoining neighborhoods north and south of the Plan area.

This zone is intended for single-family residential, **live-work**, and townhouse uses as well as some smaller-scale office uses in appropriate areas. In addition to general standards in **Sections 6-9**, development within the Neighborhood Transition zone shall meet the Site Development and Building Design Standards in **Section 5.6** of this Plan.

TABLE 4.3 – CHARACTER ZONES BY LAND USE CATEGORY

CHARACTER ZONE		LAND USE CATEGORY
<b>CENTER ZONES</b>		
	Town Center	Mixed Use / Non-residential
	Regional Center	Mixed Use / Non-residential
	Village Center	Mixed Use / Non-residential
	Mixed Use	Mixed Use / Non-residential
<b>TRANSITION ZONES</b>		
	Escarpment Transition	Mixed Use / Residential
	Neighborhood Transition	Residential





- 4.3. Table of Land Uses:** Due to the emphasis on urban form over land uses, general land use categories have been identified by **character zone** in **Table 4.4**. Zones allow a mix of appropriate uses from the following categories, listed on a separate page(s) in this order:
- Residential Uses
  - Commercial Uses (Office, Retail, Sales, and Service Uses)
  - Arts, Entertainment, and Recreation Uses
  - Educational, Public Administration, Health Care, and Other Institutional Uses
  - Manufacturing, Transportation, Communication, and Utility Uses
  - Other Uses

Where a use is allowed on a conditional basis, **Table 4.5** provides performance criteria relevant to protect the quality of the built environment and intent of the vision of this Plan, in addition to the criteria for conditional uses in City Zoning Code §14-16-4-2.

4.3.1. Uses not listed but substantially similar and that meet the intent of the Zone in which it is proposed may be permitted upon approval of the Planning Director or his/her designee.

- 4.3.2. All uses shall be conducted in a fully-enclosed building, except as provided below, and shall have no noise, vibration, particulate, or odor that poses an adverse impact on adjacent properties.
- (i) Where allowed by zone per **Table 4.4**, the following may be conducted partially or completely outdoors:
    - a. Auto-related sales, including vehicle fuel sales;
    - b. Any permitted use with a drive through facility;
    - c. Plant nurseries, retail garden centers, and community gardens;
    - d. Recreational uses;
    - e. Wind and solar energy equipment;
    - f. Transit facilities;
    - g. Public utility facilities;
    - h. Sales from kiosks;
    - i. Commercial surface parking lots;
    - j. Structured parking
  - (ii) See **Section 6.9.3** starting on page 124 for regulations affecting outdoor storage.
  - (iii) See **Section 6.9.4** starting on page 124 for design regulations affecting loading/unloading areas on ‘B’ Streets.
  - (iv) See **Section 6.8.3** starting on page 123 for street screen requirements.

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TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCARPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
	RESIDENTIAL USES						
RU-1	Home Occupations	P	P	P	P	P	P
RU-2	Multi-family residential						
RU-2 G	Ground floor	C	P	C	P	P	C
RU-2 U	Upper floors	P	P	P	P	P	C
RU-3	Residential Lofts	P	P	P	P	P	P
RU-4	Single-family residential attached dwelling unit (Townhomes)	P	NP	P	P	P	P
RU-5	Single-family residential detached	NP	NP	NP	NP	P	P
RU-6	Secondary dwelling unit	P	NP	P	P	P	P
RU-7	Live-work unit	P	NP	P	P	P	P
RU-8	Senior housing facility	C	C	P	P	C	C

P= Permitted by right NP= Not Permitted

C = Permitted with specific criteria as established in Table 4.5 (i.e. conditional)

A = **Accessory Use**, not to exceed 25% of the primary use building square footage

