

CITY of ALBUQUERQUE

SEVENTEENTH COUNCIL

COUNCIL BILL NO. C/S2 O-06-53 ENACTMENT NO. _____

SPONSORED BY: Debbie O'Malley

1 **ORDINANCE**

2 **AMENDING SECTION 8-1-2-39 ROA 1994 TO ADD TO THE TRAFFIC**
3 **ENGINEER DUTIES; AMENDING SECTION 14-8-2-7 ROA 1994, TO CREATE**
4 **A STAKEHOLDERS' PROCESS AND TRAFFIC REVIEW FOR LARGE**
5 **RETAIL FACILITIES; AMENDING SECTIONS 14-16-1-5(B), 14-16-2-16(A), 14-**
6 **16-2-17(A), 14-16-2-20, 14-16-2-21, 14-16-2-22, 14-16-2-23, AND 14-16-2-24**
7 **ROA 1994, OF THE COMPREHENSIVE CITY ZONING CODE, TO AMEND**
8 **AND ADD DEFINITIONS RELATED TO LARGE RETAIL FACILITY**
9 **REGULATIONS, AMENDING SECTION 14-16-3-2 ROA 1994, SHOPPING**
10 **CENTER REGULATIONS, TO CREATE NEW SITE DIVISION AND LARGE**
11 **RETAIL FACILITY REGULATIONS; AMENDING 14-16-3-18(B) ROA 1994**
12 **ESTABLISHING PEDESTRIAN PLAZA REQUIREMENTS FOR RETAIL SITES**
13 **OVER 125,000 SQUARE FEET; REPEALING SECTIONS 14-16-2-16(B)(6)**
14 **AND 14-16-2-17(B)(6) ROA 1994.**

15 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY**
16 **OF ALBUQUERQUE:**

17 **Section 1. FINDINGS.**

18 **The City of Albuquerque finds:**

19 **(A) That it is beneficial to the City of Albuquerque to require**
20 **additional design and location requirements for certain large commercial**
21 **developments.**

22 **(B) That in recent years a number of Large Retail Facilities,**
23 **commonly termed "Big Boxes", have been developed in the City. These**
24 **structures have created unique problems related to traffic congestion,**
25 **architectural scale, compatibility with the adjoining neighborhoods, and**

1 noise that have adversely impacted the neighborhoods where they have
2 been located.

3 (C) That municipalities across the United States of America, including
4 the City of Santa Fe, New Mexico and the City of Tucson, Arizona have
5 adopted measures to guide the development of these facilities to balance
6 the interests of the community and those of the developers of the projects.

7 (D) The City has adopted policies governing community identity and
8 urban design. For instance, the Albuquerque / Bernalillo County
9 Comprehensive Plan states, "The Goal is to preserve and enhance the
10 natural and built characteristics, social, cultural and historical features that
11 identify Albuquerque and Bernalillo County sub-areas as distinct
12 communities and collections of neighborhoods."

13 (E) That this Ordinance is intended to preserve the ability to develop
14 Large Retail Facilities while minimizing adverse impacts.

15 Section 2. Section 8-1-2-39 ROA 1994, is amended to read:

16 "§ 8-1-2-39 TRAFFIC ENGINEER.

17 (A) Appointment. The Traffic Engineer shall be appointed by the
18 Mayor and he shall exercise the powers and duties as provided in this
19 Traffic Code.

20 (B) Duties.

21 (1) It shall be the general duty of the Traffic Engineer to
22 determine the installation and proper timing and maintenance of traffic-
23 control devices; conduct engineering analysis of traffic accidents and
24 devise remedial measures; conduct engineering investigation of traffic
25 conditions; cooperate with other city officials in the development of ways
26 and means to improve traffic conditions; and carry out such additional
27 powers and duties as are imposed by this code and other city ordinances.

28 (2) The Traffic Engineer shall be responsible to the Mayor to
29 designate such areas with special restrictions as authorized by this Traffic
30 Code for the safe and efficient control of traffic and for the encouragement
31 of either nonmotorized modes of travel or public transportation systems.

1 Those areas shall include but not be limited to: bicycle lanes and paths,
2 foot paths and paths or roads for other non-motorized modes of travel.

3 (3) The Traffic Engineer shall be responsible for management
4 and review of traffic management plans and programs as specified in §14-
5 8-2-7 ROA 1994 and shall also be responsible for those portions of §14-16-
6 3-2 ROA 1994 pertaining to traffic management.”

7 Section 3. Section 14-8-2-7 ROA 1994, is amended to read:

8 “§ 14-8-2-7 RESPONSIBILITIES OF APPLICANTS AND DEVELOPERS.

9 (A) Applicants for approval of amendments of the zone map, site
10 development plans (except houses and accessory buildings), major
11 subdivisions, vacations of public right-of-way, mapping historic districts,
12 landmarking sites, and issuance or transfer of liquor licenses shall, prior to
13 filing the application, make a reasonable attempt to give written notification
14 of their proposal to any recognized neighborhood association which
15 covers, abuts, or is across public right of way from the subject site.
16 Certified letters, return receipt requested, mailed to the two designated
17 neighborhood association representatives on file at the City Office of
18 Neighborhood Coordination constitutes a reasonable attempt to notify an
19 association. Failure by an applicant to show proof of either notification in
20 person or a reasonable attempt to give written notification of its proposal
21 to such designated association representatives shall be grounds for a
22 neighborhood association to request deferral of a hearing. The application
23 for such hearing shall include a signed statement that such notification has
24 been sent.

25 (B) Development Of Large Retail Facilities. Prior to submitting an
26 application for a project that includes a Large Retail Facility, the applicant
27 shall perform the following:

28 (1) Pre-Application Discussion with the Planning Review Team
29 (PRT) to include the following:

30 (a) Complete the pre-application form and appropriate
31 checklists.

