



# CHAPTER II

## regulations

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## 2.0 Authority

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TABLE 2.1 – RELEVANT RANKED PLANS

Relevant Ranked Plans	Area	Plan Type
<b>Rank I:</b> Albuquerque / Bernalillo County Comprehensive Plan	Entire Albuquerque Area	Policy
<b>Rank II: Area / Facility Plans</b> <ul style="list-style-type: none"> <li>• West Side Strategic Plan</li> <li>• Facility Plan for Arroyos</li> <li>• COA Major Public Open Space Facility Plan</li> <li>• Trails and Bikeways Facility Plan</li> <li>• Facility Plan for Electric Service Transmission and Subtransmission Facilities</li> </ul>	Relevant Albuquerque Areas, including Volcano Mesa	Policy
<b>Rank III:</b> <ul style="list-style-type: none"> <li>• Northwest Mesa Escarpment Plan (NWMEP)</li> <li>• Unser Boulevard Design Overlay Zone (DOZ)</li> </ul>	Specific Area	Policy & Regulation

TABLE 2.2 – PRECEDENCE OF EXISTING REGULATIONS AND PROCEDURES

Existing City Regulations or Procedures	Precedence
NWMEP	VHSDP
Unser Boulevard DOZ	Most restrictive
Subdivision Ordinance	VHSDP
DPM	VHSDP
Other	VHSDP

2.1. Plan Authority

The Volcano Heights SDP (“The Plan” or “VHSDP”) is a Rank III plan that includes both regulations (i.e. law) and policies (i.e. guidance) as instruments to implement the goals, objectives, and policies of the Rank I Albuquerque/Bernalillo Comprehensive Plan, and more specifically the Rank II West Side Strategic Plan (WSSP), which designates a Major Activity Center within Volcano Heights as part of the Volcano Mesa Amendment. The Plan supplants the application of all provisions of the City Zoning Code as it pertains to land within the Plan area prior to the Plan’s adoption unless otherwise stated in this Plan.

2.1.1. Rank Plans

The City of Albuquerque uses a system of ranked plans, starting with the Rank I Albuquerque/Bernalillo County Comprehensive Plan, which sets the vision, goals, and overall policies from a City-wide perspective. There are also lower-ranked plans that must comply with the intent, policies, and goals of higher-ranked plans. Rank II Plans, such as the WSSP or the Arroyos Facility Plan, are exclusively policy documents that provide more detail and give more direction about large but distinct areas or facilities within Albuquerque. Rank III Plans, including Sector Development Plans (SDP) such as this Volcano Heights SDP, take the most detailed look at smaller areas and can include both policy (i.e. direction) and regulations (i.e. law).

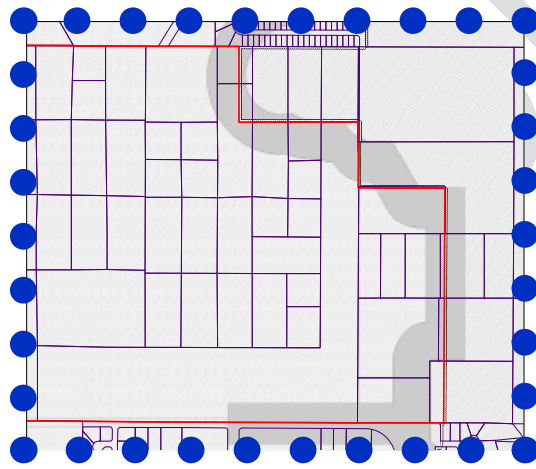
This Rank III VHSDP is intended to further and comply with the policies and intents of the adopted plans in **Table 2.1**.

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2.1.2. **Northwest Mesa Escarpment Plan (NWMEP)**  
 The Rank III NWMEP provides policy and regulatory guidance for development within its boundaries. Adopted in 1988, it sets regulations and policies to control design, construction mitigation, view preservation, and drainage to protect sensitive lands in and around the Escarpment, parts of which became the Petroglyph National Monument.

