



5.0 Zoning

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CHAPTER II: REGULATIONS

5.0 Zoning

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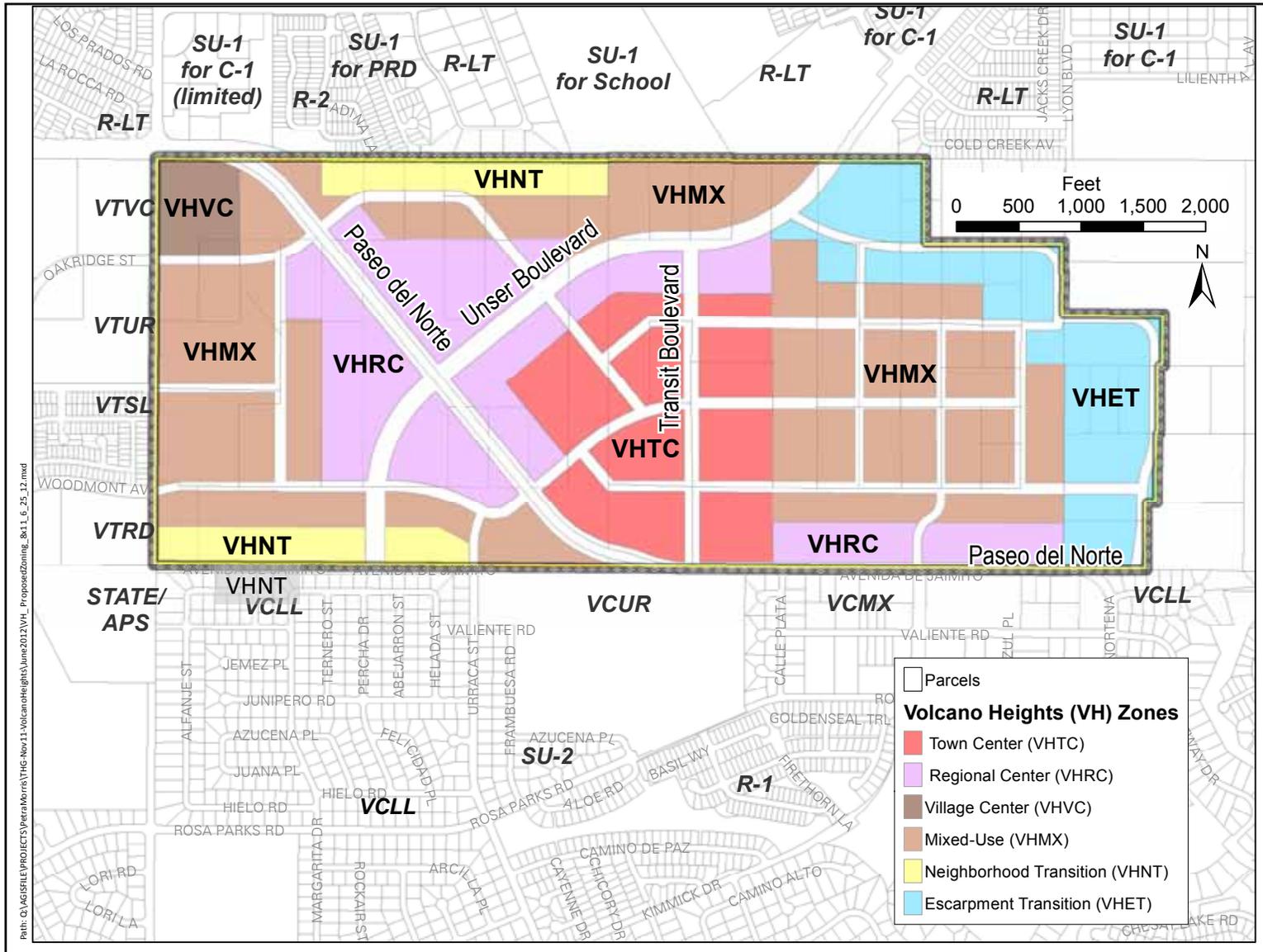


Exhibit 5.1 – Zoning Established by the Volcano Heights Sector Development Plan

5.0 Zoning

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5.1. Adoption of Volcano Heights Zoning

5.1.1. The Volcano Heights Zoning Map is hereby adopted as the official **zoning map**. Within any area subject to the approved zoning map, this Plan becomes the mandatory regulation.

5.1.2. **Zone Lines and Property Lines:** Where zone lines do not correspond to property lines or where they are not divided and defined by a Mandatory Road, they shall begin at or be measured according to the following methods:

- (i) **Regional Center:** 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, whichever is closer to the property.
- (ii) **Mixed Use:** Where this zone applies to a portion of the property only, the zone shall extend 300 feet from the centerline of the nearest Mandatory Road.
- (iii) **Escarpment Transition:** Where this zone applies to a portion of the property only, the zone shall extend 300 feet from the northern border of the Plan area.

