



North Valley

Character Study and Design Overlay Zone



Final Draft Document
August 2010

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EXHIBIT A

NORTH VALLEY CHARACTER STUDY AND DESIGN OVERLAY ZONE:

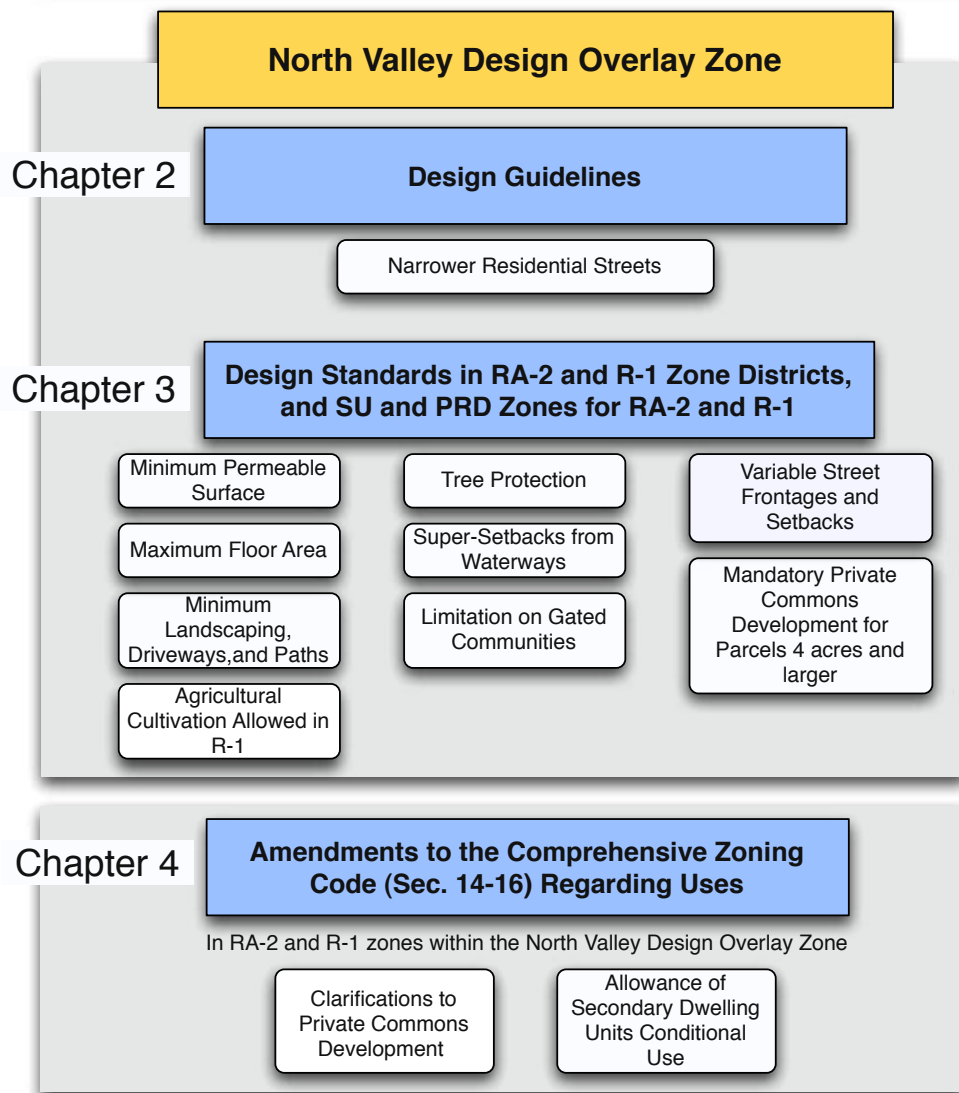
CODE AMENDMENTS FOR RESIDENTIAL ZONES

Exhibit A
Code Amendment
and Guidelines
Components

Introduction to Document and Ordinances

The North Valley Character Study and Design Overlay Zone document was prepared to implement policies in the North Valley Area Plan. Chapter 1 consists of the character study. Chapter 2 adopts Resolution _____, Guidelines for Narrower Street Widths. Chapter 3 adopts the North Valley Design Overlay Zone standards. Chapter 4 adopts Ordinance _____, amendments to the Comprehensive Zoning Code. The following topics are addressed in the regulations and guidelines.

SUMMARY OF COMPONENTS IN NORTH VALLEY CODE AMENDMENTS & GUIDELINES



CITY of ALBUQUERQUE

EIGHTEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

1 RESOLUTION
2 CREATING THE NORTH VALLEY DESIGN OVERLAY ZONE WITHIN THE CITY
3 OF ALBUQUERQUE IN ACCORDANCE WITH SECTION 14-16-2-28(F) ROA
4 1994 REGARDING DESIGN OVERLAY (DO) ZONES, AMENDING THE OFFICIAL
5 ZONING MAP TO DELINEATE THE NORTH VALLEY DESIGN OVERLAY ZONE
6 DISTRICT, AMENDING THE OFFICIAL ZONING MAP TO ADD WATERWAYS OF
7 THE NORTH VALLEY AREA, AND ESTABLISHING GUIDELINES FOR
8 NARROWER RESIDENTIAL STREET WIDTHS IN THE NORTH VALLEY DESIGN
9 OVERLAY ZONE.

10 Whereas, in response to concerns from members of the general public to
11 protect special characteristics of the North Valley as promoted by the North
12 Valley Area Plan code amendments are needed to help preserve the area's
13 unique natural beauty, wildlife and vistas, and traditional, quasi-rural lifestyles
14 that are socio-economically diverse and retain agricultural activities; and

15 Whereas, the council has found that the North Valley Design Overlay Zone
16 is consistent with Section 14-16-2-28(F)(1), criteria for the designation of
17 design overlay zones; and

18 Whereas, the council has found that the North Valley Design Overlay Zone
19 complies with City Council Resolution R-270- 1980, policies for zone map
20 change applications.

21 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
22 ALBUQUERQUE.

23 Section 1. Findings

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1 (A) Consistent with Section 14-16-2-28(F)(1), criteria for the
2 designation of design overlay zones, the Council finds the following
3 conditions exist in the North Valley:

4 (1) The North Valley possesses highly scenic natural features,
5 including the Rio Grande and the adjacent bosque and riparian environment,
6 native and exotic trees able to grow large due to the high water table,
7 waterways, and agricultural activities.

8 (2) The North Valley has experienced significant growth and
9 has continued development potential through the subdivision of farms and
10 undeveloped parcels, redevelopment of some older areas, and in-fill
11 development. Residential development should be designed not to
12 overburden the storm drainage system or lead to flooding during storm
13 activities, to honor the existing scale of residential architecture that has
14 contributed to the unique built environment of the area, and preserve major
15 existing trees.

16 (3) Protection of special characteristics of the North Valley, as
17 promoted in the North Valley Area Plan, is important to the overall urban
18 form of the metropolitan area because of the area's unique natural beauty,
19 wildlife, and vistas, and the area's support of desirable, traditional, quasi-
20 rural lifestyles that are socio-economically diverse and retain agricultural
21 activities.

22 (4) Street frontage and structure setback standards and
23 options will promote variable setbacks and massing of houses along
24 streets, achieving visual diversity and more flexible site utilization,
25 consistent with the character of many older residential areas in the North
26 Valley.

27 (5) Discouragement of new gated communities will promote
28 street connectivity and street network access, improve public safety,
29 improve accessibility to residential neighborhoods, and continue the time-
30 honored socioeconomic diversity of the North Valley.

31 (B) The regulations are in compliance with City Council Resolution R-
32 270- 1980, policies for zone map change applications, in that they promote
33 the health, safety and general welfare of the city by:

- 1 (1) Substantially implementing the North Valley Area Plan, and
2 support adopted sector development plans in the area by creating
3 integrated standards that protect valued residential character in the North
4 Valley;
- 5 (2) Reducing flood hazards through requiring minimum
6 permeable surface areas, protecting significant trees and requiring private
7 common open space in larger development projects;
- 8 (3) Encouraging agriculture through allowing cultivation in the
9 R-1 zone, where this use is not expressly permitted at this time, and
10 through setting structures back from waterways, where the best
11 opportunities exist for agriculture;
- 12 (4) Encouraging agriculture through allowing cultivation in the
13 R-1 zone and protection against development activities too close to
14 waterways;
- 15 (5) Protecting aspects of the architectural character and scale
16 through a maximum floor area and allowance of variable street frontage
17 and setbacks;
- 18 (6) Removing existing zoning that provides too limited
19 protection of the residential community character threatened through
20 development activities that provide little or no open lands, or houses that
21 are excessively massive in relation to the lot area;
- 22 (7) Creating a design overlay zone district that is more
23 advantageous than existing zoning to guide future development by
24 addressing minimum permeable surface, maximum floor area, additional
25 setbacks from waterways, tree protection, and mandatory use of private
26 commons development (PCD) on larger tracts of land. Such zones are not
27 harmful to the adjacent community, and protect the North Valley's assets of
28 trees, open areas, and waterways. The zone accommodates additional
29 residential growth, including affordable secondary dwelling units, with
30 enhanced flexibility in siting of houses in relation to setbacks. The design
31 overlay zone will reduce major and unprogrammed capital expenditures by
32 the City in future storm water management and street paving.

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- 1 Section 2. Relationship to Existing City Regulations:
- 2 (A) The North Valley Design Overlay Zone supplements the General
- 3 Regulations of the Zoning Code of the City of Albuquerque (Revised Code
- 4 of the City of Albuquerque Section 14-4-1-1 *et seq.*).
- 5 (B) Where the North Valley Design Overlay conflicts with Section 14-
- 6 4-1-1 *et. seq.*, the North Valley Overlay Zone prevails.
- 7 (C) Where the North Valley Design Overlay Zone conflicts with an
- 8 SU-2 Zone, the SU-2 Zone prevails.
- 9 (D) Where the North Valley Design Overlay Zone conflicts with an
- 10 SU-1 Zone, the SU-1 Zone prevails.
- 11 (E) Findings shall be made in sector development plans
- 12 or SU-1 applications that conditions are significantly different in the specific
- 13 area than in the general North Valley in order to justify SU-2 or SU-1 zoning
- 14 conflicts with the design overlay zone.
- 15 Section 3. Adoption of the North Valley Design Overlay Zone by
- 16 Reference.
- 17 Chapter 2 design guidelines and Chapter 3 regulations of the *North*
- 18 *Valley Character Study and Design Overlay Zone*, attached as exhibit A to this
- 19 resolution, are hereby adopted, by reference as the North Valley Design
- 20 Overlay Zone.
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COUNCIL BILL NO. _____ ENACTMENT NO. _____

ORDINANCE

AMENDING SECTION 14-16-1-5 TO ADD DEFINITIONS, AMENDING SECTION 14-16-2 TO ALLOW SECONDARY DWELLING UNITS AS CONDITIONAL USES IN THE RA-1 AND R-1 ZONES WITHIN THE NORTH VALLEY DESIGN OVERLAY ZONE, AND AMENDING SECTION 14-16-3-16 PRIVATE COMMONS DEVELOPMENT TO ADD REQUIREMENTS AND STANDARDS SPECIFIC TO PROPERTIES ZONED FOR RESIDENTIAL USES IN THE NORTH VALLEY DESIGN OVERLAY ZONE.

11 Section 1. FINDINGS:

14 (1) To help meet Comprehensive Plan goals for creating
15 more housing opportunities in developed areas of the City,

(3) To accommodate new housing opportunities with minimal impact on the character of the neighborhood because of the subordinate architectural characteristics and compliance with all dimensional and design requirements of the underlying zone and the North Valley Design Overlay Zone, including but not limited to: setbacks, height, maximum floor area, minimum permeable surface, protection of trees, and off-street parking requirements.

- 1 (4) To help meet the needs for safe and convenient
- 2 housing of seniors in proximity to family members, caregivers and others
- 3 living on the premises,
- 4 (5) To provide, through legalization of illegal secondary
- 5 dwelling units, opportunity to correct dangerous safety hazards, enhance
- 6 property values and clear a property owner's ability to obtain loans and
- 7 insurance, provided that the property complies with the minimum standards of
- 8 the International Building Code and other codes adopted by the City of
- 9 Albuquerque,
- 10 (6) To help retain the socio-economically diverse character
- 11 of the North Valley through providing more affordable housing and small
- 12 housing units dispersed more uniformly in the community, and
- 13 (7) To provide small housing units that, due to size, should
- 14 have increased energy efficiency and lower energy costs per resident.
- 15 (B) Amendments to the Private Commons Development
- 16 accomplish the following needed regulatory changes to protect the character
- 17 of the North Valley:
- 18 (1) Protect open lands in the North Valley and the
- 19 integration of the natural environment into developments in the North Valley,
- 20 (2) Allow tracts of land as small as 1 acre to utilize the
- 21 Private Commons Development provisions to create plazuelas and other types
- 22 of cluster developments in the North Valley,
- 23 (3) Clarify that the intended uses of private common areas
- 24 include rain water harvesting, retaining of storm water run-off for a portion of
- 25 the commons area, agricultural activities, and passive or active private park
- 26 space, and
- 27 (4) Provide more guidance on the location of private
- 28 commons areas either to help retain a buffer to an adjacent waterway or
- 29 become visible from a public right-of-way.
- 30 SECTION 2. Subsection 14-16-1-5 ROA 1994 is amended by inserting the
- 31 following definitions and definitional changes in alphabetical order.
- 32 [+PLAZUELA COMPOUND. A development designed within a private
- 33 commons development characterized by a private common area bound by

1 attached or detached buildings on at least three sides.