- 1 (b) Review of the request for appropriateness as related
2 to the design regulations for Large Retail Facility and various applicable
3 plans, policies, and ordinances including the Comprehensive Zoning Code
4 and/or the Subdivision Ordinance. The review shall cover, but is not
5 limited to, the location requirements for a Large Retail Facility, mixed use
6 component requirements, proposed phases of development, and the
7 neighborhood traffic management requirements.
- 8 (c) Identify all appropriate actions and procedures
9 needed to obtain approval. This shall include, but not be limited to, the
10 pre-application development review meeting with stakeholders.
- 11 (d) Identify a preliminary schedule/time frame for
12 approval.
- 13 (e) Determine a filing date for the application if
14 appropriate.
- 15 (f) Determine if a Traffic Impact Study (TIS) is required.
16 If a TIS is required the City Traffic Engineer or his designee staff shall issue
17 the developer a written scope for the TIS. The written scope shall be
18 distributed to the applicant within seven working days of the City Traffic
19 Engineer being contacted by the applicant's traffic engineer.
- 20 (g) Upon completion of the meeting the Planning
21 Department shall prepare a report of the Pre-Application Session. The
22 report shall include an outline of their preliminary direction based upon the
23 information submitted. A copy of the report shall be provided to the
24 developer and included in the case report for the site plan.
- 25 (h) The developer, if he or she chooses, may also submit
26 a report on the meeting into the case file.
- 27 (2) Notice of Pre-Application Meeting.
- 28 (a) The applicant shall coordinate with the Office of
29 Neighborhood Coordination to set up a pre-application public meeting. The
30 applicant shall notify affected Neighborhood Associations per §14-8-2-7
31 and all property owners within 100 feet of the subject site (excluding right-
32 of-way). Notice shall be delivered by first class mail a minimum of 10 days

1 prior to the public meeting. In addition, the applicant shall post a sign(s) of
2 at least 4 feet by 6 feet advertising the pre-application public meeting for at
3 least 10 consecutive calendar days prior to the meeting.

4 (b) Notices shall include the date, time and place of the
5 pre-application public meeting, the meeting purpose, a description and 8.5
6 x11 drawing(s) of the proposed development, and any other information
7 that the Planning Director and the Office of Neighborhood Coordination
8 deem necessary. Drawings shall contain enough pertinent information to
9 visually describe the development proposal.

10 (c) The Office of Neighborhood Coordination shall post
11 meeting dates on the Planning Department's website and shall contact
12 Neighborhood Associations by email.

13 (3) Pre-Application Public Meeting.

14 (a) The meeting shall be conducted and recorded by a
15 facilitator.

16 (b) The applicant shall provide a visual and narrative
17 presentation of the project concept, and shall identify existing traffic
18 conditions and proposed traffic conditions as preliminarily identified in the
19 TIS scope related to the project.

20 (c) Meeting attendees may identify any additional traffic
21 problems that should be scoped and/or studied.

22 (d) The facilitator shall compile and maintain a list of
23 issues and concerns pertaining to the project and shall inform meeting
24 attendees on how they can remain involved in the process.

25 (e) The City Traffic Engineer shall attend the pre-
26 application public meeting and shall consider the additional traffic
27 problems in determining the scope that shall be addressed in the TIS,
28 which shall be paid for by the applicant and reviewed by the City.

29 (f) Additional meetings may be held upon the request of
30 those attending the meeting and as deemed useful by the facilitator. The
31 facilitator shall prepare a report to be placed in the applicant's case file
32 detailing the reasons for conducting additional meetings.

1 (4) **Traffic Studies.** If, in the opinion of the Traffic Engineer, or
2 upon a receipt by the Planning Director and the Traffic Engineer of a
3 petition that includes a list of traffic issues created by the development of
4 the large retail facility from 67% of the residences within 500 feet of the
5 subject site, a Neighborhood Area Traffic Study is warranted, it shall be
6 specified by the City Traffic Engineer with input from the meeting attendees
7 and the applicant. Neighborhood Area Traffic Study or Studies and Cut
8 Through Studies shall be paid for by the applicant and overseen by the City
9 Traffic Engineer. The study shall include, at a minimum, the following:

10 (a) A baseline count of the vehicles per day traveling the
11 local street;

12 (b) A cut-through traffic study on those streets identified
13 by the meeting attendees;

14 (c) Current conditions and full build-out conditions.

15 (5) **Traffic Mitigation.**

16 (a) If the Neighborhood Area Traffic Study identifies
17 current problems associated with traffic, speeding, and problem
18 intersections on more than one local street in the neighborhood(s) and
19 provides recommendations to resolve these problems, the City shall
20 initiate a Neighborhood Traffic Management Program in the area.

21 (b) If the Neighborhood Area Traffic Study identifies
22 problems with the build-out conditions, or any phase of the project before a
23 building permit is issued, the applicant shall post a financial guarantee in a
24 form acceptable to the City Attorney and an amount determined by the
25 traffic engineer, to pay for mitigation measures necessitated by the
26 development.

27 (c) Before a building permit is issued, the applicant shall
28 post an additional 2% of the costs of the mitigation measures identified in
29 the TIS as a contingency for future study and mitigation (contingency
30 amount).

31 (d) Within two weeks of issuing an occupancy permit the
32 City Traffic Engineer and or the Planning Director shall provide notice to all

1 residences and property owners within 200 feet of the project that a Cut
2 Through Study will occur within 12 months of issuing an occupancy permit
3 for the applicant's development. At least one year after issuing a certificate
4 of occupancy, the applicant shall conduct a follow-up Neighborhood Area
5 Traffic Study to determine if additional traffic mitigation measures are
6 necessary as a result of the development. The City Traffic Engineer shall
7 issue notice of the traffic study to the property owners within two hundred
8 feet of the large retail facility at least two weeks before the commencement
9 of the study. Such notice shall provide direction as to how the recipient can
10 provide input into the study. If additional traffic mitigation measures are
11 necessary, they shall be paid for by the applicant and the contingency
12 amount of the applicant's bond shall not be released until the City accepts
13 these mitigation measures. If the Neighborhood Area Traffic Study
14 determines there is no need for further mitigation measures attributable to
15 the development, the contingency amount shall be released.

16 (e) Projects identified as a result of the Neighborhood
17 Traffic Management Program are not to be included in or to be considered
18 part of the Component Capital Improvement Program (CCIP) except that
19 improvements identified on the CCIP shall be eligible for impact fee
20 credits."

21 Section 4. Section 14-16-1-5(B) ROA 1994, DEFINITIONS, is amended by
22 inserting the following new definitions and definitional changes in proper
23 alphabetical order:

24 "BACK TO BACK STRUCTURE. A structure that includes two rows of
25 retail outlets placed rear of outlet to rear of outlet.

26 FORECOURT. A court forming an entrance plaza for a single building or
27 a group of buildings. Refer to §14-16-3-2, Large Retail Facility Regulations
28 regarding forecourt requirements.

29 GLAZING. The clear or translucent material through which light is
30 transmitted into a building; usually glass but also includes acrylic and
31 other materials. Glazing shall have a transparency that allows a pedestrian
32 to see through the window.

1 **LARGE RETAIL FACILITY.** A single tenant structure with at least 75,000
2 square feet of net leasable area for the purpose of retailing. A Shopping
3 Center Site with a Main Structure of 75,000 square feet or more is a Large
4 Retail Facility. Refer to §14-16-3-2 for Large Retail Facility Regulations.

5 **MAIN STRUCTURE.** A building used for the purpose of retailing that is
6 at least 75,000 square feet in size and dedicated to a single tenant, or a
7 building that has one or more tenants with at least one tenant occupying at
8 least 75,000 square feet for retail uses. A collection of smaller buildings,
9 each less than 75,000 square feet and linked by common walls is not
10 considered a main structure. Refer to §14-16-3-2 for Main Structure
11 Regulations.