5.2. Establishment of Character Zones

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

5.2.1. **Town Center:** The Volcano Heights Town Center (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. Development within the Town Center Zone shall meet the Site Development and Building Design Standards in **Section 6.1** of this Plan.



Town Center Character Zone

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5.2.2. **Regional Center:** The Volcano Heights Regional Center (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. Development within the Regional Center Zone shall meet the Site Development and Building Design Standards in **Section 6.2** of this Plan.

[Graphic Pending]

Regional Center Character Zone

5.2.3. **Village Center:** Volcano Heights Village Center (VHVC) Zone is intended for smaller-scale, neighborhood-oriented retail and office development with gateway elements at key intersections. Development within the Village Center Zone shall meet the Site Development and Building Design Standards in **Section 6.3** of this Plan.



Village Center Character Zone

5.0 Zoning

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Mixed-Use Character Zone

5.2.4. **Mixed-Use:** The Volcano Heights Mixed Use (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. Development within the Mixed Use Zone shall meet the Site Development and Building Design Standards in **Section 6.4** of this Plan.

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. Development within the Escarpment Transition shall meet the Site Development and Building Design Standards in **Section 6.6** of this Plan.

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Neighborhood Transition Character Zone

5.2.5. **Neighborhood Transition:** The Volcano Heights Neighborhood Transition (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 smaller-scale office, and neighborhood retail in key locations, particularly intersections. Development within the Transition Zone shall meet the Site Development and Building Design Standards in **Section 6.5** of this Plan.

5.3. **Table of Land Uses:** Due to the emphasis on urban form over land uses, general use categories have been identified by **character zone** in **Table 5.1**.

- (i) 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.
- (ii) Uses shall have no noise, vibration, particulate, or odor that poses an adverse impact on adjacent properties.



Escarpment Transition Character Zone

5.2.6. **Escarpment Transition:** The Volcano Heights Escarpment Transition (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 III NWMEP regulations for “Impact Area” designation where it covers this area.

Character Zone	Land Use Category
Center Zones	
Town Center	Mixed Use / Non-residential
Regional Center	Mixed Use / Non-residential
Village Center	Mixed Use / Non-residential
Mixed Use	Mixed Use / Non-residential
Transition Zones	
Neighborhood Transition	Mixed Use / Residential
Escarpment Transition	Mixed Use / Residential



TABLE 5.1 – LAND USE TABLE BY CHARACTER ZONE

	Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Neighborhood Transition	Escarpment 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	C
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	NP	C
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	C
CU-7	Pet and animal sales or service (including vet clinic)	P	P	P	P	NP	C
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 P/A = Permitted **Accessory Use** NA= Not applicable as established in **Table 5.2**

* *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 on and off-premise.*

5.0 Zoning

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TABLE 5.1 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Neighborhood Transition	Escarpment Transition
	Land Use						
	Arts, Entertainment, and Recreation Uses						
AU-1	Art galleries	P	P	P	P	C	C
AU-2	Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P	P	P	C	C
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-oriented Businesses	NP	P	NP	NP	NP	NP
AU-7	Fitness, recreational sports, gym, or athletic club	P	P	P	P	C	C
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 5.2** P/A = Permitted **Accessory Use** NA= Not applicable

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



TABLE 5.1 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Neighborhood Transition	Escarpment 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	P
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	Civic uses	P	P	P	P	P	P
EU-8	Social services and philanthropic organizations	P	P	P	P	C	C
EU-9	Rehabilitative Clinics	P	P	P	P	NP	NP
EU-10	Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	C	C
EU-11	Religious Institutions	P	P	P	P	C	C
EU-12	Funeral homes	P	P	P	P	NP	NP

P= Permitted by right NP= Not Permitted C = Permitted with specific criteria P/A = Permitted **Accessory Use** NA= Not applicable as established in **Table 5.2**

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CHAPTER II: REGULATIONS

5.0 Zoning

R

TABLE 5.1 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Neighborhood Transition	Escarpment Transition
	Land Use						
	Manufacturing, Transportation, Communication, and Utility Uses						
MU-1	Food 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 manufacturing (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	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	NP	C
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
MU-12	Utilities and utility services (electric, natural gas, alternative)	NP	P	NP	P	NP	NP

P= Permitted by right NP= Not Permitted C = Permitted with specific criteria as established in **Table 5.2** P/A = Permitted **Accessory Use** NA= Not applicable

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

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TABLE 5.1 – LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Neighborhood Transition	Escarpment 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	C	P
RU-2-U		Upper floors	P	P	P	P	C	P
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	NP	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 5.2** P/A = Permitted **Accessory Use** NA= Not applicable