The NWMEP designates three distinct areas and distinguishes regulations and policies accordingly: Conservation, Impact, and View. Volcano Heights is included in the NWMEP boundary and contains a small portion of Impact Area along the boundary of the Petroglyph National Monument to the east, while the rest of Volcano Heights is designated as View Area and subject to policies applicable to that designation. (See **Exhibit 2.1**, NWMEP and WSSP Volcano Mesa Amendment Boundary.)



Detail : Impact Area in Volcano Heights

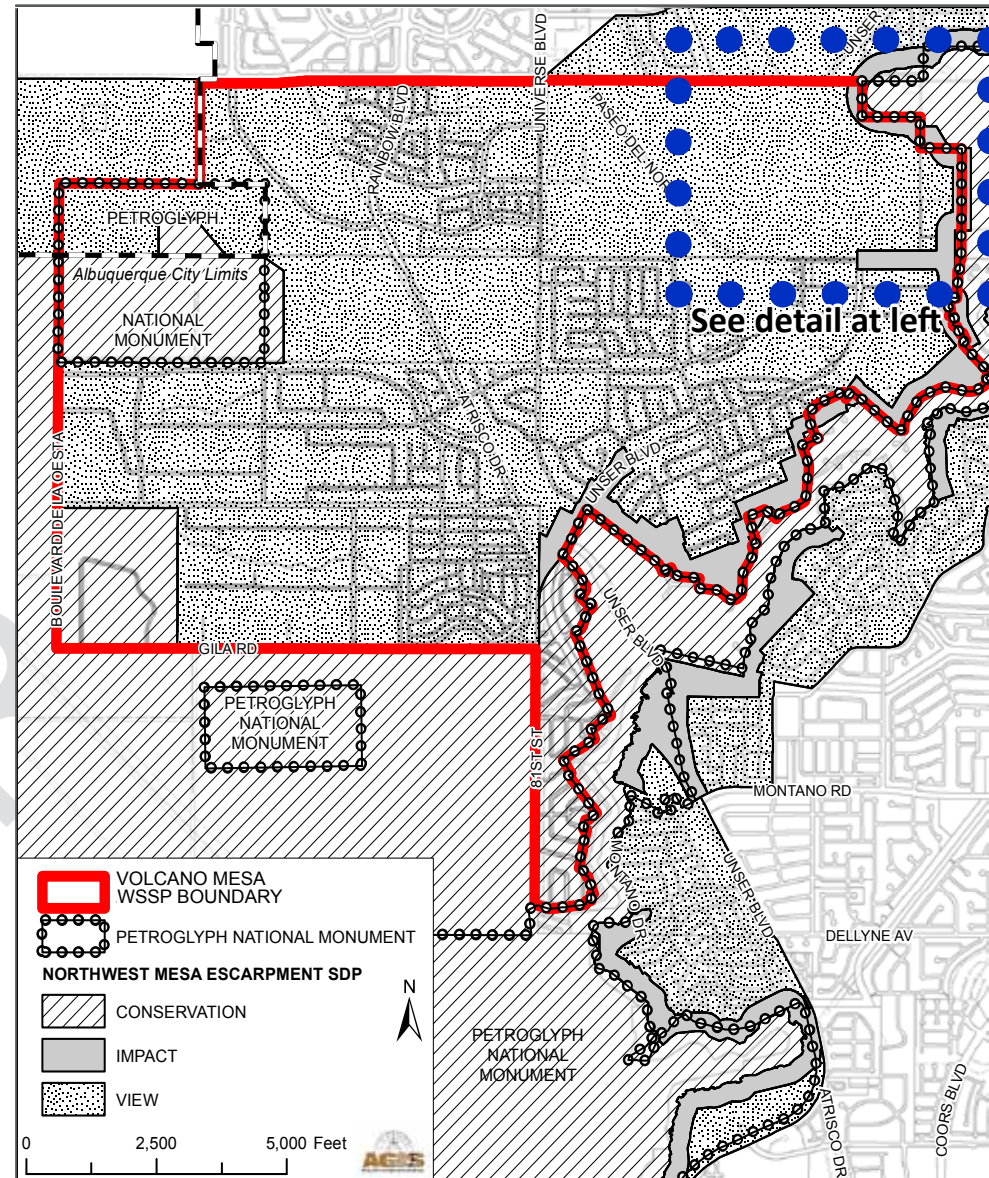


Exhibit 2.1 – NWMEP and WSSP Volcano Mesa Amendment Boundaries



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- (i) Because the VHSDP and the NWMEP are both Rank III plans with overlapping boundaries, where a policy or regulation conflicts, the VHSDP prevails, unless otherwise stated in the Plan. Where one plan is silent, the policies/regulations of the other plan prevail.
- (ii) Maximum heights by right in Town Center, Regional Center, Mixed-Use, and Neighborhood Transition Zones in Volcano Heights comply with the 40-foot maximum height allowed in the NWMEP View area, although the NWMEP measures from natural grade, and this Plan measures from approved grade, which in some cases may include a minimum amount of fill necessary for construction or to connect to infrastructure. Within Volcano Heights, the approved grade is to govern building height.