2 SECONDARY DWELLING UNIT. A subordinate dwelling unit containing its
3 own kitchen created within, added to, or detached from a single family
4 dwelling. Secondary dwelling units shall not be subdivided from or otherwise
5 segregated in ownership from the primary residence structure.+]]

6 SECTION 3. Subsection 14-16-2-5 RA-2 Residential and Agricultural Zone
7 is amended by inserting the following:

8 (A) Permissive Uses.

9 (1) Uses permissive in the RA-1 zone. (2) Private Commons
10 Development, not less than two acres in area, [+except in the North Valley
11 Design Overlay Zone, not less than one acre in area.+]

12 (B) Conditional Uses.

13 (1) Uses conditional in the RA-1 zone.

14 [+(2) Secondary dwelling units, provided:

15 (a) The property is located in the North Valley Design
16 Overlay Zone;

17 (b) A Site Development Plan shall be submitted showing
18 features specified by the planning director, typically including: property lines,
19 total area of the lot, dimensions and area of existing or proposed buildings,
20 dimensions and area of existing or proposed paving, major geographical
21 features (e.g., waterway, flood plain, natural drainage courses with elevation
22 and centerline), major existing and new trees, permeable surface calculations,
23 parking areas, and exterior building elevations of new construction or
24 conversion of existing buildings;

25 (c) The establishment of a secondary dwelling unit shall not
26 be contrary to the public health, safety or welfare of the community;

27 (d) Only one secondary unit is allowed per lot;

28 (e) The maximum floor area of the secondary dwelling unit
29 shall not exceed 1,000 square feet, or 60% of the primary dwelling unit's floor
30 area, whichever is less;

31 (f) Mobile homes and recreational vehicles are not allowed
32 as secondary dwelling units;

33 (g) One on-site parking space is required for the secondary

1 dwelling unit in compliance with the 60% maximum front yard setback area
2 that can be an improved parking and maneuvering area in Section 14-16-2-6
3 (F) (2) and (3);

4 (h) The secondary dwelling unit façades must be
5 constructed of similar siding materials as the primary dwelling unit, except
6 that unadorned concrete masonry units shall not be used for any secondary
7 dwelling unit façade;

8 (i) The scale of the secondary dwelling unit shall be
9 smaller than and subordinate to the primary dwelling unit's scale as viewed
10 from a public street;

11 (j) The orientation of the secondary dwelling unit shall, to
12 the maximum extent practical, maintain the privacy of residents in adjoining
13 dwellings as determined by the physical characteristics surrounding the
14 secondary dwelling unit, including landscape screening, fencing, and window
15 and door placement;

16 (k) The secondary dwelling unit may be rented to not more
17 than one person per bedroom for long-term living purposes (e.g., occupancy
18 for a time period of one month or longer); and

19 (l) A lot containing the primary and secondary dwelling unit
20 must meet all applicable requirements set forth in the zoning code and
21 specified in the North Valley Design Overlay Zone, including but not limited to:
22 minimum lot size, maximum floor area, minimum permeable surface, and tree
23 protection requirements.+]

24 Section 4. Subsection 14-16-2-6 R-1 Residential Zone is amended by
25 inserting the following:

26 (B) Conditional Uses

27 [+(15) Secondary dwelling units, provided:

28 (a) The property is zoned R-1, RA-2, or SU-1 for R-1 or for
29 RA-2 and is located in the North Valley Design Overlay Zone;

30 (b) A Site Development Plan shall be submitted showing
31 features specified by the planning director, typically including: property lines,
32 total area of the lot, dimensions and area of existing or proposed buildings,
33 and paving, major geographical features (e.g., waterway, flood plain, natural

- 1 drainage courses with elevation and centerline), major existing and new trees,
2 permeable surface calculations, parking areas, and exterior building
3 elevations of new construction or conversion of existing buildings;
4 (c) The establishment of a secondary dwelling unit shall not
5 be contrary to the public health, safety or welfare of the community;
6 (d) Only one secondary unit is allowed per lot;
7 (e) The maximum floor area of the secondary dwelling unit
8 shall not exceed 1,000 square feet, or 60% of the primary dwelling unit's floor
9 area, whichever is less;
10 (f) Mobile homes and recreational vehicles are not allowed
11 as secondary dwelling units;
12 (g) One on-site parking space is required for the secondary
13 dwelling unit in compliance with the 60% maximum front yard setback area
14 that can be an improved parking and maneuvering area in Section 14-16-2-6
15 (F) (2) and (3);
16 (h) The secondary dwelling unit façades must be
17 constructed of similar siding materials as the primary dwelling unit, except
18 that unadorned concrete masonry units shall not be used for any secondary
19 dwelling unit façade;
20 (i) The scale of the secondary dwelling unit shall be
21 smaller than and subordinate to the primary dwelling unit's scale as viewed
22 from a public street;
23 (j) The orientation of the secondary dwelling unit shall, to
24 the maximum extent practical, maintain the privacy of residents in adjoining
25 dwelling units as determined by the physical characteristics surrounding the
26 secondary dwelling unit, including landscape screening, fencing, and window
27 and door placement;
28 (k) The secondary dwelling unit may be rented to not more
29 than one person per bedroom for long-term living purposes (e.g., occupancy
30 for a time period of one month or longer); and
31 (l) A lot containing the primary and secondary dwelling
32 unit must meet all applicable requirements set forth in the zoning code and
33 specified in the North Valley Design Overlay Zone, including but not limited to:

1 minimum lot size, maximum floor area, minimum permeable surface, and tree
2 protection requirements.+]

3 Section 5. Subsection 14-16-3-16 Private Commons Development is
4 amended by inserting the following:

5 (A) A Private Commons Development (PCD) may be established on a
6 tract of land containing two or more acres. [+Exceptions are:

7 1. A PCD may be established on a tract of land containing one
8 or more acres within the North Valley Design Overlay and zoned RA-1,
9 RA-2, RO-1 or R-1.

10 2. A PCD shall be established in the North Valley Design
11 Overlay Zoning District where required in accordance with Chapter 3,
12 Section (9) of the North Valley Design Overlay Zone.+]

13 (B) The number of dwelling units permitted in a PCD is determined by
14 dividing the site area by the minimum lot size permitted in the zone rounded to
15 the nearest whole number. However, the number of dwellings in a PCD may
16 not be more than 50. The minimum lot size to be used for determining the
17 number of dwelling units in a PCD with RA-1 zoning shall be 21,780 square
18 feet.

19 (C) A PCD mandated in the North Valley Design Overlay Zone through
20 Section (3)(j) of the North Valley Design Overlay Zone ordinance shall receive
21 a 10% reduction in the permeable surface area per lot required through
22 Section (C)(9) of North Valley Design Overlay Zone ordinance and receive a
23 10% increase in the maximum floor area per lot required through Section (3)(b)
24 of North Valley Design Overlay Zone ordinance.

25 [-(C)-] [+ (D)+] The dwelling units may be houses or townhouses or any
26 combination thereof on any size lots.

27 [-(D)-] [+ (E)+] The minimum setbacks [+in the RA-1, RA-2, and RO-1 zone
28 districts+] are as follows:

29 (1) Front – 15 feet, except driveways shall not be less than 20
30 feet long.

31 (2) Rear – 15 feet for houses and townhouses, unless
32 adjoining R-1, RA-1, RA-2, or RO-1 zoned land, in which case the setback for
33 townhouses shall be 25 feet.

1 (3) Side – there shall be no required side yard setback, except
2 that there shall be a minimum setback of 5 feet for all side yards contiguous
3 with the PCD boundary.

4 ~~[-(E) A minimum of 30% gross area of a PCD or 100% of the area~~
5 ~~gained through lot size reductions, whichever is greater shall be set aside as a~~
6 ~~private commons area.+]~~

7 (F)~~[- The PCA may be used for agriculture, landscaping, recreation or~~
8 ~~any combination thereof. It may be composed of separate tracts but each~~
9 ~~shall have a minimum length and width of 35 feet and shall be visible from a~~
10 ~~public right of way. Land used for streets, driveways, parking, sidewalks and~~
11 ~~private yards may not be counted as part of a PCA. No buildings or structures~~
12 ~~are permitted in a PCA except those necessary for the operation and~~
13 ~~maintenance of the PCA. A PCA may have underground easements. The use~~
14 ~~of a PCA may be restricted to the residents of the PCD and may be fenced so~~
15 ~~long as the public's view is not significantly diminished. -]~~ [+ The minimum
16 setbacks in the R-1 zone districts in the North Valley Design Overlay Zone are
17 as follows:

18 (1) Front – 10 feet, except driveways shall not be less than 20 25
19 feet long

20 (2) Rear – 5 feet for houses and townhouses

21 (3) Side – there shall be no required side yard setback, except that
22 there shall be a minimum setback of 5 feet for all side yards contiguous with
23 the PCD boundary

24 (G) Private Commons Area (PCA) set-aside area

25 (1) A minimum of 30% of the gross area in the RA-1, RA-2, and
26 RO-1 zone districts and 15% of the gross area in the R-1 zone district of a PCD
27 or 100% of the area gained through lot size reductions, whichever is greater,
28 shall be set aside as a PCA.

29 (2) The allowed uses of the PCA shall be limited to:

30 (a) Agriculture

31 (b) Native or xeric plants, such as a stand of cottonwood trees,
32 native and xeric grasses, and shrubs

33 (c) Landscaped areas that are too steep to be usable as active

- 1 shared pedestrian space cannot exceed 20% of the required PCA.
- 2 (d) Rainwater harvest gardens
- 3 (e) Drainage retention or detention for up to 30% of any
- 4 individual PCA tract. At least one quarter (1/4) of drainage retention and
- 5 detention areas larger than 2,000 square feet must have a vegetative cover, as
- 6 shown in plans approved by the Design Review Board.
- 7 (f) A developed park, active shared space, including trails and
- 8 seating areas
- 9 (g) Or any combination of the above.
- 10 (H) The PCA may be composed of separate tracts but each shall have a
- 11 minimum length and width of 35 feet. Land used for streets, driveways,
- 12 parking, sidewalks and private yards may not be counted as part of a PCA. No
- 13 buildings or structures are permitted in a PCA, except those necessary for the
- 14 operation and maintenance of the PCA. A PCA may have underground
- 15 easements. The use of a PCA may be restricted to the residents of the PCD
- 16 and may be fenced providing that the public's view of the PCA is not
- 17 significantly diminished.
- 18 (I) The tract or tracts of a PCA shall be located within the property
- 19 according to the following restrictions:
- 20 (1) If a property abuts a waterway of the North Valley area, at least
- 21 one-half of the PCA shall be located parallel and adjacent to the waterway.
- 22 (2) The PCA may be located in a plazuela compound, provided that
- 23 no street goes through the PCA and at least 50% of the PCA shall be visible
- 24 from a public right-of-way.
- 25 (3) If the property does not abut a waterway of the North Valley area
- 26 and is not contained in the plazuela area of a plazuela compound, then at least
- 27 25% of the PCA shall be visible from a public street right-of-way.+]
- 28 ~~[-(G)-]~~ [(+)(J)+] The PCA shall be set aside by the developer through a
- 29 land use easement and restrictive covenants acceptable to the Development
- 30 Review Board (DRB).
- 31 (1) The covenants shall be in the form of recorded deed restrictions
- 32 and shall be referenced on the subdivision plat.
- 33 (2) The covenants shall assure that the PCA will be protected from all

1 forms of development, except as shown on an approved site development
2 plan.

3 (3) The covenants shall require individual lot owners and the
4 members of the homeowner's association, if applicable, to be jointly and
5 severally liable for maintenance of the PCA.

6 (4) The land use easement, in favor of the City, shall state the
7 proposed allowable use(s) of the PCA, and require that the PCA be maintained
8 by parties who have ownership interest in the PCD.

9 (5) The land use easement shall state that if the responsible parties
10 fail or refuse to act on maintenance obligations as set forth in the easement,
11 the City shall have the authority to perform such maintenance as necessary to
12 protect public health and safety. The easement shall state that the City may,
13 after written notice and failure to comply within 30 days, enter upon and
14 maintain the PCA. The easement shall state that the cost of such maintenance
15 plus any other penalties or costs allowed by law in connection therein, shall
16 be assessed against the properties within the PCD and failure to pay assessed
17 charges may result in a municipal lien against each of the individual lots in the
18 PCD. This provision shall not be deemed to create an obligation to act on the
19 part of the City. Under no circumstances will the City maintain recreational
20 uses. Under no circumstances shall the City maintain the PCA for a period
21 longer than one year.

22 ~~[-(H)-]~~ [(K)+] A PCD is created by Development Review Board approval
23 of a site development plan and a subdivision plat. Site plan and subdivision
24 approval are contingent upon recorded deed restrictions approved by the
25 DRB.

26 ~~[-(I)-]~~ [(L)+] The recorded deed restrictions may not be amended or
27 repealed without the City's prior written approval.