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

CHAPTER II: REGULATIONS

5.0 Zoning

R

TABLE 5.1 - LAND USE TABLE BY CHARACTER ZONE (Cont'd)

	Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Neighborhood Transition	Escarpment 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	NP	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	NP	NP	NP	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	NP	C
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. <i>(Excluded from this category are freestanding and commercial antennas and equipment buildings. See Section 8.9.)</i>	P/A	P/A	P/A	P/A	P/A	NP
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
OU-14	Special Event	P	P	P	P	C	C

P= Permitted by right NP= Not Permitted C = Permitted with specific criteria as established in Table 5.2 P/A = Permitted Accessory Use NA= Not applicable

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



5.4. **Criteria for Conditional Uses:** All uses listed as Conditional (C) in **Table 5.1** shall also meet the following standards in **Table 5.2**.



TABLE 5.2 – CONDITIONAL USE CRITERIA

	Use	Zone	Location & Design Criteria
Non-Residential Uses			
CU-1	Retail Sales or Service with no drive-through facility (includes alcohol sales)	Transition Zones	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Location restricted to any corner of the intersection of two streets • Hour of operation limited to 7 a.m. - 10 p.m. • Deliveries restricted to between 6 a.m. - 11 p.m. • Surface parking lot restricted to no more than 10 spaces • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street
CU-2	Auto-related Sales and Service	Town Center and Village Center	<ul style="list-style-type: none"> • Gas pumps, canopies, and/or service bays shall not be located along any 'A' Street frontage. • No more than 50% of a lot's frontage along a Mandatory Street shall be occupied by gas pumps, canopies, and/or service bays. • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street. • No outdoor storage of vehicles or other products sold shall be permitted along 'A' Streets or Mandatory Streets. All auto-related sales displays shall be inside storefronts or along 'B' Streets.
		Mixed Use	<ul style="list-style-type: none"> • Gas pumps, canopies, and/or service bays shall not be located along any 'A' Street frontage. • No more than 50% of a lot's frontage along a Mandatory Street shall be occupied by gas pumps, canopies, and/or service bays. • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street. • Outdoor storage of vehicles or other products sold shall not be permitted along 'A' Streets. Along Paseo del Norte or Unser Boulevard, outdoor storage of vehicles or other products sold shall not exceed 50% of a lot's frontage. There shall be no such limitation along non-mandatory 'B' Streets or alleys.
CU-3	Finance and Real Estate establishments	Escarpment Transition	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street

5.0 Zoning

R

TABLE 5.2 – CONDITIONAL USE CRITERIA (Cont'd)

	Use	Zone	Location & Design Criteria
CU-4	Offices	Transition Zones	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street
CU-6	Food Service Uses	Transition Zones	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Location restricted to any corner of the intersection of two streets • Hour of operation limited to 7 a.m. - 10 p.m. • Deliveries restricted to between 6 a.m. - 11 p.m. • Off-street parking lots required but restricted to no more than 25 spaces • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street
CU-7	Pet and animal sales or service	Escarpment Transition	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street • Any overnight pet boarding shall be indoors
CU-8	Any permitted use with a drive-through facility	Town Center, Village Center, Mixed Use	<ul style="list-style-type: none"> • All drive-through access (driveways) shall be from a 'B' Street only. If the lot has no access to any 'B' Street, then access may be from an 'A' Street with approval by the Planning Director or his/her designee. • Drive through lanes and/or canopies shall not have frontage or be located along any 'A' Street. • Drive through areas shall be screened by a 4-foot high street screen along 'B' Streets. • Drive through facilities shall meet the Building Design Standards in Section 8 of this code.

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TABLE 5.2 – CONDITIONAL USE CRITERIA (Cont’d)

	Use	Zone	Location & Design Criteria
AU-1	Art galleries	Transitions Zones	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an ‘A’ Street • Off-street parking lots restricted to no more than 10 spaces
AU-2	Art, antique, furniture or electronics studio	Transition Zones	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development
AU-6	Fitness, recreational sports, gym, or athletic club	Transition Zones	<ul style="list-style-type: none"> • Size limited to 10,000 square feet • Off-street parking lot required but limited to no more than 4.5 spaces per 1,000 square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an ‘A’ Street
EU-8	Social services and philanthropic organizations	Transition Zones	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an ‘A’ Street
EU-10	Public administration uses	Transition Zones	<ul style="list-style-type: none"> • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development
EU-11	Religious Institutions	Transition Zones	<ul style="list-style-type: none"> • Limited to 20,000 square feet • Off-street parking required but limited to no more than 1 space per 3 sanctuary seats • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Any buildings associated with the use shall also have a pedestrian entrance at an ‘A’ Street