12 **MASSING.** The overall composition of the exterior of the major volumes
13 of a building and their relationship to each other in a sequence in the
14 overall design of the building or structure.

15 **NEIGHBORHOOD AREA TRAFFIC STUDY.** A study that is intended to
16 respond to cut-through traffic, speeding, and problem intersections on
17 more than one local street in a neighborhood. Neighborhood Area Traffic
18 Studies are more complex than single street traffic studies. The study area
19 is larger and problems are inter-related and they require research and
20 analysis and substantial involvement by neighborhood residents. Cut
21 through studies that are part of a neighborhood traffic study shall be
22 performed by the City Traffic Engineer or a qualified professional engineer
23 using the methodologies of the City of Albuquerque Neighborhood Traffic
24 Management Program (NTMP) to perform a cut through study.

25 **PARKING SPACE, AUTOMOBILE AND LIGHT TRUCK.** A suitable space
26 for vehicular storage, at least 8.5 feet in width and 18 feet in length, that
27 may be reduced to 16 feet in length where cars can overhang wheel stops,
28 with access and circulation satisfactory to the Traffic Engineer; however, if
29 a premises contains more than 20 parking spaces, one-third of the spaces
30 may be at least 8 feet in width and 15 feet in length.

1 **PEDESTRIAN SCALE LIGHTING.** Lighting in pedestrian areas not to
2 exceed 16 feet in height, which allows people to see and be seen from a
3 distance of 40-60 feet.

4 **PEDESTRIAN PLAZA (OUTDOOR COURTYARD).** An outdoor public
5 space that contains seating and shade and is typically privately owned and
6 maintained.

7 **PEDESTRIAN WALKWAY.** A sidewalk located on a private property.

8 **PETROLEUM PRODUCTS RETAIL FACILITY (FUELING PLAZA).** A
9 facility for outdoor sales of gasoline, petroleum or liquefied gas.

10 **PRIMARY DRIVEWAY.** The principal vehicular entrance from a public
11 right of way into or out of a premises. Most automobile trips to and from
12 the premises are directed to the Primary Driveway as identified in the site
13 plan.

14 **RETAIL SUITE LINER.** A retail suite connected to and extending from
15 the front or side of a Main Structure for the purpose of screening.

16 **SECONDARY DRIVEWAY.** A vehicular entrance used to supplement a
17 Primary Driveway access from a public right of way into or out of a
18 premises. Provides vehicular access to the premises in addition to a
19 Primary Driveway access.

20 **SHOPPING CENTER SITE.** A premises containing five or more acres;
21 zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a Large Retail
22 Facility; but excluding premises used and proposed to be used only for
23 manufacturing, assembling, treating, repairing, rebuilding, wholesaling,
24 and warehousing. Shopping Center Sites are subject to the Shopping
25 Center Regulations of the Zoning Code, §14-16-3-2.

26 **THROUGH TRAFFIC LANE.** A lane which extends between two
27 roadways both classified as at least a collector on the Long Range Major
28 Street Plan.

29 **TRUCK BAY.** The freight receiving and discharging area that may
30 include raised or depressed loading docks, loading ramps and the parking
31 space and or parking wells for trucks when being unloaded or loaded.”

1 **Section 5. Section 14-16-2-16(A) ROA 1994, C-1 NEIGHBORHOOD**
2 **COMMERCIAL ZONE, Permissive Uses, is amended to add a new**
3 **subsection, and renumber remaining subsections accordingly, to read:**

4 **“(7) Residential Uses Permissive in the R-3 Zone with the**
5 **following exceptions:**

6 **(a) Houses are not allowed;**

7 **(b) No less than 20% and no more than 60% of the gross**
8 **floor area of the structures on the site shall be developed with residential**
9 **uses;**

10 **(c) Residential uses shall be part of a vertical mix of**
11 **uses (e.g. residential over commercial or residential over office).**

12 **(d) Where residential uses are proposed, the following**
13 **regulations shall apply:**

14 **1. Area: minimum of 5 acres.**

15 **2. Height: Pursuant to the R-3 Zone.**

16 **3. Density: The total square footage of all**
17 **buildings shall achieve a minimum floor area ratio of 0.3.**

18 **4. Usable Open Space: Pursuant to the R-3 Zone.**
19 **At least 50% of the required open space shall be provided in the form of**
20 **shared or aggregate open space.**

21 **5. Shared Parking: As provided in §14-16-3-**
22 **1(E)(6)(b) except that parking for residential uses is eligible for a shared**
23 **parking exception.**

24 **6. Approval Process: Site development plan**
25 **approval by the Environmental Planning Commission.”**

26 **Section 6. REPEALER. Section 14-16-2-16(B)(6) ROA 1994, is hereby**
27 **repealed in its entirety and the remaining subsections renumbered**
28 **accordingly.**

29 **Section 7. Section 14-16-2-17(A) ROA 1994, C-2 COMMUNITY**
30 **COMMERCIAL ZONE, Permissive Uses, is amended to add a new**
31 **subsection, and renumber remaining subsections accordingly, to read:**

1 **“(8) Residential Uses Permissive in the R-3 Zone with the**
2 **following exceptions:**

3 (b) Houses are not allowed.

4 (b) No less than 20% and no more than 60% of the gross
5 floor area of the structures on the site shall be developed with residential
6 uses.

7 (c) Residential uses shall be part of a vertical mix of
8 uses (e.g. residential over commercial or residential over office).

9 (d) Where residential uses are proposed, the following
10 regulations shall apply:

11 1. Area: Minimum of 5 acres.

12 2. Height: Pursuant to the R-3 Zone.

13 3. Density: The total square footage of all
14 buildings shall achieve a minimum floor area ratio of 0.3.

15 4. Usable Open Space: Pursuant to the R-3 Zone.
16 At least 50% of the required open space shall be provided in the form of
17 shared or aggregate open space.

18 5. Shared Parking: As provided in §14-16-3-
19 1(E)(6)(b) except that parking for residential uses is eligible for a shared
20 parking exception.

21 6. Approval Process: Site development plan
22 approval by the Environmental Planning Commission.”

23 Section 8. REPEALER. Section 14-16-2-17(B)(6) ROA 1994, is hereby
24 repealed in its entirety and the remaining subsections renumbered
25 accordingly.

26 Section 9. Section 14-16-2-20 ROA 1994, M-1 LIGHT MANUFACTURING
27 ZONE, is amended to add a new subsection, to read:

28 “(H) Large Retail Facility Regulations. Any site containing a Large
29 Retail Facility, as defined in §14-16-1-5 of the Zoning Code, is subject to
30 special development regulations. The Large Retail Facility Regulations are
31 provided in §14-16-3-2 of the Zoning Code.”