28 ~~[-(J)-]~~ [(M)+] Upon recording the plat and all required documents for a
29 PCD, the area of the PCD shall be delineated and designated with the
30 letters "PCD" on the official zone map.

31 ~~[-(K)-]~~ [(N)+] The Planning Director, at the request of the owner, may
32 void the site development plan and remove the PCD designation if no
33 development has occurred on the site, and the property is replatted to

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1 conform to the requirements of the underlying zoning district.

2 SECTION 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
3 clause, word or phrase of this ordinance is for any reason held to be invalid or
4 unenforceable by any court of competent jurisdiction, such decision shall not
5 affect the validity of the remaining provisions of this ordinance. The Council
6 hereby declares that it would have passed this ordinance and each section,
7 paragraph, sentence, clause, word or phrase thereof, irrespective of any
8 provision being declared unconstitutional or otherwise invalid.

9 SECTION 7. COMPILATION. Sections 2 through 13 of this Ordinance shall
10 be incorporated in and made part of the Revised Ordinances of Albuquerque,
11 New Mexico, 1994.

12 SECTION 8. EFFECTIVE DATE. This ordinance shall take effect five days
13 after publication by title and general description.

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Chapter 1

BACKGROUND AND RATIONALE FOR THE NORTH VALLEY DESIGN OVERLAY ZONE

1.1 PURPOSE OF THE DESIGN OVERLAY ZONE

The North Valley Design Overlay Zone regulations implement policies of the North Valley Area Plan within the City of Albuquerque's incorporated portion of the valley located north of Interstate 40. The North Valley Area Plan describes and recommends protection and preservation of sensitive environmental aspects, farming heritage, and unique community architecture forms. The overlay zone evaluates and responds to the North Valley Area Plan policies and recommendations. The regulations provide area-specific guidance for the development and design characteristics of new residential development in the North Valley. Current conditions and best practices were studied to arrive at the proposed regulations.

1.2 PLANNING PROCESS

In summer of 2007, Councilor Debbie O'Malley and City Council Services initiated a study of the impacts of continued residential development on the unique character of the North Valley. The Councilor, Council Services staff, Architectural Research Consultants, Incorporated (ARC) and members of a volunteer steering committee of North Valley residents have been working to address methods to retain what remains of North Valley character in light of the goals stated in the North Valley Area Plan and sector plans for subareas of the North Valley.

The steering committee conducted 14 meetings from October, 2007 to August, 2008 to discuss development and design concerns and craft the ordinance members. A public meeting/open house conducted on July 24, 2008 at the North Valley Seniors Center was attended by more than 50 participants.

In August, 2010, a series of Neighborhood Association areas

meetings began in order to provide information to property owners and receive feedback on the draft design overlay zone.

1.3 POLICY DIRECTION FROM THE NORTH VALLEY AREA PLAN AND OTHER PLANS

The North Valley Area Plan was adopted as a Rank II Plan by the City of Albuquerque City Council and the Bernalillo County Board of County Commissioners in 1993. While the geography of the North Valley addressed in the Plan includes unincorporated county lands as well as the Village of Los Ranchos, the North Valley Design Overlay Zone only applies to the portion of the area within the City of Albuquerque.

1.3.1 What is North Valley Character?

The Area Plan states that the following characteristics are unique to the North Valley:

- Visual access to open space and agricultural land that defines much of the rural character of valley areas
- Unique, fragile, irreplaceable environmental features
- Ditches for irrigation and drainage
- Old homes and village areas
- Open fields and spaces
- Cottonwoods and bosque
- River
- History of agriculture, farmland, and pastures
- Semi-rural lifestyle
- Opportunities for low-impact recreation
- Ditches for irrigation, recreation, shortcuts, connections to river and activity centers, tying open spaces together

Typical subdivisions are not associated with rural character.

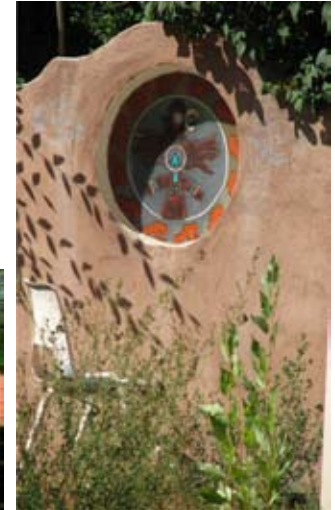
According to the Area Plan, rural-character areas have one or more of the following:

- A mixed pattern of lot sizes and shapes; size and style of housing that reflect older settlement patterns and agricultural activities
- Agricultural uses like housing livestock; gardens or farms,

greenhouses and nurseries, irrigation ditches

- Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, standard-width paved streets
- Low density or appearance of low density because of public and private open space, vacant land, and varied setbacks

Exhibit 1-1
Settings in the North Valley



The photographs above show some of the elements that residents say define valley character.

The following goals and policies of the North Valley Area Plan (paraphrased in this document for brevity) provide substantive guidance for topics addressed in the North Valley Design Overlay Zone.

- The cluster housing and village center sections of the area plan are guides to subsequent planning, including sector plans and design overlay zoning

- In semi-urban and rural areas, use rural development standards to encourage diverse lot sizes and shapes, and diverse housing types within subdivisions; and retention of ditch access, non-asphalt streets, and soft-surfaced trails instead of sidewalks
- Remove disincentives, provide incentives and/or require housing development which meets cluster housing principles, preserves open land, provides new housing at appropriate densities, lowers infrastructure costs, and enables design flexibility and creativity
- Reduce minimum size of cluster housing developments in RA-2 to 2 acres (*accomplished in the Private Commons Development ordinance adopted in 1995, and refined in the Overlay Zone*)
- Allow reduced standard street widths (*not yet fully accomplished*)
- Allow construction of soft-surface trails instead of sidewalks
- Encourage retention of access to ditches for irrigation and recreation
- Encourage a variety of lot sizes and housing types in new developments
- Enact a tree protection ordinance to require saving healthy, viable cottonwoods through site design and enhanced on-site water infiltration
- Agriculture and rural character policies
 - Support/promote preferential taxation for agriculture property
 - Promote small-scale agriculture and retention of open space by supporting local growers and cluster housing (nonregulatory programs are still recommended)
 - Encourage or require retention of ditch access for open space and irrigation, including preparation of an acequia multiple use study
 - Request MRGCD to adopt public notification procedures in the event of proposed ditch closures (nonregulatory, but relates to waterway regulations in the design overlay zone)

In addition to the North Valley Area Plan, several Rank III sector

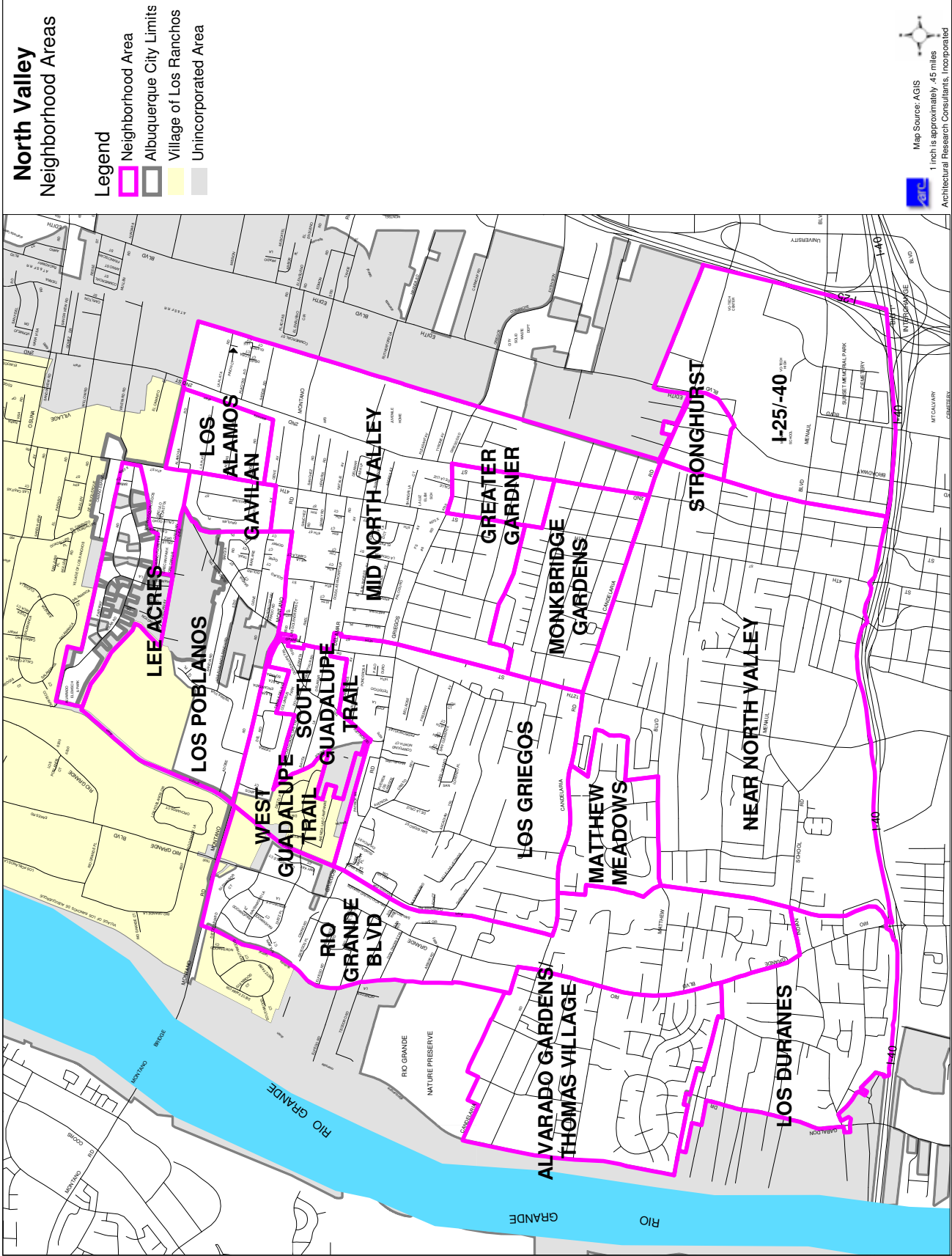
plans and corridor plans have been adopted by the City to provide more specific guidance, and in some cases, Special Use (SU-2) zoning and corridor design overlay zones. In the future, other Rank III plans are likely to be prepared for the area. Following are brief summaries of the sector and corridor plans relating to North Valley character.

- An update is currently underway of the Los Duranes Sector Development Plan, adopted in 1977 and amended in 1981. The current plan has no SU-2 zoning regulations, but provides goals for retaining agricultural “character and feeling” and low-density character in rural areas, with higher density, single-family houses and townhouses located within designated rural centers.
- Los Griegos Neighborhood Development Plan, adopted in 1987 and amended in 1992, promotes redevelopment and created a design overlay zone for Griegos Boulevard. Wall heights, recesses, and setbacks are addressed in the design overlay zone for the area between Rio Grande Boulevard and Grande Drive.
- The Rio Grande Boulevard Corridor Plan, adopted in 1989, contains a design overlay zone district with standards for stepback of upper stories of houses, restrictions on unstuccoed concrete blocks and untreated metal walls, as well as requirements for windows, plazas and porches facing the street.
- The draft Near North Valley Sector Development Plan, currently on hold, gives policy support for restricting higher density residential to land within walking distance of major streets, preserving some vacant lands, preserving trails along waterways and not allowing additional walled and gated communities to turn their backs on the neighborhood. Drafted SU-2 zoning would allow accessory units.

1.4 EXISTING CONDITIONS

The North Valley of Albuquerque contains approximately 4,400 acres (6.9 square miles). In 2000, the area had approximately 25,400 residents and 10,400 housing units. The overlay zone area is somewhat smaller than the North Valley Area Plan area to encompass the area possessing a predominance of North

Exhibit 1-2 North Valley Neighborhood Areas Map



Valley characteristics. The area's growth is influenced by its close proximity to downtown and the I-25 corridor employment centers, great accessibility, and environmental features. The following map shows neighborhood areas (note that the map does not correspond exactly to neighborhood association areas, which have some overlaps).

1.4.1 Existing Land Use

The area to the west of the North Fourth Street Corridor is predominantly single family residential, with only a few scattered parcels remaining in agriculture, as shown on the map on the following page. There are several commercial land uses along Rio Grande Boulevard, Candelaria Road and Griegos Road. The area has large nonresidential tracts including schools, parks, and the Rio Grande Nature Center. Along the North Fourth Street Corridor and from North Second Street to the railroad tracks, uses are predominantly commercial, warehousing and industrial. Residential neighborhoods are located between North Fourth Street and the Alameda Drain; and several residential neighborhoods are situated to the east of North Second Street.