NA= Not applicable



TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCAPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
	COMMERCIAL USES (OFFICE, RETAIL, SALES, AND SERVICE USES)						
CU-1	Retail Sales or Service with no drive through facility (includes alcohol sales). <i>Excluded from this category are retail sales and service establishments geared toward the automobile.</i>	P	P	P	P	C	NP
CU-2	Auto-related Sales or Service establishments	C	P	C	C	NP	NP
CU-3	Finance and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility	P	P	P	P	C	NP
CU-4	Offices for business, professional, administrative, and technical services such as, but not limited to, accountants, architects, lawyers, doctors, insurance sales/services , etc.	P	P	P	P	C	C
CU-5	Research laboratory headquarters, laboratories and associated facilities	P	P	P	P	NP	NP
CU-6	Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with no drive-through facilities*	P	P	P	P	C	NP
CU-7	Pet and animal sales or service (including vet clinic)	P	P	P	P	C	NP
CU-8	Any permitted use with a drive through facility	C	P	C	C	NP	NP

P= Permitted by right    NP= Not Permitted    C = Permitted with specific criteria as established in **Table 4.5** (i.e. conditional)    A = **Accessory Use**, not to exceed 25% of the primary use building square footage    NA= Not applicable

\* Note for CU-6: Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages for consumption on and off-premise.

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TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCAPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
	ARTS, ENTERTAINMENT, AND RECREATION USES						
AU-1	Art galleries	P	P	P	P	C	NP
AU-2	Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P	P	P	C	NP
AU-3	Games establishments (includes arcades)	P	P	P	P	NP	NP
AU-4	Theater, cinema, dance, or music establishment	P	P	P	P	NP	NP
AU-5	Museums and other special purpose recreational institutions	P	P	P	P	NP	NP
AU-6	Adult amusement establishments or adult store*	NP	P	NP	NP	NP	NP
AU-7	Fitness, recreational sports, gym, or athletic club	P	P	P	P	C	NP
AU-8	Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P

P= Permitted by right    NP= Not Permitted    C = Permitted with specific criteria as established in **Table 4.5** (i.e. conditional)    A = **Accessory Use**, not to exceed 25% of the primary use building square footage    NA= Not applicable

\* Note for AU-6: A separation of at least 1,000 feet shall be maintained between adult amusement establishments or adult stores. No adult amusement establishments or adult stores shall be allowed within 500 feet of a residential zone, including but not limited to Volcano Heights Transition Zones.

TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCARPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
	EDUCATIONAL, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONAL USES						
EU-1	Business associations, professional membership organizations, social & fraternal organizations	P	P	P	P	NP	NP
EU-2	Child day care and preschools	P	P	P	P	P	P
EU-3	Schools, libraries, and community halls	P	P	P	P	P	NP
EU-4	Universities and colleges	P	P	P	P	NP	NP
EU-5	Technical, trade, and specialty schools	P	P	P	P	NP	NP
EU-6	Hospitals and nursing establishments	P	P	P	P	NP	NP
EU-7	Social services and philanthropic organizations	P	P	P	P	C	C
EU-8	Rehabilitative clinics	P	P	P	P	NP	NP
EU-9	Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	C	C
EU-10	Religious institutions	P	P	P	P	C	NP
EU-11	Funeral homes	P	P	P	P	NP	NP

P= Permitted by right NP= Not Permitted

C = Permitted with specific criteria as established in Table 4.5 (i.e. conditional)

A = **Accessory Use**, not to exceed 25% of the primary use building square footage

NA= Not applicable

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TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCAPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
	MANUFACTURING, TRANSPORTATION, COMMUNICATION, AND UTILITY USES						
MU-1	Food, beverage, and textile product manufacturing	C	P	NP	P	NP	NP
MU-2	Wood, paper, and printing products manufacturing	NP	P	NP	NP	NP	NP
MU-3	Machinery, electronics, and transportation equipment manufacturing	NP	P	NP	P	NP	NP
MU-4	Miscellaneous <b>light manufacturing</b> (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, office supplies, and signs.)	NP	P	NP	C	NP	NP
MU-5	Wholesale trade establishment	NP	P	NP	P	NP	NP
MU-6	Warehouse and storage services	NP	P	NP	P	NP	NP
MU-7-A	Transit Facilities*	P	P	P	P	P	C
MU-7-B	Transportation services (air, rail, road, truck and freight)	NP	P	NP	NP	NP	NP
MU-8	Publishing (newspaper, books, periodicals, software)	P	P	P	P	NP	NP
MU-9	Motion picture and sound recording	P	P	P	P	C	NP
MU-10	Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	P	P	P	P	NP	NP
MU-11	Information services and data processing	P	P	P	P	NP	NP

P= Permitted by right NP= Not Permitted

C = Permitted with specific criteria as established in **Table 4.5** (i.e. conditional)

A = **Accessory Use**, not to exceed 25% of the primary use building square footage

NA= Not applicable

\* Note for MU-7-A: Bus maintenance facilities shall only be permitted in Regional Center.



TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCARPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
MU-12	Electric switching stations, electric generation stations, natural gas regulating stations, public water system treatment plants and storage facilities, wastewater treatment plants, and/or other major utility services	NP	P	NP	P	NP	NP
MU-13	Electric substations, telephone switching stations, and/or other minor utility services	P	P	P	P	P	P

P= Permitted by right NP= Not Permitted

C = Permitted with specific criteria as established in **Table 4.5** (i.e. conditional)

A = **Accessory Use**, not to exceed 25% of the primary use building square footage

NA= Not applicable

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TABLE 4.4 – LAND USE TABLE BY CHARACTER ZONE (CONT'D)

	CHARACTER ZONE	TOWN CENTER	REGIONAL CENTER	VILLAGE CENTER	MIXED-USE	ESCAPMENT TRANSITION	NEIGHBORHOOD TRANSITION
	LAND USE						
	OTHER USES						
OU-1	Model homes for sales and promotion*	P	P	P	P	P	P
OU-2	Hotels	P	P	P	P	P	NP
OU-3	Bed and Breakfast	NP	NP	NP	P	P	P
OU-4	Commercial surface parking lot (primary use of property)	C	C	C	C	NP	NP
OU-5	Parking, structured	P	P	P	P	NP	NP
OU-6	Private attached garage**	C	NP	C	P	P	P
OU-7	Private detached garage**	NP	NP	NP	P	P	P
OU-8	Sales from kiosks (includes food carts)	C	C	C	C	C	NP
OU-9	Veterinary clinic	P	P	P	P	NP	NP
OU-10	Community garden	C	C	C	P	P	P
OU-11	Concealed Antennas including cell, accessory, and mounted on top of buildings. (Excluded from this category are freestanding and commercial antennas and equipment buildings.) [See Section 7.9 starting on page 131.]	P/A	P/A	P/A	P/A	NP	P/A
OU-12	Wind energy equipment***	P/A	P/A	P/A	P/A	C/A	C/A
OU-13	Solar energy equipment***	P/A	P/A	P/A	P/A	P/A	P/A

P= Permitted by right    NP= Not Permitted    C = Permitted with specific criteria as established in Table 4.5 (i.e. conditional)    A = **Accessory Use**, not to exceed 25% of the primary use building square footage    NA= Not applicable

\* Note for OU-1: Model homes are limited to a time period until all the homes are sold in the neighborhood.

\*\* Note for OU-6: Subject to Garage design standards in Section 7.7 starting on page 129.

\*\*\* Note for OU-12 and OU-13: As defined and regulated by the Rank 2 Facility Plan: Electric System Generation and Transmission (2010-2020).





**4.4. Criteria for Conditional Uses:** All uses listed as Conditional (C) in **Table 4.4** shall also meet the following standards in **Table 4.5**, in addition to the City Zoning Code §14-16-4-2.

TABLE 4.5 – CONDITIONAL USE CRITERIA (Cont'd)

USE	ZONE	LOCATION & DESIGN CRITERIA
<b>RESIDENTIAL USES</b>		
RU-2-G	Multi-family residential (Ground Floor)	Town Center, Village Center, and Neighborhood Transition
RU-2-U	Multi-family residential (Upper floors)	Neighborhood Transition
RU-8	Senior housing facility	Town Center, Regional Center, and Transition Zones



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TABLE 4.5 – CONDITIONAL USE CRITERIA (Cont'd)