- (iii) Portions of Escarpment Transition Zone that are also within the NWMEP Impact Area have **structure height** restrictions of 15 feet per the NWMEP, with the exception that heights shall be measured from approved grade. No variances or deviations shall be granted.
- (iv) No bonus heights shall be granted within the Escarpment Transition or Neighborhood Transition Zones.
- (v) Color shall be regulated per the NWMEP, including walls and fences. The intent is to minimize visibility for the purpose of views into the Plan area.

In order to balance the intent of respecting and protecting the fabric of unique cultural and geological features of this area with the intent of creating opportunities for a regional employment center and Major Activity Center, the VHSDP includes an optional bonus height system that allows **structure height** above 40 feet for the Center and Mixed-Use Zones. Projects must meet additional criteria intended to provide commensurate benefits to both the natural and built environments as a trade-off for bonus height and density.

2.1.3. **Unser Boulevard Design Overlay Zone (DOZ):** The Unser Boulevard Design Overlay Zone, adopted in 1992, sets design regulations regarding signs along the Unser Boulevard corridor between I-40 and the Sandoval County line. [See **Exhibit 2.2.**]

Enacted to preserve views of the Rio Grande Valley, the Sandia Mountains and the west mesa escarpment, it affects an area extending 500 feet in either direction from the centerline