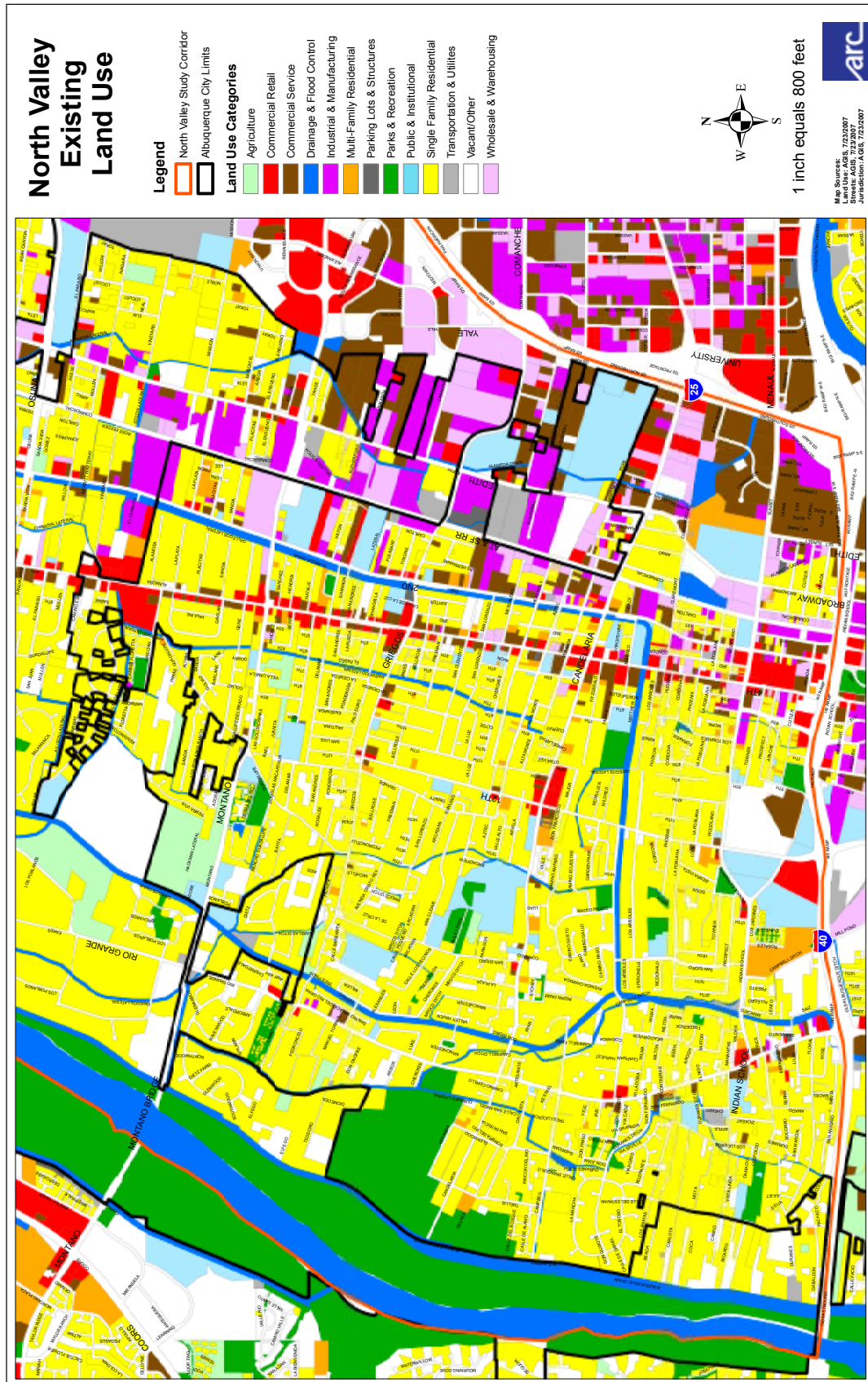
1.4.2 Existing Zoning

The largest zone districts in the residential portion of the valley are RA-2 and RA-1. The minimum lot area in RA-2 is 10,890 square feet (1/4 acre). In R-1, lots subdivided before 1981 have a minimum lot area of 6,000 square feet (~7 dwelling units/acre); after 1981, the minimum lot area is 5,000 square feet (~8 dwelling units/acre).

Special Use SU-1, R-2, R-T, and R-LT and Planned Residential Development PRD zoning are in relatively small pieces of land distributed in many areas of the North Valley. Some of the SU-1 and PRD-zoned areas have densities specified for RA-2 and R-1. Maximum allowed net densities (lot area not including any rights-of-way) for townhouses in the multi-family zones are as follows:

- R-2: 24.8 dwelling units/acre
- R-T: 19.8 dwelling units/acre

Exhibit 1-3 North Valley Existing Land Use Map



North Valley Existing Zoning

Legend

- North Valley Study Corridor
- Albuquerque City Limits

Zoning Designations

- A-1
- A-2
- A-3
- C-1
- C-2
- C-3
- IP
- M-1
- M-2
- O-1
- R-1
- R-2, R-T, & RLT
- R-3
- RA-1
- RA-2
- SU-1/SU-2 Miscellaneous
- SU-3

Map Sources: 7/23/2007
 Streets A-GS, 7/23/2007
 Jurisdiction: A-GS, 7/23/2007

1 inch equals 800 feet

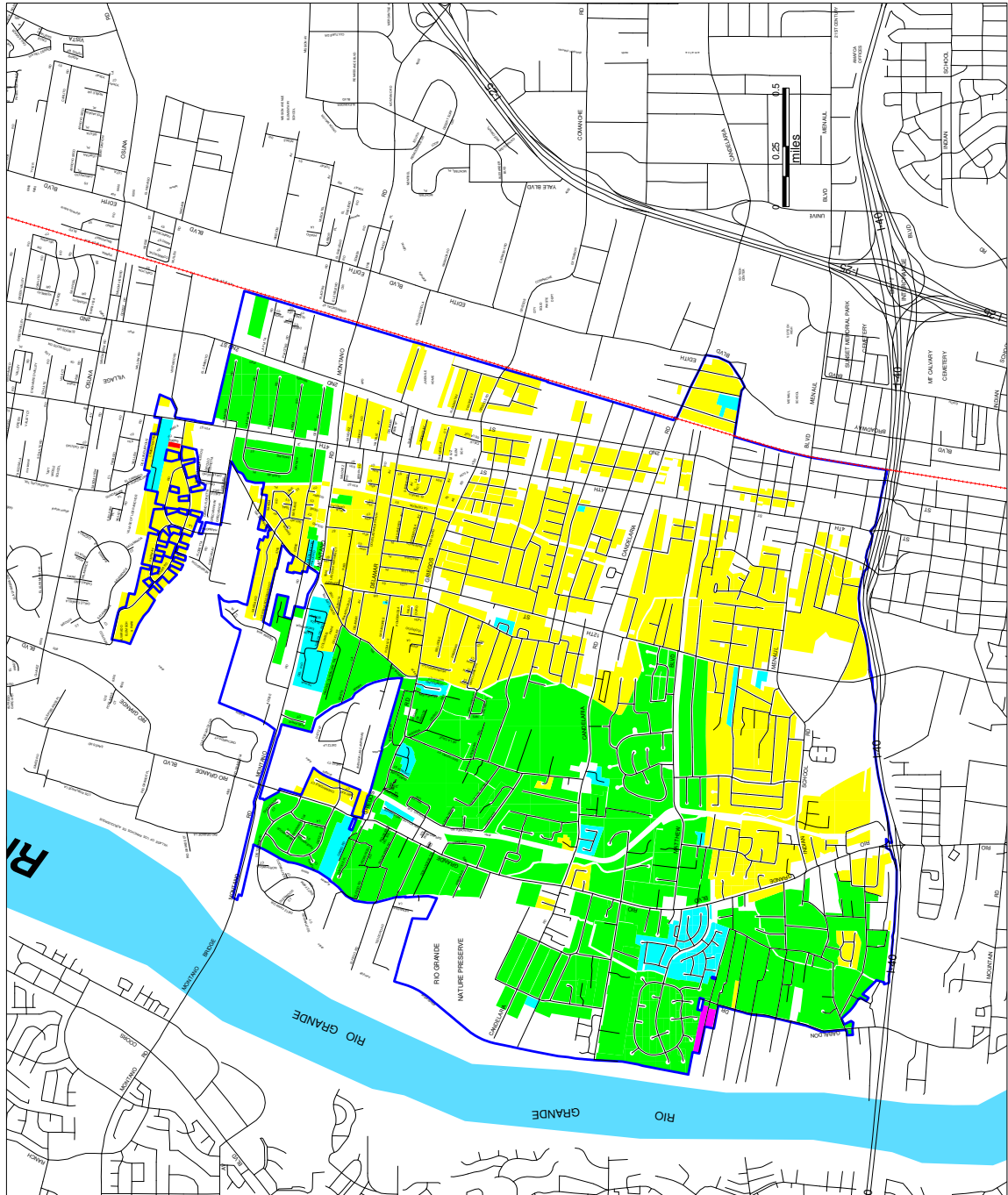
Exhibit 1-5 North Valley Zones Affected by Design Overlay Map

Residential Zones
Affected by the
North Valley
Design Overlay Zone

Zones

- R-1
- RA-1
- RA-2
- SU-1 PRD only
- SU-1 Residential

Design Overlay Zone



Map Source: AGS
Architectural Research Consultants, Incorporated
(N:\reswresd\01\01\02\WOR)

- R-LT: 13.6 dwelling units/acre

From 2000 to 2006, 683 building permits were issued for new housing units in the North Valley of Albuquerque, representing an average annual growth rate of 1%. Fewer permits were issued from 2007-2009 due to the housing market slow-down. The rate of growth during the last three years is consistent with the trend for the entire city. Areas with the most growth were Alvarado Gardens/Thomas Village, Near North Valley, Los Duranes, and West Guadalupe Trail. Most of the development occurred in small and medium-sized subdivisions, with fewer than 20 lots.

Exhibit 1-6
Permits for New
Housing Units

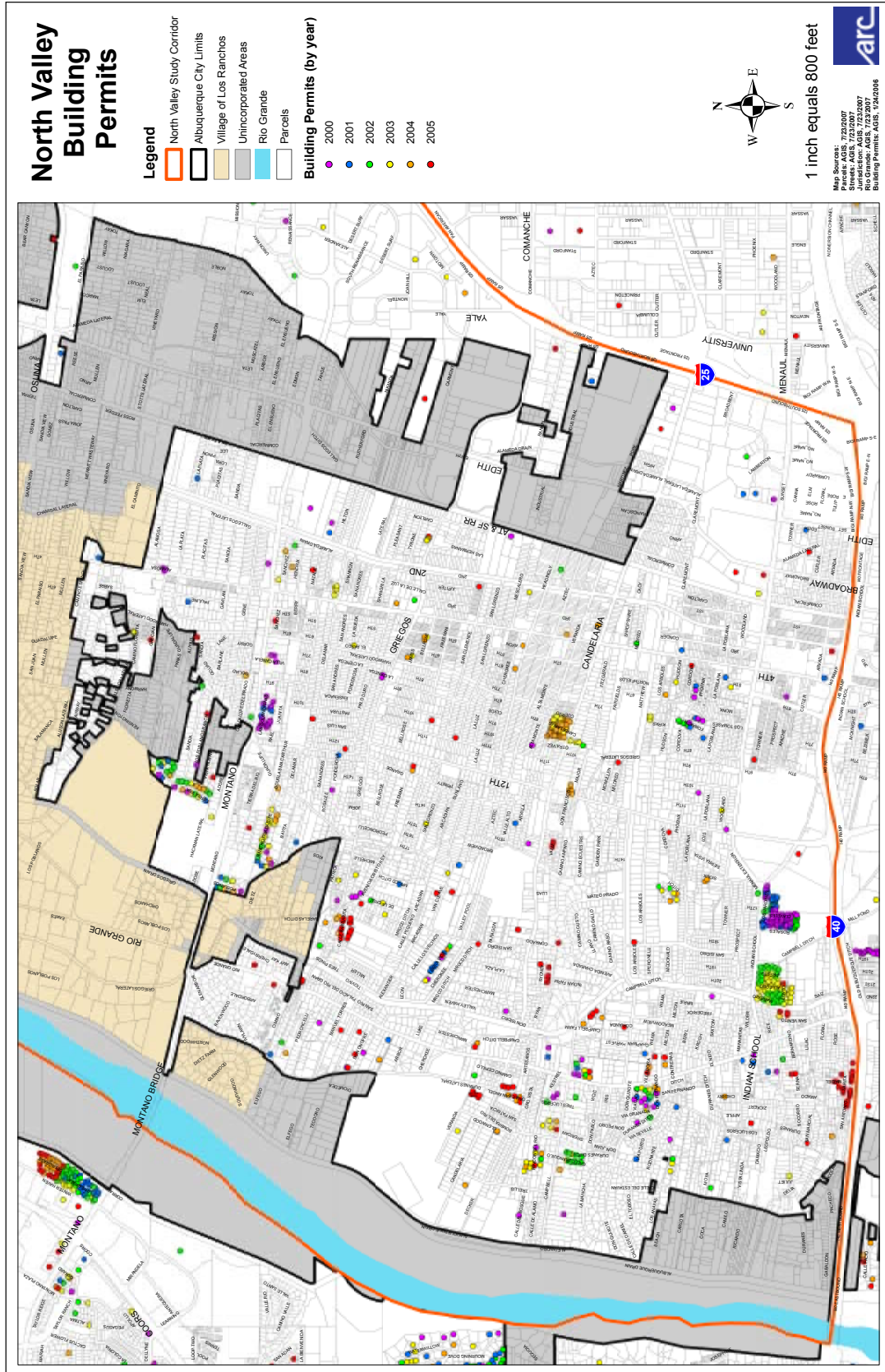
Building Permits for New Housing Units in North Valley Neighborhood
 Areas: 1990-2009

Neighborhood Area	Total Acres	Permits Issued			
		1990-1999	2000-2006	2007-2009	Total
Alvarado Gardens/Thomas Village	364	164	90	8	262
Gavilan	43	0	1	2	3
Greater Gardner	46	2	1	37	40
Lee Acres	109	1	0	0	1
Los Alamos	66	5	4	0	9
Los Duranes	299	61	83	15	159
Los Griegos	525	76	70	4	150
Los Poblanos	318	7	43	2	52
Matthew Meadows Area	116	5	13	4	22
Mid North Valley	687	49	53	7	109
Monkbridge Gardens	190	21	40	1	62
Near North Valley	964	166	204	18	388
Rio Grande Boulevard	491	81	53	18	152
South Guadalupe Trail	84	6	25	3	34
Stronghurst	38	4	0	0	4
West Guadalupe Trail	105	61		9	70
Totals	4,443	709	680	128	1,517

Sources: Albuquerque GIS for new residential construction, ARC geocoding by areas.