1 Section 10. Section 14-16-2-21 ROA 1994, M-2 HEAVY
2 MANUFACTURING ZONE, is amended to add a new subsection, to read:

3 “(H) Large Retail Facility Regulations. Any site containing a Large
4 Retail Facility, as defined in §14-16-1-5 of the Zoning Code, is subject to
5 special development regulations. The Large Retail Facility Regulations are
6 provided in §14-16-3-2 of the Zoning Code.”

7 Section 11. Section 14-16-2-22 ROA 1994, SU-1 SPECIAL USE ZONE, is
8 amended to add a new subsection, and renumber remaining subsections
9 accordingly, to read:

10 “(I) Large Retail Facility Regulations. Any site containing a Large
11 Retail Facility, as defined in §14-16-1-5 of the Zoning Code, is subject to
12 special development regulations. The Large Retail Facility Regulations are
13 provided in §14-16-3-2 of the Zoning Code.

14 Section 12. Section 14-16-2-23 ROA 1994, SU-2 SPECIAL
15 NEIGHBORHOOD ZONE, is amended to add a new subsection, to read:

16 “(D) Large Retail Facility Regulations. Any site containing a Large
17 Retail Facility, as defined in §14-16-1-5 of the Zoning Code, is subject to the
18 special development regulations for Large Retail Facilities as provided in
19 §14-16-3-2 of the Zoning Code unless the site is governed by a Rank III Plan
20 that contains design regulations or other similar standards applicable to
21 retail development, as determined by the Planning Director, then the
22 regulations of the Rank III Plan shall apply.”

23 Section 13. Section 14-16-2-24 ROA 1994, SU-3 SPECIAL CENTER
24 ZONE, is amended to add a new subsection, and renumber remaining
25 subsections accordingly, to read:

26 “(F) Large Retail Facility Regulations. Any site containing a Large
27 Retail Facility, as defined in §14-16-1-5 of the Zoning Code, is subject to the
28 special development regulations for Large Retail Facilities as provided in
29 §14-16-3-2 of the Zoning Code unless the site is governed by a Rank III Plan
30 that contains design regulations or other similar standards applicable to
31 retail development, as determined by the Planning Director, then the
32 regulations of the Rank III Plan shall apply.”

1 Section 14. Section 14-16-3-2 ROA 1994, SHOPPING CENTER
2 REGULATIONS, is amended to add Large Retail Facility Regulations as
3 follows:

4 “(D) Large Retail Facility Regulations.

5 (1) Applicability.

6 (a) Provisions of this section and Section 14-8-2-7,
7 Responsibilities of Applicants and Developers, shall apply to the following,
8 as determined by the Environmental Planning Commission (EPC):

- 9 1. New construction of a Large Retail Facility;
10 2. Change of use from a non-Large Retail Facility
11 to a Large Retail Facility as defined in Section 14-16-1-5;
12 3. Building expansion of more than 50% of the
13 existing square footage.

14 (b) Building expansion of 10% to 50% of the existing
15 square footage of an existing Large Retail Facility shall be subject to the
16 following requirements:

- 17 1. Pre-application discussion with the Planning
18 Review Team (PRT).
19 2. Compliance with the Large Retail Facilities
20 design regulations as determined by the EPC. The EPC before issuing final
21 design regulations shall request input from neighborhood associations
22 with boundaries that are within 200 feet of the proposed project.

23 (c) Building expansion up to 10% of the existing square
24 footage and building renovation of an existing Large Retail Facility shall
25 comply with the design regulations in this section to the extent possible as
26 determined by the Planning Director.

27 (2) Location and Access of Large Retail Facility. The following
28 regulations manage the location and design of Large Retail Facilities.
29 These regulations are necessary for the proper functioning and enjoyment
30 of the community. They protect the quality of life within surrounding
31 residential areas, support efficient traffic flows, and provide consistent
32 regulations for such Facilities. Large Retail Facilities shall be located to

1 secure adequate street capacity to transport pedestrians and vehicles to
2 and from Large Retail Facilities, and discourage traffic from cutting
3 through residential neighborhoods. The regulations result in efficient and
4 safe access for both vehicles and pedestrians from roadways in the
5 Metropolitan Transportation Plan to neighborhoods in the vicinity of Large
6 Retail_Facilities. The Planning Director, after initial review of a Large Retail
7 Facilities proposal, may require the site to comply with the next level of
8 Large Retail Facilities Regulations.

9 (a) Large Retail Facilities containing 75,000 to 90,000 Sq.
10 Ft. Net Leasable Area are:

11 1. Permitted in, C-2, C-3, M-1, M-2, IP, SU-1 and
12 the SU-2 Zones for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and

13 2. Permitted in C-1 zones if the project site or site
14 plan reviewed for subdivision is greater than seven acres.

15 3. Required to be located adjacent to and have
16 primary and full access to a street designated as at least a collector in the
17 Mid-Region Council of Governments' Metropolitan Transportation Plan and
18 having at least two through traffic lanes.

19 (b) Large Retail Facilities containing 90,001 to 124,999
20 Sq. Ft. Net Leasable Area are:

21 1. Permitted in C-2, C-3, M-1, M-2, and IP zones
22 and SU-1 and SU-2 zones for uses consistent with C-2, C-3, M-1, M-2, IP
23 Zones; and

24 2. Required to be located adjacent to and have
25 primary and full access to a street designated as at least a collector in the
26 Mid-Region Council of Governments' Metropolitan Transportation Plan and
27 having at least four through traffic lanes.

28 (c) Large Retail Facilities containing 125,000 square feet
29 or greater of Net Leasable Area are:

30 1. Permitted in the C-2, C-3, M-1, M-2, IP, SU-1
31 and SU-2 for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and

1 2. Required to be located within 700 feet of the
2 intersection of two roadways, both of which are designated as at least a
3 collector street in the Mid-Region Council of Governments' Metropolitan
4 Transportation Plan and shall have full access to these roadways. One of
5 the adjacent roadways shall have at least four through traffic lanes and the
6 other adjacent roadway shall have at least six through traffic lanes or is
7 designated a limited access principle arterial in the Mid-Region Council of
8 Governments' Metropolitan Transportation Plan and have a minimum of
9 four lanes.

10 3. If an arterial or collector street has yet to be
11 built to its full cross-section and does not have the required number of
12 lanes, the Large Retail Facility may have access onto the roadway if the
13 roadway is identified on the Metropolitan Transportation Plan as having the
14 required number of lanes at full build-out.