	USE	ZONE	LOCATION & DESIGN CRITERIA
NON-RESIDENTIAL USES			
CU-1	Retail sales or service with no drive-through facility (includes alcohol sales)	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Location restricted to any corner of the intersection of two streets.</li> <li>• Surface parking lot restricted to no more than 10 spaces.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>
CU-2	Auto-related sales and service	Town Center and Village Center	<ul style="list-style-type: none"> <li>• Gas pumps, canopies, and/or service bays shall not be located along any <b>'A' Street</b> frontage.</li> <li>• No more than 50% of a <b>lot's</b> frontage along a <b>Primary Street</b> shall be occupied by gas pumps, canopies, and/or service bays.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> <li>• No outdoor <b>storage</b> of vehicles or other products sold shall be permitted along <b>'A' Streets</b> or <b>Primary Streets</b>. All <b>auto-related sales</b> displays shall be inside storefronts or along <b>'B' Streets</b>.</li> </ul>
		Mixed Use	<ul style="list-style-type: none"> <li>• Gas pumps, canopies, and/or service bays shall not be located along any <b>'A' Street</b> frontage.</li> <li>• No more than 50% of a <b>lot's</b> frontage along a <b>Primary Street</b> shall be occupied by gas pumps, canopies, and/or service bays.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> <li>• Outdoor <b>storage</b> of vehicles or other products sold shall not be permitted along <b>'A' Streets</b>. Along Paseo del Norte or Unser Boulevard, outdoor storage of vehicles or other products sold shall not exceed 50% of a <b>lot's</b> frontage. There shall be no such limitation along <b>Secondary 'B' Streets</b> or <b>alleys</b>.</li> </ul>
CU-3	Finance and real estate establishments	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>
CU-4	Offices	Transition Zones	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>
CU-6	Food service uses	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Location restricted to any corner of the intersection of two streets.</li> <li>• Off-street parking lots required but restricted to no more than 30 spaces.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>

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TABLE 4.5 – CONDITIONAL USE CRITERIA (Cont'd)

USE	ZONE	LOCATION & DESIGN CRITERIA
CU-7 Pet and animal sales or service	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> <li>• Any overnight pet boarding shall be indoors.</li> </ul>
CU-8 Any permitted use with a drive-through facility	Town Center, Village Center, Mixed Use	<ul style="list-style-type: none"> <li>• All drive-through access (driveways) shall be from a <b>'B' Street</b> only. If the <b>lot</b> has no access to any 'B' Street, then access may be from an <b>'A' Street</b> with <b>approval</b> by the Planning Director or his/her designee.</li> <li>• Drive through lanes and/or canopies shall not have frontage or be located along any <b>'A' Street</b>.</li> <li>• Drive through areas shall be screened by a 4-foot high <b>street screen</b> along <b>'B' Streets</b>.</li> <li>• Drive through facilities shall meet the standards in <b>Section 6.8</b> and <b>6.9</b> starting on page 124.</li> </ul>
AU-1 Art galleries	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> <li>• Off-street parking lots restricted to no more than 10 spaces.</li> </ul>
AU-2 Art, antique, furniture or electronics studio	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> </ul>
AU-7 Fitness, recreational sports, gym, or athletic club	Escarpment Transition	<ul style="list-style-type: none"> <li>• Off-street parking lot required but limited to no more than 4.5 spaces per 1,000 square feet.</li> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>
EU-7 Social services and philanthropic organizations	Transition Zones	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>
EU-9 Public administration uses	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> </ul>
EU-10 Religious Institutions	Escarpment Transition	<ul style="list-style-type: none"> <li>• Off-street parking required but limited to no more than 1 space per 3 sanctuary seats.</li> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Any <b>buildings</b> associated with the use shall also have a pedestrian entrance at an <b>'A' Street</b>.</li> </ul>



4.0 ZONING

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TABLE 4.5 – CONDITIONAL USE CRITERIA (Cont'd)