Note: Areas are drawn somewhat differently than the Neighborhood Associations boundaries in order to remove overlaps and holes.

Exhibit 1-7 Map of Permits for New Housing Units



Much of the remaining development potential in the North Valley of Albuquerque is on the back portions of parcels with a house on the front. There are few totally undeveloped parcels or large acreages of agricultural land that can be converted to urban uses.

Seven study areas were analyzed to identify undeveloped areas and development potential. Within the study areas, 17% of the land area was either vacant or undeveloped in parcels with existing houses, which represents an opportunity for further subdivision and development.

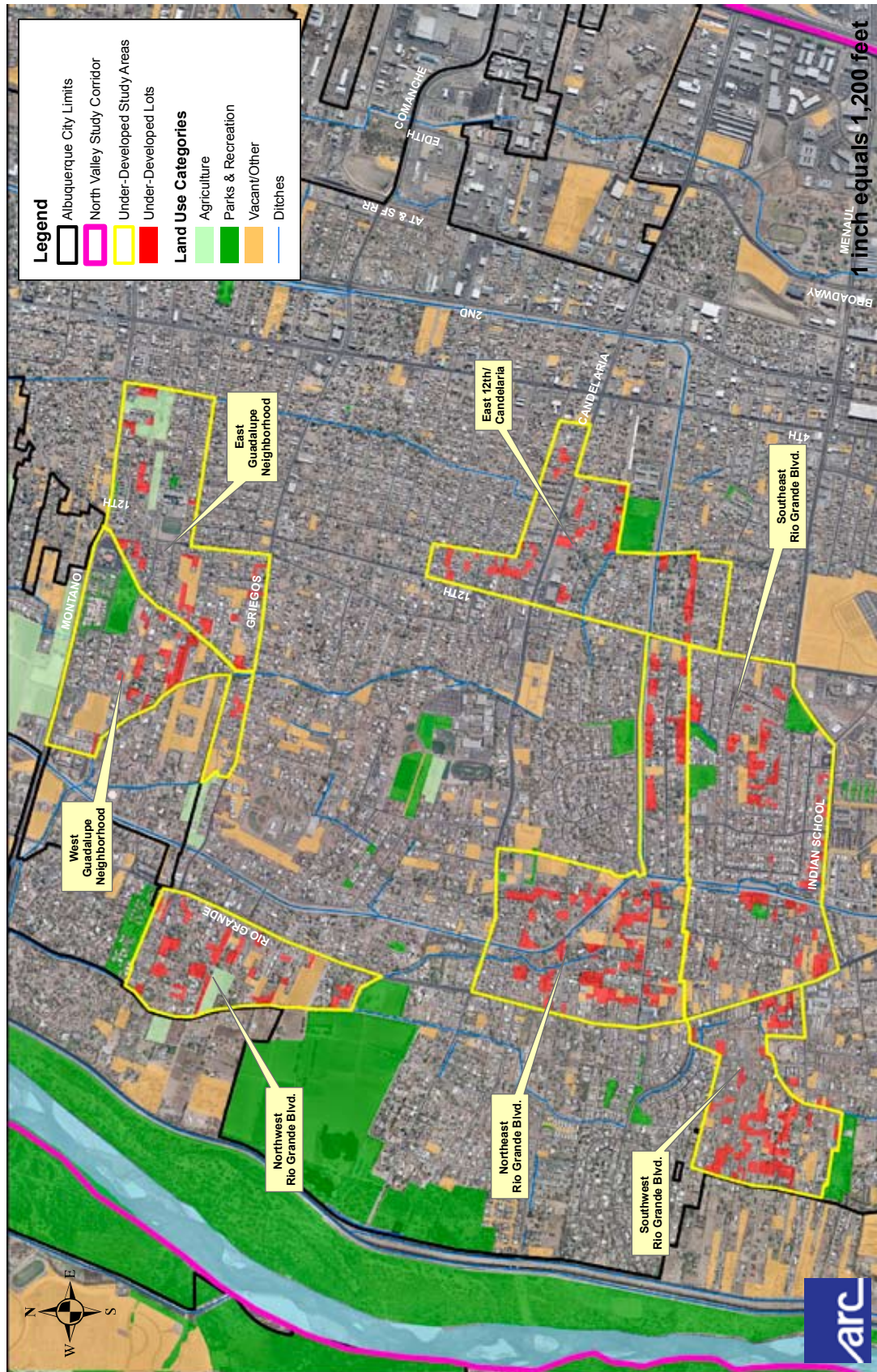
Exhibit 1-8
Undeveloped Lands
in Selected Areas

Remaining Undeveloped Lands in Selected Areas of the North Valley: Vacant Lands and Sizeable Portions of Undeveloped Land In Parcels With Houses

Study Areas	Acres			Portion of Area Vacant or Undeveloped	Predominant Zone District	Number of Parcels		Estimated Number of Lots that could be created	
	Total in Area	Vacant	Undeveloped in Parcels With Houses			Vacant	Undeveloped in Parcels With Houses	Vacant	Undeveloped in Parcels With Houses
East Guadalupe	122.4	6.6	8.7	13%	R-1	5	15	48	63
West Guadalupe	103.5	10.4	7.2	17%	RA-2	13	11	42	29
NW Rio Grande	90.2	8.4	12.6	23%	RA-2	6	18	34	50
SW Rio Grande	94.5	4.6	18	24%	RA-2	11	26	18	72
NE Rio Grande	196.9	15.6	30.3	23%	RA-2	21	36	62	121
SE Rio Grande	225.4	10.5	16.9	12%	R-1	17	30	76	123
East 12th	132.3	0	13.6	10%	R-1	0	21	0	99
Totals	965.2	56.1	107.3	17%		73	157	280	557

Sources: AGIS existing land use for vacant lands, aerial photography, and zoning. ARC identification of undeveloped lands in parcels with home and GIS tabulations.

North Valley Area Character Study & Design Overlay Zone
20517.702



1.4.3 Recent Development Characteristics

The following photographs show examples of design characteristics of recent developments. Key features include:

- Little variation in setbacks
- Lack of variety in architectural styles
- Majority of lot area hard-surfaced, with little opportunity for rainwater infiltration
- Houses with high ratios of floor-area-to-lot size
- Gated subdivisions

Exhibit 1-10 Recent Development Design

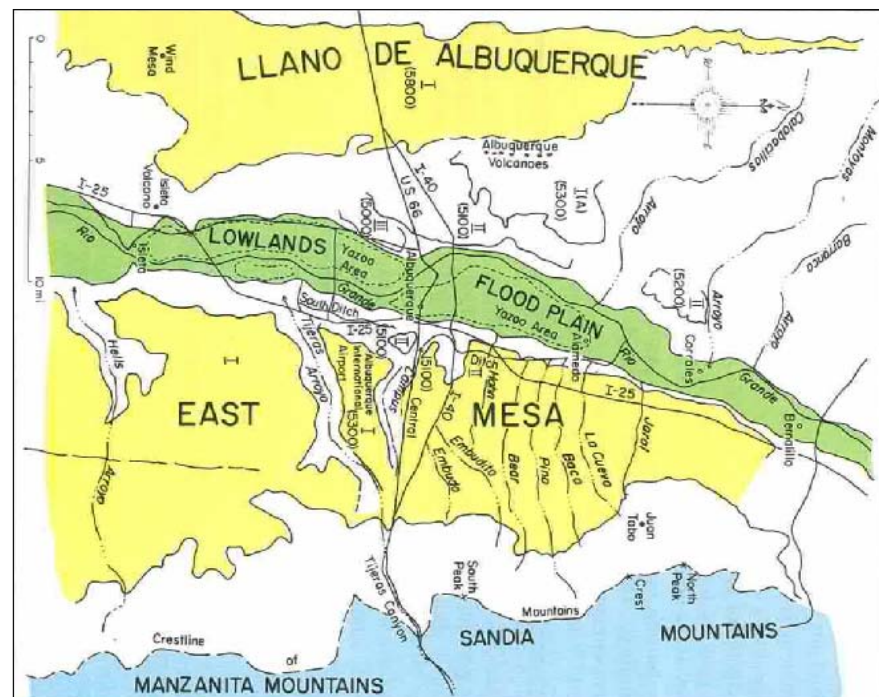


1.4.4 Storm Drainage in the North Valley

The North Valley is a part of the inner valley of the Rio Grande Trough. Geologically, the area is a floodplain confined by bluffs to the east, while various flood controls have been created to reduce hazards of large-scale flooding in the North Valley. Much of the North Valley is a “yazoo,” a low plain where the level of the adjacent river bottom is at or above the elevation of the plain. North and South Diversion Channels, built by the U.S. Army Corps of Engineers (completed in 1963) and maintained by AMAFCA, divert storm water run-off from the East Mesa that otherwise would enter the valley at numerous points.

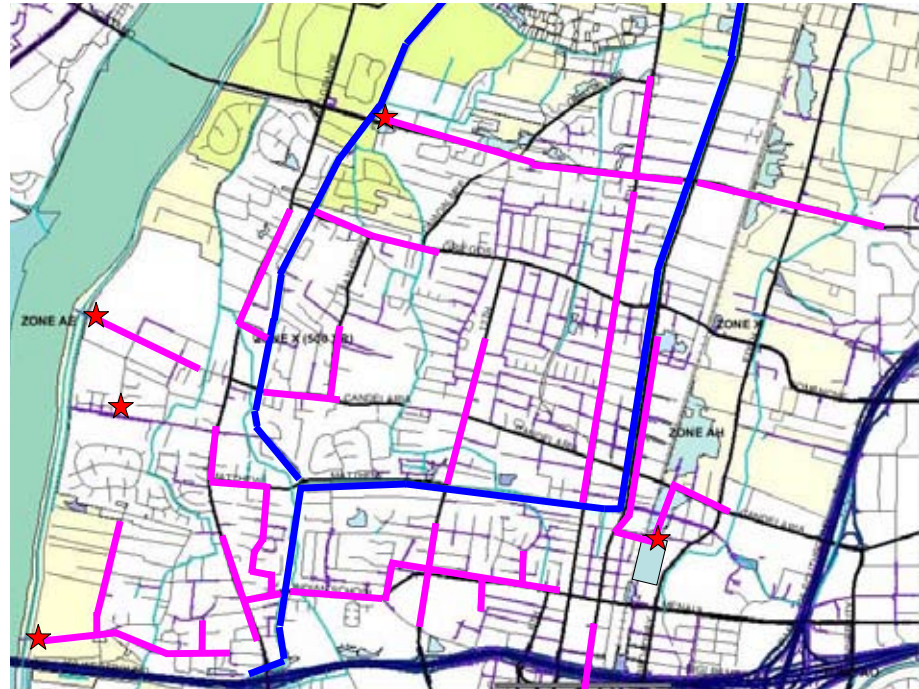
Exhibit 1-11 Physical Geography of Albuquerque

Source: *Albuquerque: Its Mountains, Valley, Water, and Volcanoes*, Vincent C. Kelley, published by NM Bureau of Mines & Mineral Resources, 1982.



A complex system of pumping stations, some below-ground storm drains, surface drains and irrigation ditches regulate the surface hydrology of the valley. Five of the City's 15 storm drainage pumping stations are located in the North Valley north of I-25. The loss of permeable surface and compaction of soils resulting from development leads to an increase in run-off in the valley. Due to the flood-prone nature of the flat valley floor and increased development in the area, there are few places to accommodate harmless water run-off.

Exhibit 1-12
Storm Drainage
Management
Features in the
North Valley



Storm drainage design engineers consider ponding and the on-site approach of “flat drainage schemes,” combined with reducing the loss of permeable surface, appropriate strategies for managing storm drainage in the North Valley.

Conditions were evaluated in the following subject areas as part of the process of developing the North Valley Overlay Zone:

- Value and health of trees in the valley
- Middle Rio Grande Conservancy ditches and drains
- Ratios of permeable surface to lot size in various developments in the valley
- Ratios of floor area to lot size in various developments in the valley
- Street setbacks and frontage variations in the valley
- Existing zoning techniques in the City and national best practices
- Street and private way widths in relation to standards in the Development Process Manual (DPM) and Subdivision Regulations

Additional information is available through the City of Albuquerque Council Services and in the appendix to this document.