15 4. If access control policies prohibit access onto
16 one of the adjacent roadways, a local road may be used as access if it has
17 direct access to at least two roadways that are identified on the Long
18 Metropolitan Transportation Plan, does not pass directly through a
19 residential subdivision and at least one of the intersections is signalized.

20 5. If access to a location fulfills the criteria of this
21 section but control policies outside the city jurisdiction prohibit access
22 onto one of the adjacent arterial or collector streets, the remaining arterial
23 or collector street may serve as the sole access if it has direct access to
24 two intersections with an arterial and the intersections are signalized.

25 6. If warrants are met, the intersection of the
26 primary driveway and the arterial street shall be signalized, unless
27 prohibited by the City Traffic Engineer for safety reasons, at the expense of
28 the applicant. The applicant may place the name of the development on the
29 mast-arm of the signal.

30 (3) Site Division. These regulations create block sizes for
31 Large Retail Facility that are walkable and support land use changes over

1 time. The site plans for subdivision in Phase One and the Final Phase, if
2 proposed, shall subdivide or plan the site as follows:

3 (a) The entire site shall be planned or platted into
4 maximum 360' x 360' blocks except as provided in Items (c) and (d) of this
5 subsection.

6 (b) Primary and Secondary Driveways (or platted
7 roadways) that separate the blocks shall be between 60' and 85' wide and
8 shall include the following:

9 1. Two 10' travel lanes;
10 2. Two parallel or angle parking rows or a
11 combination of such on both sides of the Driveway rights of way are
12 permitted but not required;
13 3. Two 6' landscaped buffers with shade trees
14 spaced approximately 30' on center;
15 4. Two 8' Pedestrian Walkways constructed of
16 material other than asphalt;
17 5. Pedestrian Scale Lighting that provides at
18 least an illumination of 1.2 to 2.5 foot candles or the equivalent foot
19 lamberts; and
20 6. Standup curb.

21 (c) One block can be expanded to approximately 790' x
22 360' if a Main Structure (including Retail Suite Liners) covers more than
23 80% of the gross square footage of a block.

24 (d) If the site dimensions result in irregular block sizes,
25 blocks of different dimensions are allowed provided:

26 1. The block sizes achieve the intent of this
27 section;
28 2. Approval is granted by the EPC;
29 3. The narrow side of the block abuts the
30 adjacent street that provides the primary access; and
31 4. The center of the long side has a major
32 entrance, including a Forecourt.

1 **(4) Development Phasing and Mixed-Use Component.** The
2 **Large Retail Facility** regulations address the build-out of a large site over
3 time in order to guide the transition from more vehicle-oriented “big box”
4 type retail development with large surface parking fields to finer-scaled,
5 pedestrian oriented, mixed-use development, replacing surface parking
6 with some parking structures, producing a village center that is integrated
7 into the surrounding neighborhoods. This transition reflects actual trends
8 in development and creates a better, more marketable, and higher use
9 development.

10 **(a) Site development plans for Phase One** shall be
11 submitted to the EPC for approval. If future and/or final phases are
12 proposed on the site, site development plans containing a level of detail
13 appropriate for the phasing of the development shall also be submitted to
14 the EPC for approval.

15 **(b) Mixed Use Component.** Mixed use development is
16 strongly encouraged in both Phase One and the Final Phase of the site
17 plans for all Large Retail Facilities.

18 **(5) Site Design.** These regulations are intended to create
19 pedestrian connections throughout the site by linking structures, make
20 pedestrian connections to external neighborhoods and other uses, and to
21 provide landscaping compatible with the site’s scale for pedestrian shade
22 and aesthetic beauty. The regulations will result in an active pedestrian
23 street life, replace large off-street parking fields with parking structures and
24 transit options, conserve energy and water, and meet the goals of the
25 Albuquerque/ Bernalillo County Comprehensive Plan and the Planned
26 Growth Strategy. The following subsections (a) through (n) apply to all
27 Large Retail Facility Sites:

28 **(a) Context:** The design of structures shall be sensitive
29 to and complement the aesthetically desirable context of the built
30 environment, e.g., massing, height, materials, articulation, colors, and
31 proportional relationships.

32 **(b) Off-Street Parking Standards:**

1 1. If a structure or structures, including Retail
2 Suite Liners, occupies more than 80% of a planned or platted block, the Off
3 Street parking shall be placed on another block.

4 2. Parking shall be distributed on the site to
5 minimize visual impact from the adjoining street. Parking shall be placed
6 on at least two sides of a building and shall not dominate the building or
7 street frontage. Parking Areas may front onto roadways identified as
8 limited access in the Mid-Region Council of Governments' Metropolitan
9 Transportation Plan, provided that they are adequately screened with
10 landscape walls and plantings. If a project has multiple phases the final
11 phase site plan, if proposed, shall show the elimination of surface parking
12 areas but may include parking structures.

13 3. If the site is planned into 360' x 360' lots as
14 called for in these regulations, parking requirements may be met by spaces
15 located on a block immediately adjacent to the structure creating the
16 parking demand.

17 4. Every third double row of parking shall have a
18 minimum 10' wide continuous walkway dividing that row. The walkway
19 shall be either patterned or color material other than asphalt and may be at-
20 grade. The walkway shall be shaded by means of trees, a trellis or similar
21 structure, or a combination thereof. Tree wells, planters or supports for
22 shading devices may encroach on the walkway up to 3'. In no case shall
23 the walkway be diminished to less than 5' width at any point.

24 5. Parking requirements for a Large Retail Facility
25 with a mixed use component may use "best practice" standards for shared
26 parking such as *Driving Urban Environments: Smart Growth Parking Best*
27 *Practices*, a publication of the Governor's Office of Smart Growth, State of
28 Maryland. Refer to §14-16-3-1 for Shared Parking Requirements.

29 (c) On-Street Parking Standards:

30 1. Arterial or Collector roadways abutting a Large
31 Retail Facility with a posted speed limit of 35 miles or less per hour shall

1 have on-street parking utilizing a parking/queuing lane under the following
2 standards and if approved by the Traffic Engineer:

3 a. On-Street parking may use the existing
4 adjacent outside lanes on an arterial or collector.

5 b. The parking/queuing lane may be
6 provided by moving the curb lines within the property line and dedicating
7 the parking/queuing lane to the City. The existing through lanes shall not
8 be used as the parking/queuing lane unless a traffic analysis indicates that
9 this will not result in unacceptable degradation of traffic flow, though
10 existing can be restriped in a narrower configuration to provide space for
11 the parking/queuing lane.

12 c. The parking/queuing lane has a
13 maximum width of 16'.

14 d. Curb extensions/bump-outs shall be
15 constructed at the ends of each block and shall include landscaping to be
16 maintained by the property owner pursuant to a Maintenance Agreement
17 with the City.

18 e. Street trees shall be planted pursuant to
19 the Street Tree Ordinance, Chapter 6, Article 6, ROA 1994.