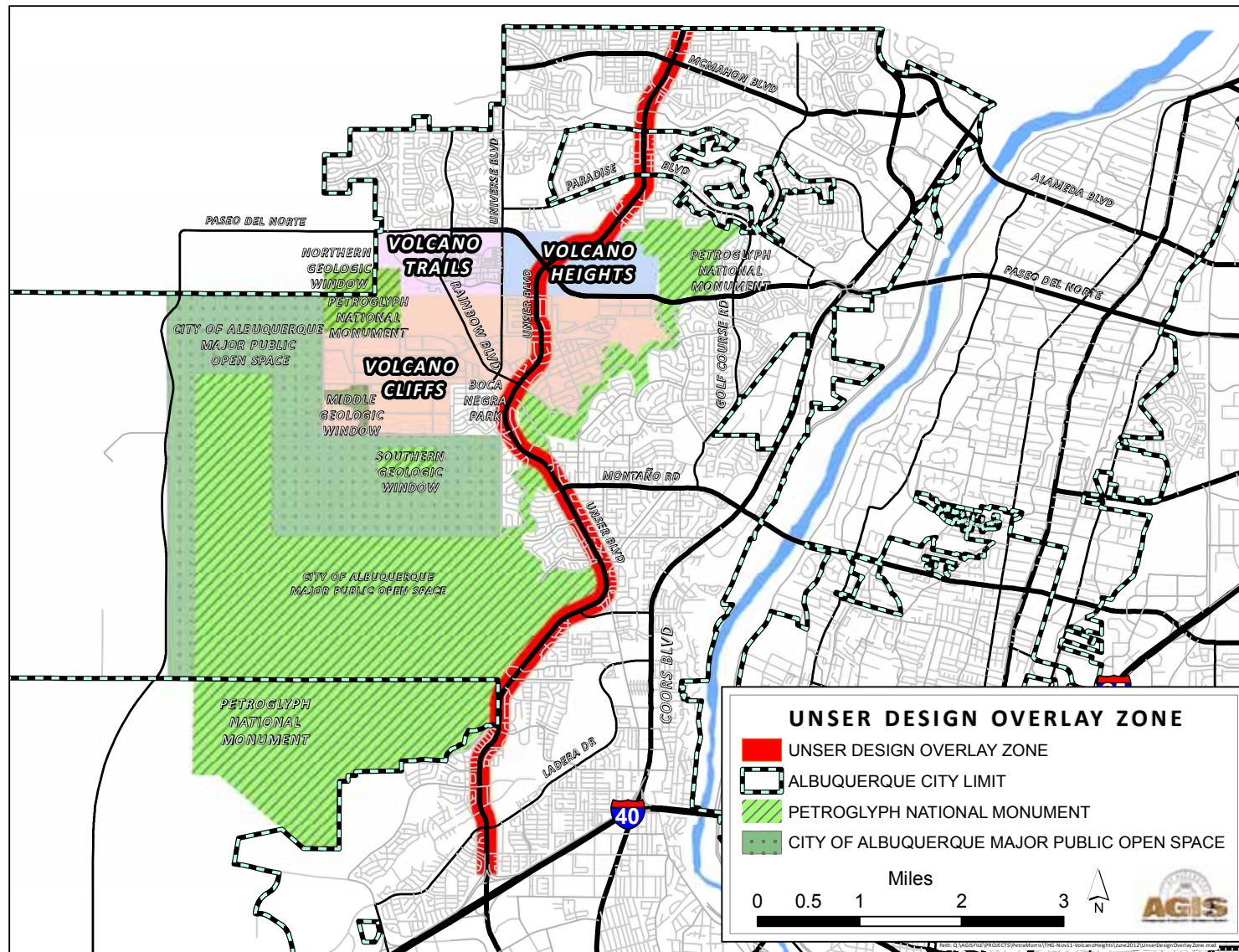


Exhibit 2.2 – Unser Boulevard Design Overlay Zone Boundary

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of the roadway. The DOZ prohibits off-premise signs, portable signs and signs which flash, move or rotate. On-premise signs within the DOZ boundaries are generally limited to one wall or permanent free-standing sign per façade per business, the height and size of which are regulated based on façade area. For additional details and regulations, please consult the Unser Boulevard Design Overlay Zone, available on the Planning Department's publications webpage: <http://www.cabq.gov/planning/publications/>

Because the VHSDP and the Unser Boulevard DOZ are both Rank III plans with overlapping boundaries, where a policy or regulation conflicts, the more restrictive prevails, unless otherwise stated in this Plan. Where one plan is silent, the policies/regulations of the other plan prevail.

- 2.1.4. **City of Albuquerque Subdivision Ordinance:** Development projects shall be subject to the City of Albuquerque Subdivision Ordinance with the following exception: Where the Subdivision Ordinance conflicts with this Plan, the regulations of this Plan shall prevail in order to meet the intent of development in this unique area.
- 2.1.5. **Development Process Manual (DPM):** Development projects shall be subject to the City DPM. Where the DPM conflicts with this Plan, the regulations of this Plan shall prevail in order to meet the intent of development in this unique area.

- 2.1.6. Development projects shall also be subject to other City ordinances and regulations not in conflict with policies and regulations in this Plan. Where policies and regulations conflict, this Plan shall prevail in order to meet the intent of development in this unique area.