1.5 REASONS FOR IMPLEMENTING THE RECOMMENDED DESIGN OVERLAY ZONE

The Design Overlay Zone will accomplish various benefits for the public, as stated below:

- Provisions of the Design Overlay Zone will help implement the North Valley Area Plan, adopted in 1993
 - Protection of special characteristics of the North Valley, as promoted in the North Valley Area Plan, is important to the overall urban form of the metropolitan area because of the area's unique natural beauty, wildlife, and vistas, and the area's support of desirable, traditional, quasi-rural lifestyles that are socioeconomically diverse and retain agricultural-based activities.
- Residential development has been occurring at a strong pace over most of the past 20 years. While new building permits have been slow during the last three years due to the recession, the pace of growth will likely resume when the housing market comes back. Development is likely to be of a similar character as in the recent past, continuing to threaten Valley character through: large houses relative to the size of the lot, hard-surfacing the majority of lots, destruction of trees, little variation in setbacks or step-backs of second stories, and gated communities.
- Street frontage and structure setback standards and options will promote variable setbacks and massing of houses along streets, achieving visual diversity and more flexible site utilization, consistent with the character of many older residential areas in the North Valley.
- Discouragement of new gated communities will promote street connectivity and street network access, improve public safety, improve accessibility to residential neighborhoods, and continue the time-honored socioeconomic diversity of the North Valley.

- The proposed regulations reduce flood hazards through requiring minimum permeable surface areas, protecting significant trees and requiring private common open space in larger development projects.
- The proposed regulations encourage agriculture through allowing cultivation in the R-1 zone and protection against development activities too close to waterways.
- The proposed regulations protect aspects of the architectural character and scale through a maximum floor area and allowance of variable street frontage and setbacks.
- The existing zoning is inappropriate because it provides too limited protection of the residential community character threatened through development activities providing little or no open lands, or houses that are excessively massive in relation to the lot area.
- The design overlay zone benefits the community in protection of the North Valley's assets of trees, open areas, and waterways, while accommodating additional residential growth.
- The design overlay zone should result in reducing major and unprogrammed capital expenditures by the City in future storm water management and in street paving.
- Secondary dwelling units are needed in the North Valley in order to accommodate new housing opportunities that will have minimal impact on the character of the neighborhood because of the subordinate architectural characteristics and compliance with all dimensional and design requirements of the underlying zone and the North Valley Design Overlay Zone, including but not limited to: setbacks, height, maximum floor area, minimum permeable surface, protection of trees, and off-street parking requirements,
- Secondary dwelling units are needed in the North Valley to help meet the needs for affordable and convenient housing for seniors in close proximity to their children and grandchildren, adult children and other relatives, on-premise caregivers, and non-family members in need of affordable housing,

- Secondary dwelling units will help retain the socioeconomically diverse character of the North Valley through providing more affordable housing and small housing units dispersed more uniformly in the community.
- Secondary dwelling units will be small housing units that, due to size, should have increased energy efficiency and lower energy costs per resident
- Proposed amendments to the Private Commons Development should accomplish the following needed regulatory changes to protect the character of the North Valley:
 - Protect open lands in the North Valley and the integration of nature into developments in the North Valley,
 - Allow tracts of land as small as 1 acre to utilize the Private Commons Development provisions to create plazuelas and other types of cluster developments in the North Valley,
 - Clarify that the intended uses of private common areas include rain water harvesting, retaining of storm water run-off for a portion of the commons area, agricultural activities, and passive or active private park space
 - Provide more guidance on the location of private commons areas either to help retain a buffer to an adjacent water way or be visible from a public right-of-way.

1.6 ADDITIONAL RECOMMENDATIONS

Members of the public and the steering committee raised several issues not addressed in the design overlay zone which should be dealt with in follow-up planning efforts.

R-2, R-T, and RLT Design Standards. Properties zoned R-2, R-T and R-LT in the North Valley are not subject to the proposed design overlay zone standards. Residents expressed concerns that denser multiple family development projects in these zones should also be subject to additional design standards crafted to protect North Valley character.

The dimensional standards in the North Valley Design Overlay Zone are specific to single family-type development, and may not be appropriate for higher density multi-family development. Greater building bulk and larger parking areas are usually needed for multi-family developments, which result in more floor area and less permeable surface than these standards would allow.

It is recommended that the City consider similar types of development and design provisions such as those in the design overlay zone that are appropriate for higher density developments in the valley.

In general, rezoning to these higher densities should be discouraged in the North Valley, unless they are located in village centers or the North 4th Street corridor designated through and consistent with the policies and any SU-2 zoning in Rank III plans.

Height Measurement. City regulations allow raising the grade from which height is measured, which sometimes results in effectively taller buildings. It is recommended that the City revise definitions and standards affecting the height measurement citywide.

Public Open Space. Securing additional public open space through acquisition, easements, or transfers of development rights is recommended, in addition to development and design standards in the design overlay zone for private open space.

Night Skies. Night skies protection should be strengthened.

Private Ditches. The various small, private ditches contribute a great deal to the continuing viability of agriculture and greenery of the valley floor. Loss of private ditches through fencing off, filling in, and closures should be discouraged, although not regulated by the City. Easements for ditches should be encouraged and counted as part of private commons open space.

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Chapter 2

GUIDELINES FOR NARROWER RESIDENTIAL STREET WIDTHS IN THE NORTH VALLEY DESIGN OVERLAY ZONE

The character of the North Valley is significantly and positively influenced by the presence of narrow rural residential streets in many of its neighborhoods. The purpose of the North Valley Design Overlay Zone is to help retain what remains of North Valley character in light of the goals stated in the North Valley Area Plan and in sector development plans for subareas of the North Valley. Consistent with North Valley Area Plan policies, the guidelines in this chapter encourage the retention and building of new narrow residential streets and privateways in the North Valley. In addition to supporting character, narrower streets also support lowered infrastructure costs and decreased impervious surface, which are additional objectives of the North Valley Area Plan.

The guidelines and photographic assessments that follow provide the rationale and justification for encouraging the use of narrow streets that are allowed in the *Development Process Manual* (DPM). In the case of privateways in the North Valley, these guidelines should be used by the City through the Development Review Board in granting variances in accordance with Section 14-14-6, City Subdivision Regulations from street width standards in Chapter 23 of the DPM.

Reference in the DPM to the narrower streets guidelines in the North Valley Design Overlay document is also recommended.

Traffic-calming features, in addition to narrower streets, are already in place in many areas of the North Valley, including:

- “Chicane” horizontal shifts require drivers to slow down. There are many windy lanes.
- Maximum design speed of curves of 20 miles per hour or less on many residential streets
- Landscaping, including large trees in or near rights-of-way that limit the distance visible to a driver, thus tending

- to slow down traffic
- Gravel shoulders and driveways that create a change in the street surface that a driver sees and feels, and that require more caution
- Pavement irregularities also tend to slow down traffic.

Private gravel streets typically serving two to four lots (some as many as eight lots) are a common feature in North Valley residential neighborhoods. These small streets often interface between the public and private realms in an aesthetically unique manner that contributes to the neighborhood character and calms traffic flow.

These guidelines take into account that the allowance of secondary dwelling units will likely result in a small increase in the number of residents and likely vehicular traffic in some neighborhoods. If, on an access local street or on a private way with up to eight lots, as many as half the lots have a secondary unit, it is believed that these narrower street guidelines remain appropriate.

Another North Valley Design Overlay Zone code amendment that will likely affect the circulation design pertains to private commons developments. Paths that are not contiguous to streets and are accessible to most residents in a development may be located in the private commons area, supplanting the need for a sidewalk contiguous to a street or private way. It is expected that this option will be chosen for some developments.

2.1 GUIDELINES FOR USE OF DPM NARROW STREET PROVISIONS OR VARIANCES TO REDUCE STREET WIDTHS

These guidelines apply to all future street improvements within the residential zones in the North Valley Design Overlay Zone.

No variance is needed.

Normal local street pavement is permitted through the *Development Process Manual* to be reduced from the current standard of 32' to 30' with intermittent parking, or 29' with a mountable curb.

No variance is needed.

Normal local street with intermittent parking design — where more off-street parking is provided, resulting in a need for only intermittent parking on a normal local street, required pavement can be reduced to 28'. *(Note: 28' with intermittent parking, or 27' with a mountable curb is the current standard. While this option is encouraged, no variance is needed.)*

No variance is needed.

Access local streets — defined in the DPM as streets with anticipated 250 Average Weekday Daily Traffic (AWDT) or less, typically 25 or fewer single family houses, should be permitted to be reduced from the current standard 26' to 24' under conditions where there are chicane horizontal shifts, curvilinear streets or other traffic calming features, and an **infrequent parking design**, e.g., even more off-street parking.

A variance is needed for a 22' wide private way serving more than 3 lots.

Private ways serving eight or fewer lots have lesser street width and sidewalk requirements than local streets through the DPM. Further reductions are considered appropriate in the North Valley Overlay Design Zone under circumstances where there is an **infrequent parking design** and the private way street length is limited. Short streets as narrow as 22' are typically safe for vehicles and pedestrians to share because the narrowness and the limited length discourage cars from accelerating, and pedestrians do not need to walk far on the private way.

Where a fire hydrant is located along a private way, 26' minimum width is required, in compliance with the International Fire Code.

The following guidelines apply where infrequent parking is provided, and one side of the street is restricted to no parking. "No parking" signage should be posted, and a covenant agreement should obligate property owners not to park in a no-parking portion of a street.

Exhibit 2-1
Street Width and Pedestrian Path Guidelines

Guidelines for Street Widths and Pedestrian Paths for Short Private Ways in the North Valley Design Overlay Zone			
Number of lots in development	Maximum length of private way	Pedestrian path needed	Minimum width of private way
4 and fewer	200 feet	None	22 feet
5 to 8	300 feet	1 path	22 feet

The following illustrations and comments provide visual references to supplement the guidelines.

Exhibit 2-2 *Pedroncelli Street South of Griegos, an example of a “normal local street” measuring 32’ curb-to-curb, with 4’ sidewalks on both sides, complying with standards set in the Development Process Manual.*



Exhibit 2-3 *McMullen Lane A “normal local street” with 24’ pavement. The standard is 30’ with “intermittent parking” provided off-street and mountable curbs. Thirty houses are accessed off this street, and the street appears to function well.*



Exhibit 2-4 *Sioux Lane North of the west end of Menaul, functions as a “normal local street.” It has 14.4’-wide pavement and no sidewalk within a 16’ ROW. This appears to be so narrow that emergency service response may be hampered.*



Exhibit 2-5 *Tierra Vida Street*

A “normal local street” in a Private Commons Development. Pavement is 27’ from edge of concrete to edge of concrete. Additional parking is provided off-street. Occasional parking on one side leaves adequate space for most local street functions.



Exhibit 2-6 *Guadalupe Trail North of Griegos*, has a functional classification of a “collector street.” Its pavement width of 22’ is far less than the 48’ standard. While it has a 44’ right-of-way (fence to fence), utility poles and trees restrict expanding pavement in places. In 2007, south of Montaña, average daily traffic (ADT) was 900, and north of Montaña, 4,000.



Exhibit 2-7 *Joem Lane North of Griegos*, classified as an “access local street.” Eight houses are accessed off this street. Pavement is 24’ wide with no sidewalk, while the standard is 28’, or with intermittent parking off-street and mountable curb, 26’.



National literature on narrow streets and fire trucks

The *Development Process Manual* note 9, accompanying Table 23.2.1.B., states: “Fire vehicles and apparatus require a twenty foot wide driveable space.” Standard fire trucks with mirrors are 9.3’ wide. Outrigger spreads on ladder trucks are typically 16’ wide.

(Source: R. Ewing T. Stevens and S.J. Brown, *Urban Land Magazine*, “Skinny Streets and Fire Trucks,” August 2007.)

According to this study, where ladder trucks are unnecessary in low-rise areas, 12’ of clearance should suffice.

Exhibit 2-8 “Privateway” off McMullen Lane

A 20.5’-wide gravel street accessing three houses. This street is wide enough to meet the DPM’s 20’ driveable surface for fire vehicles and provides sufficient space for two vehicles to pass.



Exhibit 2-9 “Privateway” south of Bayita Lane off Guadalupe Trail

A 12’-wide easement accessing six houses. The standard is 24’ with a 4’ sidewalk.

This lane appears to be too narrow for two vehicles passing, although residents like its narrowness.