20 2. The regulations for parking credits and
21 reductions set forth in 14-16-3-1(E)(6) shall apply to this sub-section except
22 that 100% of the on-street parking shall be credited towards the project's
23 parking requirements.

24 (d) Signage.

25 1. Signage shall comply with the Shopping
26 Center Regulations for signage, §14-16-3-2(B).

27 2. All signage shall be designed to be consistent
28 with and complement the materials, color and architectural style of the
29 building(s).

30 3. All free-standing signs shall be monument
31 style.

1 4. The maximum height of any monument sign
2 shall be 15 feet.

3 5. Building-mounted signage that faces
4 residential zoning shall not be illuminated.

5 6. Building-mounted signs shall consist of
6 individual channel letters. Illuminated plastic panel signs are prohibited.

7 (e) Drive-up Windows must be located on or adjacent to
8 the side or rear walls of service or retail structures and the window shall
9 not face a public right of way.

10 (f) Petroleum Products Retail Facility.

11 1. Facilities shall be located at a street or driveway
12 intersection.

13 2. The frontage of the principal structure shall face
14 and line the two streets and follow the set-back and glazing standards for
15 Retail Suite Liner.

16 3. Fuel pumps, service facilities, ATMs, storage
17 areas, and repair bays are to be screened from the major street by the
18 principle structure.

19 4. If the structure between the street and the fueling
20 island is not at least the length of the canopy that is over the fueling
21 island, or if there is no service facility structure, the perimeter of the
22 facility shall be screened by either a landscaped berm 3 feet in height or a
23 wall at least 3 feet in height.

24 (g) Truck Bays.

25 1. Truck bays adjacent to residential lots must be
26 separated from the adjacent lot by a minimum of 40'. A minimum 15' wide
27 landscape buffer and a 6' high solid masonry wall shall be provided along
28 the property line. The landscape buffer shall contain evergreen trees or
29 trellises with climbing vines to provide year round screening and buffering
30 from noise. Dock and truck well facilities must also be screened with a
31 masonry wall that extends vertically 8' above the finish floor level and
32 horizontally 100' from the face of the dock. Screen walls shall be designed

1 to blend with the architecture of the building. Trucks may not be moved or
2 left idling between the hours of 10PM and 6:30AM if the truck bays are
3 located within 300 feet of a residential structure unless negotiated with
4 adjacent property owners and approved by the EPC.

5 2. Truck bays not adjacent to residential lots
6 must be screened with a masonry wall extending vertically 8' above the
7 finish floor level and horizontally 100' from the face of the dock to screen
8 the truck. Screen walls shall be designed to blend with the architecture of
9 the building.

10 (h) Landscaping. The following landscaping requirements
11 shall apply:

12 1. Landscaped traffic circles are encouraged at
13 the intersection of interior driveways or platted streets.

14 2. One shade tree is required per 8 parking
15 spaces. Shade trees may be located at the center of a group of 4-8 parking
16 spaces, clustered in parking row end caps, or located along internal
17 pedestrian ways. Shade trees lining a pedestrian way internal to a parking
18 area may count as a canopy tree of a parking space. Trees in landscape
19 buffer areas shall not count as parking space trees.

20 3. Shade trees along Pedestrian Walkways shall
21 be spaced approximately 25 feet on center.

22 4. Water conservation techniques shall be
23 utilized where possible and as approved by the City Hydrologist or City
24 Engineer. Such techniques may include water harvesting and permeable
25 paving. Water from roof runoff should be directed or stored and used to
26 assist all trees and landscaping. Parking spaces that meet infiltration
27 basins or vegetated storm water controls should be bordered by permeable
28 paving. Grasses and other ground vegetation should be near edges to help
29 filter and slow runoff as it enters the site.

30 (i) Pedestrian Walkways. Internal Pedestrian Walkways
31 shall be planned and organized to accommodate the inter-related
32 movement of vehicles, bicycles, and pedestrians safely and conveniently,

1 both within the proposed development and to and from the street, transit
2 stops, and the surrounding areas. Pedestrian Walkways shall contribute to
3 the attractiveness of the development and shall be a minimum of 8 feet in
4 width and constructed of materials other than asphalt. Pedestrian
5 Walkways along internal driveways or streets internal to the site shall also
6 be lined with Shade Trees and Pedestrian Scale Lighting. Pedestrian
7 crosswalks shall be constructed of patterned concrete or a material other
8 than asphalt and may be at grade.

9 (j) A Pedestrian Plaza or Plazas, shall be required of all
10 Large Retail Facility development as follows:

11 1. Large Retail Facility sites that include a Main
12 Structure less than 125,000 square feet in size shall provide public space
13 pursuant to §14-16-3-18(C)(4) of the Zoning Code.

14 2. Large Retail Facility Sites that include a Main
15 Structure 125,000 square feet or greater shall provide Pedestrian Plaza
16 space in the amount of 400 square feet for every 20,000 square feet of
17 building space. A minimum of 50% of the required public space shall be
18 provided in the form of aggregate space that encourages its use and that
19 serves as the focal point for the development. The aggregate space
20 required shall:

21 a. Be linked to the main entrance of the
22 principal structure and the public sidewalk or internal driveway;

23 b. Include adequate seating areas.
24 Benches, steps, and planter ledges can be counted for seating space;

25 c. Have a portion (generally at least 40%)
26 of the square footage of the plaza area landscaped with plant materials,
27 including trees;

28 d. Be designed for security and be visible
29 from the public right of way as much as possible;

30 e. Have pedestrian scale lighting and
31 pedestrian amenities such as trash receptacles, kiosks, etc.

32 (k) Lighting.

- 1 1. Ornamental poles and luminaries, a maximum
2 of 16' in height, shall be used as Pedestrian Scale Lighting.
- 3 2. The maximum height of a light pole, other than
4 those along Pedestrian Walkways, shall be 20', measured from the finished
5 grade to the top of the pole.
- 6 3. All on-site lighting fixtures shall be fully
7 shielded to prevent fugitive light from encroaching into adjacent properties
8 and/or right-of-way.
- 9 (l) Outdoor Storage. Outdoor storage as part of a mixed
10 use development or within a C-1 or C-2 zoned site is not allowed. Outdoor
11 uses such as retail display shall not interfere with pedestrian movement.
12 Where the zoning permits and where outdoor storage is proposed, it shall
13 be screened with the same materials as the building.
- 14 (m) Transit Stops. If transit stops exist or are planned
15 adjacent to a Large Retail Facility, they shall include a covered shelter with
16 seating provided at the developer's expense. Either the interior of the
17 structures shall be lighted or the area surrounding the structures shall be
18 lighted to the same standards as pedestrian walkways. If the Transit Stop is
19 within the public right-of-way, the City shall assume ownership of the
20 shelter and responsibility for maintenance.
- 21 (n) Storm Water Facilities and Structures. The following
22 regulations apply to site hydrology:
- 23 1. Impervious surfaces shall be limited by
24 installing permeable paving surfaces, such as bricks and concrete lattice
25 or such devices that are approved by the City Hydrologist, where possible.
- 26 2. Where possible, transport runoff to basins by
27 using channels with landscaped pervious surfaces. Landscaped strips
28 may be converted into vegetative storm-water canals but must be shallow
29 to avoid defensive fencing.
- 30 3. Ponds, retention and detention areas shall be
31 shallow to prevent the need for defensive/security fencing yet have the
32 capacity to manage storm waters in a 100 year event.