5.0 Zoning

R

TABLE 5.2 – 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"> • Scale and architectural style complementary to walkable, urban built environment • Off-street parking required but may be provided off-site • Any buildings associated with the use shall also have a service entrance on an 'B' Street for deliveries and maintenance equipment
MU-4	Miscellaneous manufacturing	Mixed-Use	<ul style="list-style-type: none"> • Scale and architectural style complementary to walkable, urban built environment • Off-street parking required but may be provided off-site • Any buildings associated with the use shall also have a service entrance on an 'B' Street for deliveries and maintenance equipment • Activities shall be buffered appropriately to mitigate noise and emission impact on neighboring properties.
MU-9	Motion picture and sound recording	Escarpment Transition	<ul style="list-style-type: none"> • Building size limited to 5,000 net square feet • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Activities shall be buffered appropriately to mitigate noise impact on neighboring properties.
Residential Uses			
RU-2-G	Multi-family residential (Ground Floor)	Town Center, Village Center, and Neighborhood Transition	<ul style="list-style-type: none"> • Residential uses are permitted on the ground floors of a building with all other street and interior driveway frontages. Where possible, along 'A' Streets ground floor of multi-family buildings should be a commercial use. • All ground floors of a building with commercial uses along the Transit Boulevard 'A' Street section shall be built to commercial-ready standards. • Off-street parking required as per City Zoning Code §14-16-3-1
RU-2-U	Multi-family residential (Upper floors)	Neighborhood Transition	<ul style="list-style-type: none"> • Character complements nearby single-family development • Scale and architectural style complementary to nearby single-family development • Upper stories shall be set back from the first floor a minimum of 12 feet. • Off-street parking required as per City Zoning Code §14-16-3-1
RU-8	Senior housing facility	Town Center, Regional Center, and Transition Zones	<ul style="list-style-type: none"> • Shall be designed as a multi-family building, and any service entrances shall be along a 'B' Street or alley. • Any buildings associated with the use shall also have a pedestrian entrance at an 'A' Street. • Off-street parking required as per City Zoning Code §14-16-3-1. • ADA access elements shall be located internal of the building or by ramping the entire sidewalk to meet a flush entryway.

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TABLE 5.2 – CONDITIONAL USE CRITERIA (Cont'd)

	Use	Zone	Location & Design Criteria
Other Uses			
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"> • Shall be permitted as an interim use of property (permits provided in 3-year increments). • Applications for new surface lots shall include phasing of infill building concepts on the lot. • New surface parking shall be set back a minimum of 30 feet from the edge of the ROW of 'A' Streets, with street screen and buffer landscaping provided within setback area. • New surface parking shall not be located at a street intersection for a minimum distance of 30 feet along each street from the intersection.
OU-10	Sales from Kiosks on Private Property	Center Zones, Mixed Use, and Escarpment Transition	<ul style="list-style-type: none"> • Sales of goods from mobile kiosks 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. • Kiosks shall be placed in appropriate locations, such as off-street parking areas or paved areas with the permission of the property owner. • If one location has more than five (5) kiosks, the site layout and location shall be indicated on a site plan on file with the Environmental Health Department, Fire Department, and the Planning Department, and shall include authorization from the property owner. [A special event permit may be required.] • If located in an existing parking lot, kiosks shall not encumber more than 25% of the required offstreet parking. The impacted parking spaces shall be considered "available" and therefore still meeting offstreet parking requirements. No off-street parking is required to serve kiosks. • All food sales are subject to permitting and regulation by the City of Albuquerque Health Department. • Hours of operation shall be limited to 7 a.m. to 8 p.m. unless otherwise determined by the ZHE. • Outdoor seating areas are permitted in the public ROW provided that they maintain a minimum 6-foot clear pedestrian path and comply with the City of Albuquerque traffic code. [ref needed] • Other conditions shall be per the discretion of the ZHE and decided on a case-by-case basis.
OU-12	Community Garden	Center Zones	<ul style="list-style-type: none"> • Shall be no larger than 1.0 acre. • Gardens shall be enclosed by a fence on all open sides. • Fences should be installed straight and plumb, with vertical supports at a minimum of 8 feet on center. • Chicken wire is permitted if used with another permitted fencing material. Where used, chicken wire shall be continuously supported along all edges. <p><i>Fencing Materials:</i></p> <ul style="list-style-type: none"> • Permitted: wood, chicken wire, wrought iron, painted galvanized steel • Not permitted: chain link, barbed or razor wire, vinyl, plywood



CHAPTER II: REGULATIONS

5.0 Zoning

R

	Use	Zone	Location & Design Criteria
OU-14	Wind energy equipment	Escarpment Transition	<ul style="list-style-type: none">• Freestanding wind turbines shall be placed on the rear of the property and shall not front an 'A' Street.• 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.
OU-16	Special Event	Transition Zones	<ul style="list-style-type: none">• Special Events will be permitted by obtaining a City approved Special Event Permit. Additional public notifications may be required.

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