Chapter 3 NORTH VALLEY DESIGN OVERLAY ZONE REGULATIONS

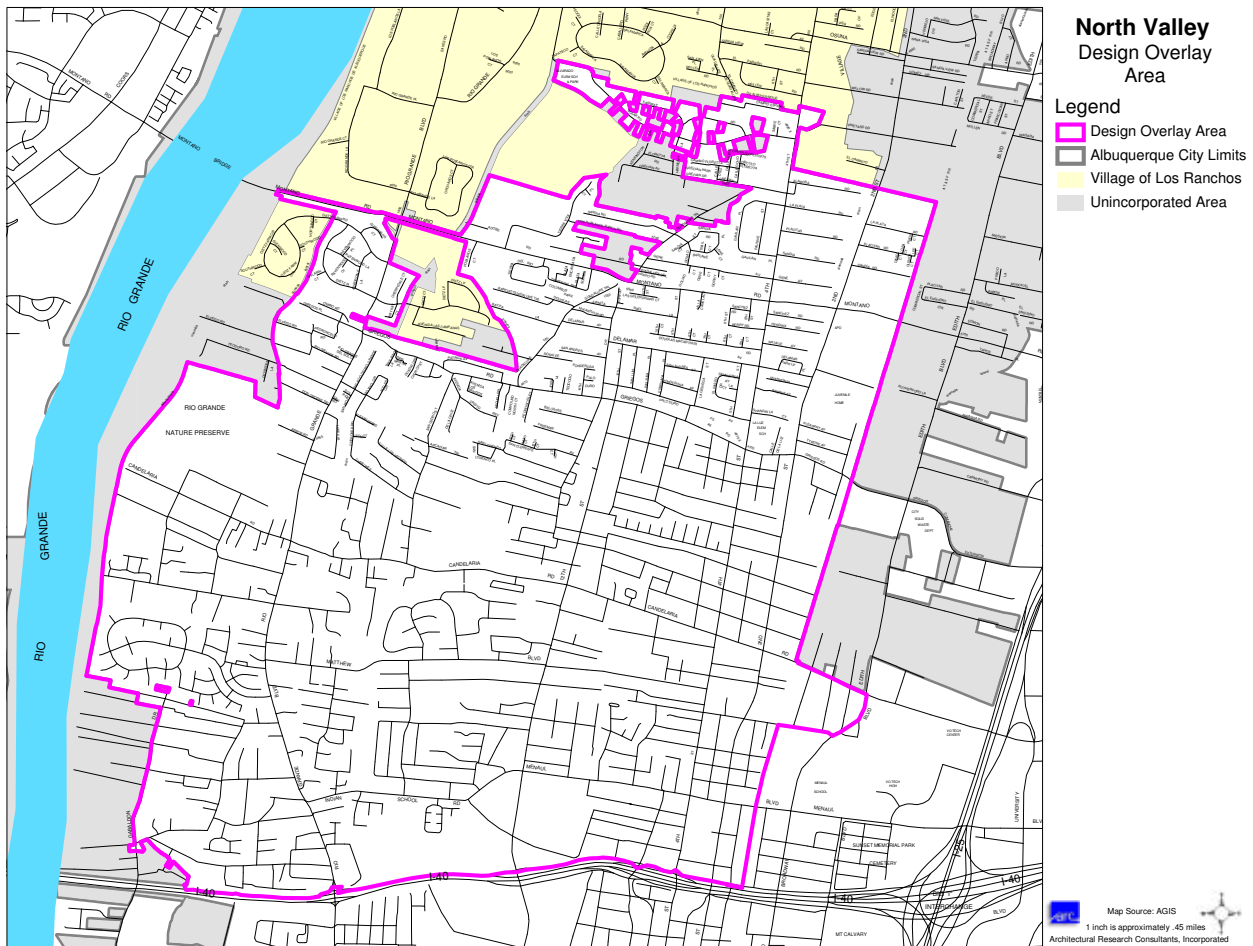
NORTH VALLEY DESIGN OVERLAY ZONE

(A) Intent.

This design overlay zone is required for residential development within the boundaries of the North Valley Area Plan within the City of Albuquerque (see Exhibit 3-1) to allow for storm drainage to be effectively managed on site, to provide visually attractive areas and open vistas along major roads and along waterways, to sustain a landscape in context with the historic rural character of the lands within the boundaries of the North Valley Area Plan, to enable cluster and compound developments which have historic precedent in the North Valley, to promote a variety of housing types to meet all socioeconomic levels and to promote housing development that does not exceed the dominant historic scale of residential development in the North Valley.

Exhibit 3-1

*North Valley Design
Overlay Zone District
(official zoning map)*



The definitions in this section are intended to be integral to the understanding and interpretation of the North Valley Design Overlay Zone. When a term is defined in this document and also used elsewhere in the Zoning Code, the definition here shall override for the purposes of the North Valley Design Overlay Zone. When a term is not defined in this section but is defined elsewhere in the Zoning Code, the Zoning Code definition shall be used.

(B) Definitions

ALL-WEATHER SURFACE. A durable, load-bearing surface built to standards specified by the Department of Municipal Development for driveways and sidewalks, including, but not limited to: concrete, asphalt, porous pavement, pavers, crusher fines, or gravel.

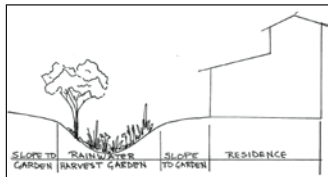
BUILDING FLOOR AREA. The heated and unheated floor space within a structure having a roof supported by walls or posts.

GATED COMMUNITIES. A gated community is a residential neighborhood containing four or more residences where accessibility is controlled by means of a gate, barrier or other similar improvement within or across a privately maintained street.

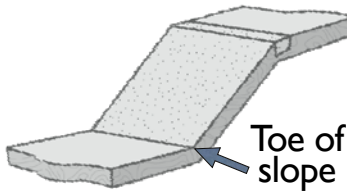
PERMEABLE SURFACE. Any surface which allows the absorption of water into the ground including but not limited to: open area of soil, landscaped areas, agriculture, grass, a surface covered by crusher fines up to 20% of the permeable surface area, brick or pavers without continuous mortar joints up to 20% of the permeable surface area, or similar materials which allow water to be absorbed into the ground through its surface.



PLAZUELA COMPOUND. A development designed within a private commons development characterized by a private common area bound by attached or detached buildings on at least three sides.



RAINWATER HARVEST GARDEN. A swale or a shallow sunken garden area graded to hold rainwater designed to infiltrate water within 24 hours and containing mulch and plants tolerant to dry conditions and occasional flooding.



TOE OF SLOPE. The base of a waterway bank where the bank meets the ground level.

WATERWAY. A river, arroyo, ditch, lateral, or drain designated on the Waterways of the North Valley Area Map within the official zoning map.

(C) Controls and Procedures

- (1) Applicability. The North Valley Design Overlay Zone shall apply to all properties zoned R-1, RA-1, RA-2, SU-1 R-1, SU-1 RA-1, SU-1 RA-2, SU-1 PRD, SU-2 R-1, SU-2 RA-1, and SU-2 RA-2. Any construction of buildings or sites which would affect the exterior appearance of any lot within the above-specified zones in the Design Overlay Zone shall be consistent with the adopted regulations.
- (2) Approval Process. Required design review and approval shall be by the Planning Director except where specified that the Development Review Board may allow and approve a gated community in subsection (3)(h) or a conditional use permit may be granted to waive a PCD in subsection (3)(j)(1). The Zoning Hearing Examiner shall approve Conditional Uses.

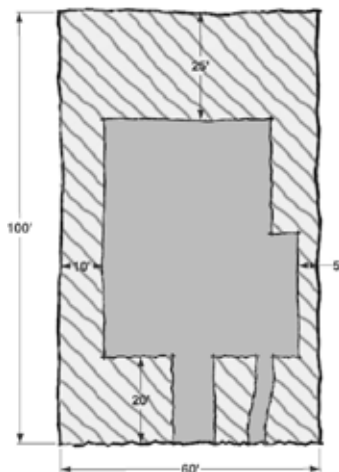
Minimum permeable surface area calculation

Permeable surface does not include:

- House footprint
- Accessory building footprint
- Paved driveway
- Paved patio
- Paved internal sidewalk

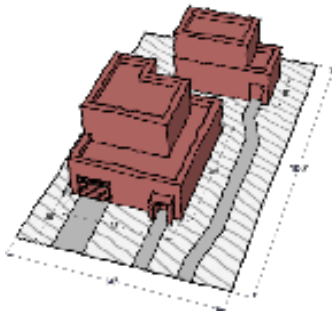
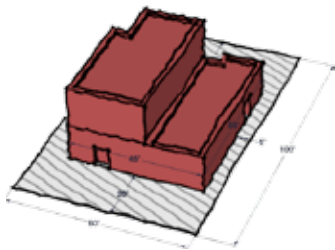
(D) Design Overlay Zone Regulations

- (1) Minimum permeable surface area. The total permeable area shall not be less than the percentage of the lot area as calculated as follows:
 - (a) For lots smaller than 9,000 square feet in area, the minimum permeable surface area shall not be less than 50% of the lot area.
 - (b) For lots sized in the range of 9,000 to 12,000 square feet, the minimum permeable surface area shall not be less than 50% for the first 9,000 square feet of lot area, plus 1% for each additional 300 square feet of additional lot area up to the next 3,000 square feet.
 - (c) For lots sized in the range of 12,000 square feet and larger, the minimum permeable surface area shall not be less than 60%.



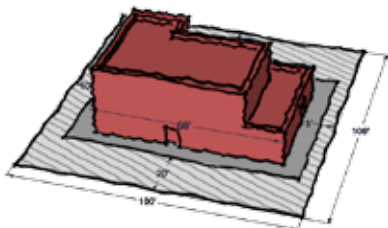
Maximum floor area allowed on a 6,000 s.f. lot is 3,300 s.f.

- A lot can accommodate one house with 3,300 s.f.
- If a secondary dwelling unit were built, then the lot could accommodate:
 - > 2,200 s.f. Principal Dwelling unit
 - > 1,100 s.f. Secondary Dwelling unit



Maximum floor area allowed on a 18,900 s.f. lot is 5,386 s.f.

- 2-story house may have 3,000 s.f. on the first floor and 2,386 s.f. on the second floor.



(2) Maximum building floor area for single family detached development. In addition to the minimum permeable area requirement, there is also a maximum allowable floor area. The allowable building floor area for all buildings on a lot shall be calculated as follows.

- For lots sized under 3,000 square feet, the maximum floor area shall not exceed 80 square feet for each 100 square feet of lot area, up to a maximum of 2,400 square feet.
- For lots sized in the range of 3,000 to 6,000 square feet, the maximum floor area shall not exceed 2,400 square feet for the first 3,000 square feet of lot area plus 30 square feet of floor area for each additional 100 square feet in lot area up to the next 3,000 square feet of lot area, up to a maximum of 3,300 square feet.
- For lots sized in the range of 6,000 to 9,000 square feet, the maximum floor area shall not exceed 3,300 square feet for the first 6,000 square feet of lot area, plus 20 square feet of floor area for each additional 100 square feet in lot area up to the next 3,000 square feet of lot area, up to a maximum of 3,900 square feet.
- For lots sized larger than 9,000, the maximum floor area shall not exceed 3,900 square feet for the first 9,000 square feet of lot area, plus 13 square feet of floor area for each additional 100 square feet in lot area.
- For attached housing in a private commons development (PCD), the maximum floor area shall be calculated based on the maximum floor area allowed if the property were developed for detached single family houses on individual lots in subsection (b) above.

*Examples of
Maximum Floor Area
Calculations*

Selected Floor Area Calculations		
Lot Size (Square Feet)	Total Floor Area (Square Feet)	Floor Area Ratios
5,000	3,000	0.60
6,000	3,300	0.55
7,000	3,500	0.50
8,000	3,700	0.46
9,000	3,900	0.43
10,000	4,030	0.40
10,890 (1/4 acre)	4,146	0.38
12,000	4,290	0.36
13,000	4,420	0.34
15,000	4,680	0.31
16,000	4,810	0.30
18,900	5,187	0.27
21,780 (1/2 acre)	5,561	0.26
25,000	5,980	0.24
29,000	6,500	0.22
30,000	6,630	0.22
32,000	6,890	0.22
34,000	7,150	0.21
37,000	7,540	0.20
43,560 (1 acre)	8,393	0.19
50,000	9,230	0.18
60,000	10,530	0.18
62,000	10,790	0.17
65,000	11,180	0.17



- (3) Waterway minimum setbacks. Residential and accessory buildings on lots 8,000 square feet and larger in the R-1, RA-1 and RA-2 zones in the North Valley Design Overlay Area shall be set back from an abutting designated waterway as follows:
- (a) For waterways with a maintenance road or trail along one or both banks of the North Valley area, buildings shall be set back not less than 20 feet from the outer edge of the MRGCD's right-of-way, or, where no legal right-of-way exists, 20 feet from the toe of the slope of the outer edge of the waterway facility.