1 4. Trees, shrubs, and groundcover shall be
2 included in storm water basins.

3 5. Bare patches shall be revegetated as soon as
4 possible to avoid erosion, according to a landscaping and maintenance
5 plan.

6 (o) Energy efficient techniques shall be utilized to
7 reduce energy and water consumption where possible and as approved by
8 the City Hydrologist or City Engineer.

9 (6) Main Structure Design. The following subsections (a)
10 through (d) apply to Main Structures:

11 (a) Setback.

12 1. Main Structures shall be screened from the
13 adjacent street by means of smaller buildings, Retail Suite Liners, or 20'
14 wide landscape buffers with a double row of trees.

15 2. Where the front facade of a Retail Suite Liner is
16 adjacent to a street, the maximum front setback shall be 10' feet for private
17 drives and 25' for public roadways.

18 3. Main Structures abutting residentially zoned
19 land shall be set back from the property line at least 60'.

20 (b) Articulation.

21 1. Facades that contain a primary customer
22 entrance and facades adjacent to a public street or plaza or an internal
23 driveway shall contain Retail Suite Liners, display windows, or a recessed
24 patio at a minimum depth of 20 feet, or a combination of all three, along
25 50% of the length of the façade. Where patios are provided, at least one of
26 the recessed walls shall contain a window for ease of surveillance and the
27 patio shall contain shading and seating. Where Retail Suite Liners are
28 provided, they shall be accessible to the public from the outside.

29 2. Every 30,000 gross square feet of structure
30 shall be designed to appear as a minimum of one distinct building mass
31 with different expressions. The varied building masses shall have a
32 change in visible roof plane or parapet height. Massing and articulation are

1 required to be developed so that no more than 100' of a wall may occur
2 without an offset vertically of at least 24".

3 3. For the Retail Suite Liner, the vertical offset
4 shall be a visible change (minimum 6"), a change in material may be used
5 for articulation at the same interval and the visible change in roof plane or
6 parapet height shall be a minimum of 18".

7 4. Facades adjacent to a public right-of-way or
8 internal driveway and facades that contain a primary customer entrance
9 shall contain features that provide shade along at least 40% of the length of
10 the façade for the benefit of pedestrians.

11 (c) Materials.

12 1. Engineered wood panels, cyclone, chain-link, and
13 razor-wire fencing are prohibited.

14 2. Design of the external walls and the principal
15 entrance must include 3 of the below listed options:

- 16 a. Multiple finishes (i.e. stone and stucco);
- 17 b. Projecting cornices and brackets;
- 18 c. Projecting and exposed lintels;
- 19 d. Pitched roof forms;
- 20 e. Planters or wing-walls that incorporate
21 landscaped areas and can be used for sitting;
- 22 f. Slate or tile work and molding integrated
23 into the building;
- 24 g. Transoms;
- 25 h. Trellises;
- 26 i. Wall accenting (shading, engraved
27 patterns, etc.);
- 28 j. Any other treatment that meets the
29 approval of the EPC.

30 (d) Landscaping.

31 1. The buffer for main structures across the
32 street from residentially-zoned land shall be at least 23 feet wide and

1 include two rows of street trees. The trees shall be located pursuant to the
2 guidelines set forth in Crime Prevention Through Environmental Design
3 Recommendations. The landscaping of the berm shall provide year-round
4 screening.

5 2. The public sidewalk adjacent to the main
6 structure may be located within the berm and between the rows of trees.
7 The sidewalk must be a minimum of 7 feet behind the curb.

8 (7) Mixed-Use Component. The following subsections (a)
9 through (g) apply to Mixed Use Development:

10 (a) Uses and Building Forms. The mixed use
11 component may include a mix of the following building forms and uses:

- 12 1. Apartments or condominiums.
- 13 2. Apartments or condominiums over storefronts.
- 14 3. Courtyard housing.
- 15 4. Live-work.
- 16 5. Townhouses.
- 17 6. Lofts.
- 18 7. Lofts over flex.
- 19 8. Senior housing.
- 20 9. Mixed income housing including a minimum of
21 20% affordable at 80% or less of Area Median Income (AMI) for fee simple
22 unit and 60% or less of AMI for rental units. If rental units are multiple
23 sizes, only a maximum of 50% of the rental units set aside for 60% or less
24 of AMI shall be the size of the smallest size category of rental unit in the
25 project.
- 26 10. Office building.
- 27 11. Office over storefronts.
- 28 12. Civic, cultural, and community buildings.
- 29 13. Parking structures with commercial or housing
30 liners.
- 31 14. Schools, both traditional and technical
32 vocational.

(b) Density.

1. Minimum density: 12 dwelling units per acre.
2. Minimum FAR: .30.
3. Maximum density: As determined by the EPC.

(c) Building Heights. Heights within the mixed use portion of the Large Retail Facility site may vary depending on location. Structures adjacent to residentially zoned parcels shall be subject to the Height Requirements of the O-1 Zone and shall not exceed 26' in height within 85' of a lot zoned specifically for houses. The heights of buildings along the central Driveway or street and adjacent to a major arterial or freeway may exceed 4 stories so long as the average building height of all structures in the mixed use site does not exceed the maximum of 4 stories and no individual structure exceeds a height of 7 stories.

(d) Building Setbacks.

<u>Primary Building</u>	<u>Mixed Use Component</u>
<u>(1) Street-Facing Setback with Ground-Floor Storefront</u> <u>a. On Private Drive</u> <u>b. On Public Street.</u>	<u>10 foot minimum.</u> <u>15 foot maximum</u>
<u>(2) Street-Facing Setback without Ground-Floor Storefronts</u> <u>a. On Private Drive</u> <u>b. On Public Street.</u>	<u>10 foot minimum.</u> <u>15 maximum</u>
<u>Interior Side Setback (from property line)</u>	<u>Attached or 5' maximum</u>
<u>Interior Side-Side Separation (btw. Adjacent buildings)</u>	<u>Attached or 10' maximum</u>
<u>Interior Rear Setback (from property line)</u>	<u>5' from alley ROW;</u> <u>20' if no alley (e.g. parking lot)</u>
<u>Interior Rear-Rear Separation (btw. Adjacent buildings)</u>	<u>30' minimum.</u>

Interior Side-Rear Separation (btw. Adjacent buildings)	20' minimum
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Note 1: Features that may encroach into a Pedestrian Way up to the maximum specified: eaves (4' max.), awnings (8' max.), and minor ornamental features (2' max). Over Pedestrian Ways, projections must be more than 8 feet above finished grade.