	USE	ZONE	LOCATION & DESIGN CRITERIA
MU-1	Food and textile product manufacturing	Town Center	<ul style="list-style-type: none"> <li>• Scale and massing complementary to walkable, urban built environment.</li> <li>• Off-street parking required but may be provided off-site.</li> <li>• Any <b>buildings</b> associated with the use shall also have a service entrance on a <b>'B' Street</b> for deliveries and maintenance equipment.</li> </ul>
MU-4	Miscellaneous manufacturing	Mixed-Use	<ul style="list-style-type: none"> <li>• Scale and massing complementary to walkable, urban built environment.</li> <li>• Off-street parking required but may be provided off-site.</li> <li>• Any <b>buildings</b> associated with the use shall also have a service entrance on an <b>'B' Street</b> for deliveries and maintenance equipment.</li> <li>• Activities shall be buffered appropriately to mitigate noise and emission impact on neighboring properties.</li> </ul>
MU-9	Motion picture and sound recording	Escarpment Transition	<ul style="list-style-type: none"> <li>• Character complements nearby single-family development.</li> <li>• Scale and massing complementary to nearby single-family development.</li> <li>• Activities shall be buffered appropriately to mitigate noise impact on neighboring properties.</li> </ul>
<b>OTHER USES</b>			
OU-4	Commercial surface parking lot (primary use of property)	Town Center, Regional Center, Village Center, and Mixed Use	<ul style="list-style-type: none"> <li>• Shall be permitted as an interim use of property (permits provided in 5-year increments).</li> <li>• Applications for new surface lots shall include phasing of infill building concepts on the lot.</li> <li>• New surface parking shall be set back a minimum of 30 feet from the edge of the <b>ROW</b> of <b>'A' Streets</b>, with <b>street screen</b> and buffer landscaping provided within <b>setback</b> area.</li> <li>• New surface parking shall not be located at a street intersection for a minimum distance of 30 feet along each street from the intersection.</li> </ul>
OU-6	Attached garage	Town Center, Village Center	<ul style="list-style-type: none"> <li>• Shall be alley-accessed only.</li> </ul>

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TABLE 4.5 – CONDITIONAL USE CRITERIA (Cont'd)

Use	ZONE	LOCATION & DESIGN CRITERIA
OU-8 Sales from kiosks on private property	Center Zones, Mixed Use, and Escarpment Transition	<ul style="list-style-type: none"> <li>• Sales of goods from mobile <b>kiosks</b> are permitted as a temporary land use, typically limited to 6 months or less but subject to determination by the ZHE on a case-by-case basis.</li> <li>• Kiosks shall be placed in appropriate locations, such as off-street parking areas or paved areas with the permission of the property owner.</li> <li>• If one location has more than five (5) <b>kiosks</b>, the site layout and location shall be indicated on a site plan on file with the City of Albuquerque Environmental Health Department, Fire Department, and the Planning Department, and shall include authorization from the property owner. [A special event permit may be required.]</li> <li>• If located in an existing parking lot, kiosks shall not encumber more than 25% of the required off-street parking. The impacted parking spaces shall be considered “available” and therefore still meeting off-street parking requirements. No off-street parking is required to serve kiosks.</li> <li>• All food sales are subject to permitting and regulation by the City of Albuquerque Environmental Health Department.</li> <li>• Outdoor seating areas are permitted in the public <b>ROW</b> provided that they maintain a minimum 6-foot clear pedestrian path per DPM Chapter 23, Section 7, Part B.5.</li> <li>• Other conditions shall be per the discretion of the ZHE and decided on a case-by-case basis.</li> </ul>
OU-10 Community garden	Center Zones	<ul style="list-style-type: none"> <li>• Shall be no larger than 1.0 acre.</li> <li>• Gardens shall be enclosed by a fence on all open sides.</li> <li>• Fences shall be installed straight and plumb, with vertical supports at a minimum of 8 feet on center.</li> <li>• Chicken wire is permitted if used with another permitted fencing material. Where used, chicken wire shall be continuously supported along all edges.</li> </ul> <p><i>Fencing Materials:</i></p> <ul style="list-style-type: none"> <li>• Permitted: wood, chicken wire, wrought iron, painted galvanized steel</li> <li>• Not permitted: materials including but not limited to chain link, barbed or razor wire and/or tape, vinyl, and/or plywood</li> </ul>
OU-12 Wind energy equipment	Escarpment Transition	<ul style="list-style-type: none"> <li>• Freestanding wind turbines shall be placed on the rear of the property and shall not front an <b>‘A’ Street</b>.</li> <li>• Building-mounted wind turbines shall be permitted pending design review by the Planning Director or his/her designee. They shall not be mounted on the ground floor.</li> </ul>

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