Note 2: Features that may encroach into setbacks facing Driveways or streets (but not Driveway or street right-of-ways), up to the maximum specified: arcades & trellises (to Driveway or street r.o.w.), porches & stoops (8' max.), eaves (4' max.), awnings (8' max.), and minor ornamental features.

(e) Street Frontage.

All street frontages in the mixed-use component shall be:

(1) Lined by buildings with windows and primary entries, not garage doors; parking areas shall be located to the rear or side of the building.

(2) Building facades shall occupy at least 50% of the street frontage.

(f) Articulation. Mixed-use structures shall have a change in visible roof plane or parapet height for every 50' in length, however each distinct roof length does not have to equal 50' in length. Massing and articulation are required to be developed so that no more than 50' of wall may occur within a 6 foot minimum change in the visible vertical offset, or at the same interval a change in material may be used for articulation and the visible change in roof plane or parapet height shall be a minimum of 18'.

(g) Entrances and Glazing. Each ground floor use shall have one entrance minimum for each 50' or less of building frontage length.

(h) Materials. The materials standards for the mixed use component are as follows:

1. Engineered wood panels, cyclone, chain-link, and razor-wire fencing are prohibited.

- 1 2. Arcades, awnings, cantilevers, portals and shed
2 roofs may be made of metal, fabric, concrete tile, clay tile, or slate
3 (equivalent synthetic or better).
- 4 3. A mixed-use component shall include at least 4
5 of the following design features:
- 6 a. Balconies.
7 b. Projecting cornices and brackets.
8 c. Eaves.
9 d. Exposed lintels.
10 e. Multiple veneers (i.e. stone and
11 stucco).
12 f. Pitched roof forms.
13 g. Planter boxes.
14 h. Slate or tile work and molding
15 integrated into the building.
16 i. Transoms.
17 j. Trellises.
18 k. Wall accenting (shading, engraved
19 patterns, etc.).
20 l. Any other treatment that meets the
21 intent of this section and that receives the approval of the EPC.
- 22 (i) On-Premise Signage.
- 23 1. Appropriate signage includes blade signs,
24 awning signs, and wall-mounted or hanging metal panel signs. Internally
25 illuminated box signs, billboards, roof-mounted, free-standing, any kind of
26 animation, and painted window signs, and signs painted on the exterior
27 walls of buildings are not allowed. No flashing, traveling, animated, or
28 intermittent lighting shall be on or visible from (i.e. through windows) the
29 exterior of any building.
- 30 2. Wall signs are permitted within the area
31 between the second story floor line and the first floor ceiling within a
32 horizontal band not to exceed 2' in height. Letters shall not exceed 18" in

1 height or width and 3' in relief. Company logos or names may be placed
2 within this horizontal band or placed or painted within ground floor or
3 second story office windows and shall not be larger than a rectangle of 8
4 sq. ft. Projecting signs may not be more than 24" by 48" and a minimum
5 10' clear height above the sidewalk and may be hung below the third story
6 level. Signs may not project more than 36" perpendicular to the right-of-
7 way beyond the façade. Lettering on awnings is limited to 9" in height.

8 (8) Maintenance Agreement for Vacant or Abandoned Site.
9 Large Retail Facilities sometimes are vacated due to changing conditions
10 in the retail market. To maintain a quality built environment, Large Retail
11 Facilities shall be maintained during periods of abandonment or vacancies
12 at the same standard as when occupied. The owner of a site shall sign a
13 maintenance agreement with the City that the site will be maintained when
14 vacant to the following minimal standards, among others as deemed
15 appropriate by the Planning Director:

16 (a) The landscaping shall be watered, pruned and
17 weeded.

18 (b) The parking areas shall be cleaned of dirt and litter.

19 (c) The building facades shall be kept in good repair,
20 cracked windows shall be replaced and graffiti removed.

21 (d) Outdoor security lighting shall be maintained and
22 operated.

23 (e) Hydrology systems shall be kept in good working
24 order."

25 Section 15. Subsection 14-16-3-18 (B) ROA 1994, GENERAL BUILDING
26 AND SITE DESIGN REGULATIONS FOR NON-RESIDENTIAL USES is
27 amended to add a new paragraph and renumber remaining paragraphs
28 accordingly as follows:

29 "(5) An aggregate of buildings 125,000 square feet or greater
30 shall provide Pedestrian Plaza space in the amount of 400 square feet for
31 every 20,000 square feet of building space. A minimum of 50% of the
32 required public space shall be provided in the form of aggregate space that

1 encourages its use and that serves as the focal point for the development.

2 The aggregate space shall:

3 (a) Be linked to the main entrance of the principal
4 structure and the public sidewalk or internal driveway;

5 (b) Include adequate seating areas. Benches, steps, and
6 planter ledges can be counted for seating space;

7 (c) Have a portion (generally at least 40%) of the square
8 footage of the plaza area landscaped with plant materials, including trees;

9 (d) Be designed for security and visible from the public
10 right-of-way as much as possible;

11 (e) Have pedestrian scale lighting and pedestrian
12 amenities such as trash receptacles, kiosks, etc.

13 Section 16. Subsection 14-16-3-2(B) ROA 1994, SHOPPING CENTER
14 REGULATIONS, Shopping center requirements, is amended to add the
15 following new subsection:

16 “(6) The site division regulations established in Section 14-16-3-
17 2(D)(3) ROA 1994, apply to all retail facilities with over 90,001 aggregate
18 square feet of gross leasable space.”

19 Section 17. SEVERABILITY CLAUSE. If any section, paragraph,
20 sentence, clause, word or phrase of this ordinance is for any reason held to
21 be invalid or unenforceable by any court of competent jurisdiction, such
22 decision shall not affect the validity of the remaining provisions of this
23 ordinance. The Council hereby declares that it would have passed this
24 ordinance and each section, paragraph, sentence, clause, word or phrase
25 thereof irrespective of any provision being declared unconstitutional or
26 otherwise invalid.

27 Section 18. COMPILATION. Sections 2 through 14 of this Ordinance
28 shall be incorporated in and made part of the Revised Ordinances of
29 Albuquerque, New Mexico, 1994.

30 Section 19. EFFECTIVE DATE. This ordinance shall take effect five days
31 after publication by title and general description.

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