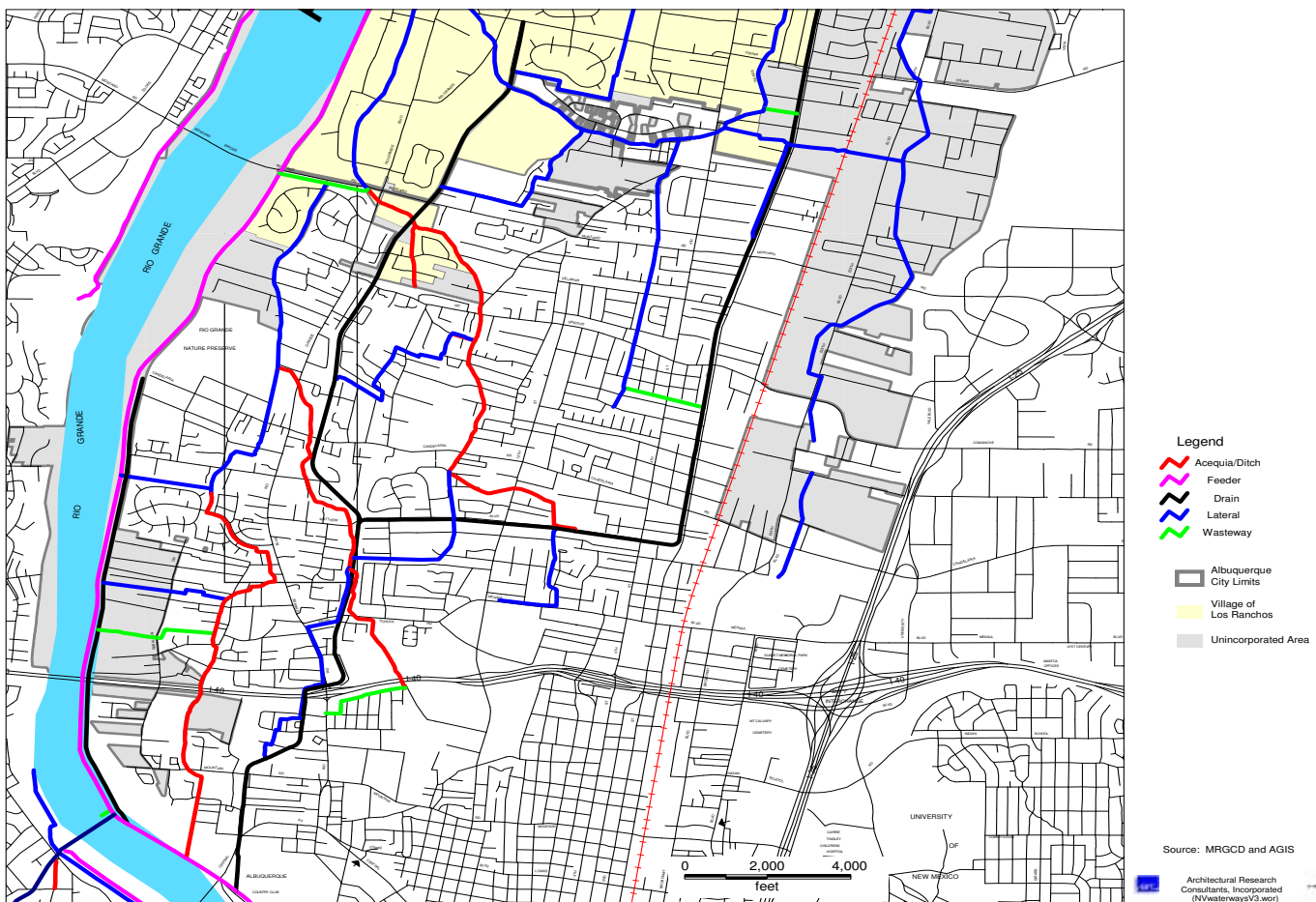


(b) For waterways with no maintenance road or trail along the banks, buildings shall be set back not less than 15 feet from the outer edge of the MRGCD's right-of-way, or where no legal right-of-way exists, 15 feet from the toe of the slope of the outer edge of the waterway facility.

(4) Tree requirements. Not less than 2 trees per dwelling unit shall be planted in the front yard or a street-facing side yard.

Exhibit 3-2

Waterways of the North Valley
(official zone map)



*Example of mature
tree in North Valley*



(5) Tree Protection. On lands to be subdivided, resubdivided, redeveloped through replacement of existing housing, or further developed through building an addition to an existing house, the location and type of existing trees over 8 inches in caliper, as measured 3 feet above the ground, shall be identified on a site development plan submitted by the property owner. The City Forester shall establish a list of species for protection in the North Valley and shall determine whether listed trees on a site development plan warrant protection. Protective measures shall be incorporated into the site development plan to include, but not be limited to: design and location of lots, buildings, roads, and open space, fences, trunk and canopy protection, and identifying areas where soil compaction shall be restricted.

(a) Where protection of an existing qualified tree is determined by a property owner to be not feasible, at least 2 qualified trees, each over 3 inches in caliper as measured 3 feet above the ground, shall be planted on site for each tree removed.

(6) Driveways and sidewalks to entries. Off-street parking required through Section 14-16-3-1 of the Zoning Code shall be accommodated by, at a minimum, a curb cut for ingress and egress and an all-weather driveway. An all-weather path or sidewalk shall be established from the parking spaces to the front door(s) of the residence(s).

(7) Gated Communities. Gated communities are prohibited except where the Development Review Board (DRB) waives the requirement or if the development is located where connections to public streets located at the back or sides of the property cannot be achieved due to extreme topography.

(8) Agricultural Activity in the R-1 Residential Zone. Cultivation of crops, and structures and vehicles incidental to the cultivation of crops shall be allowed as a permissive use in the R-1 zone within the North Valley

*Example of
a residential
compound that
could be clustered
housing in a
private commons
development*

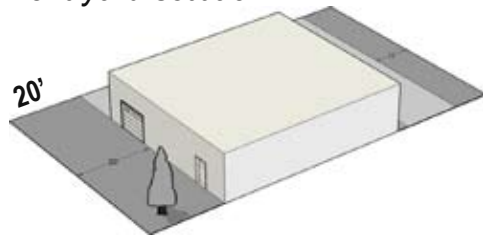


Design Overlay Zone.

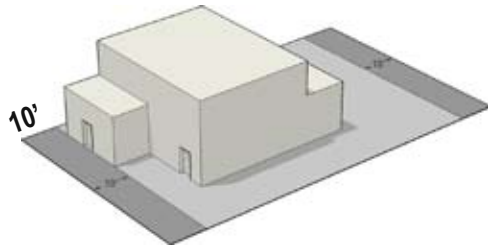
- (9) Mandatory Private Commons Development in the North Valley Design Overlay Zone. A private commons development (PCD) shall be required in accordance with the provisions in Section 14-16-3-16 on any tract of land or the aggregate of lots within a single development containing 4 or more acres, except for subdivisions approved as a conditional use in subsection (a) below.
- (a) Alternatively, a conditional use permit may be granted for a single development containing 4 or more acres not meeting the Private Commons Development regulations, provided that, in addition to other requirements for a conditional use permit:
1. The subdivision design meets the intent of this section,
 2. Permeable surface areas shall be restricted by deed for each lot with at least 20% more than the required minimum in Section 3(a) of this ordinance,
 3. Floor area shall be restricted by deed for each lot with at least 20% less than the required maximum in Section 3(b) of this ordinance, and
 4. All trees identified as a species for protection by the City Forester through provisions in Section 3(e) of this ordinance, that are over 8 inches in caliper as measured 3 feet above the ground, and possess an adequate level of health as determined by the City Forester shall be preserved and protected, as shown in a site plan signed-off by the City Forester.

- (10) Street Front and Setbacks. The following setbacks and architectural features shall be established for properties in the R-1, RA-1, RA-2, SU-1 and SU-2 for R-1, RA-1 or RA-2, and PRD zones in the North Valley Design Overlay Zone-facing streets specified by street classification. Where lots face streets with a different classification, the setbacks shall be as established in Sections 14-16-2-5 and 14-16-2-6, SU-1 or SU-2 zones, or in Los Griegos and the Rio Grande design overlay zones, as applicable.

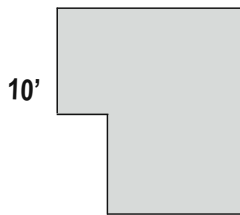
Option (a)1.: 20-foot front yard setback



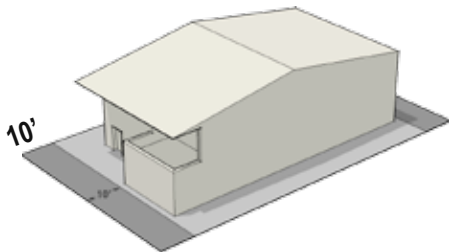
Option (a)2.: 10-foot front yard setback



Option (a)2.:10-foot front yard setback and garage setback



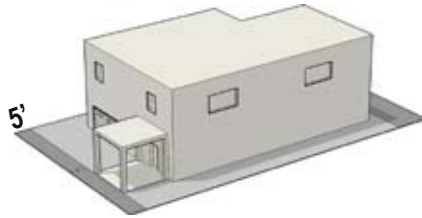
Option (a)3: 10-foot front yard setback and 2nd floor balcony



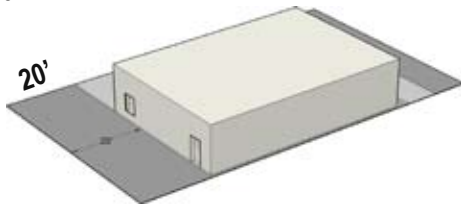
(a) Front yard setbacks and building frontage on local streets and private ways. Building placement and front design features shall consist of one of the following options:

1. A front yard setback of not less than 20 feet. No additional front design features are required.
2. A front yard setback of 10 feet for a portion of the house using the following design features:
 - a. The maximum front facade width of the portion of the house extending forward shall not exceed one-half of the total house width.
 - b. The forward portion of the house shall not exceed one story. The back portion of the house may be 2 stories with the second story stepped back a minimum of 10 feet from the front facade.
 - c. The roof line of the forward portion shall not be higher than one-half of the height of the back two-story portion of the structure if using a flat roof design, or two-thirds of the height of the back two-story portion of the structure if using a pitched roof design.
 - d. Any garage accessed by a driveway in the front yard shall be set back no less than 25 feet.
3. A front setback of not less than 10 feet for a portion of a house and a second floor balcony using the following design features:
 - a. The maximum front facade width of the portion of the house with balcony extending forward shall not exceed one-half of the total house width.
 - b. The two-story portion of the house shall be 20 feet from the front property line.
 - c. The second floor open balcony may have a roof.
 - d. Any garage accessed by a driveway in the front yard shall be set back no less than 25 feet.

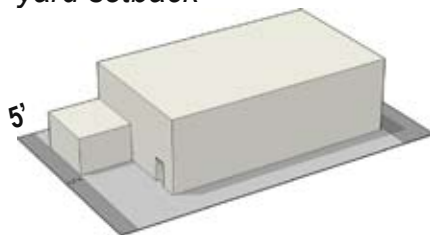
Option (a)4.: 5-foot front yard setback with porch



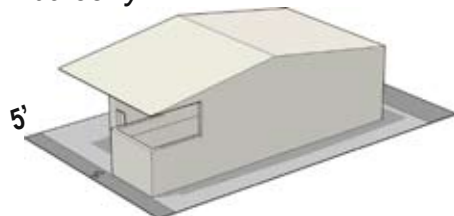
Option (b)1.: 20-foot side yard setback



Option (b)2.: 5-foot side yard setback



Option 3: 5-foot side yard setback and 2nd floor balcony



4. A front yard setback of not less than 5 feet for a porch at least 5 feet deep, with the remainder of the house set back at least 10 feet, using the following design features:

- a. The maximum front facade width of the porch extending forward shall not exceed one-half of the total house width.
- b. The house may be 2 stories, with the second story stepped back a minimum of 20 feet from the front property line.
- c. The front porch may have a roof.
- d. Any garage accessed by a driveway in the front yard shall be set back no less than 25 feet.

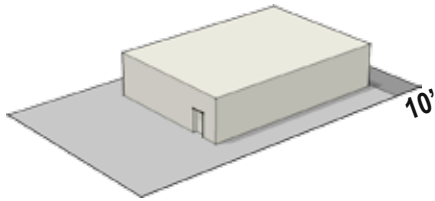
- (b) Side yard setbacks and side building facade for corner lots and other lots with a side yard facing a street of any street classification. Building placement and side design features shall consist of one of the following options:

1. A side yard setback of 20 feet with no additional side design features required.
2. A side yard setback of 5 feet provided that stories above the first story shall be stepped back a minimum of 15 feet from the first story. The roof line of the forward portion shall not be higher than one-half of the height of the back two-story portion of the structure if using a flat roof design, or two-thirds of the height of the back two-story portion of the structure if using a pitched roof design.
3. A side yard setback of 5 feet for a portion of a house and a second floor balcony using the following design features:
 - a. The maximum width of the balcony extending forward shall not exceed one-half of the side facade width.
 - b. The second story of a two-story portion of

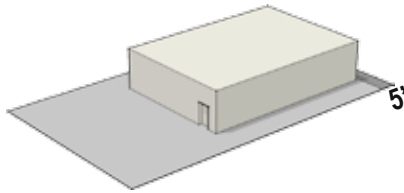
the house shall be set back 20 feet from the side property line.

- c. The second floor open balcony may have a roof.

Option (c)1.: 10-foot rear yard setback abutting another lot



Option (c)2.: 5-foot rear yard setback with alley



(c) Rear yard setbacks with and without an alley

1. A rear yard setback of not less than 10 feet abutting another rear yard with no alley in the R-1 and not less than 15 feet in the RA-2, except as provided in section (3) Waterway minimum setbacks.

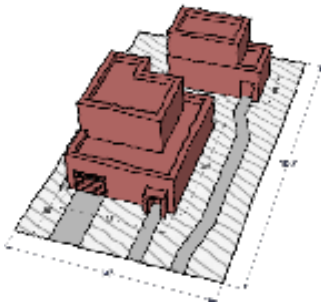
2. A rear yard setback of not less than 5 feet with an alley.

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Chapter 4

AMENDMENTS TO THE COMPREHENSIVE ZONING CODE REGARDING SECONDARY UNITS AND PRIVATE COMMONS DEVELOPMENT

The text in this chapter is identical to the same sections in Ordinance ____.



Note: Section 14-16-4-13 Status Established Building Review Procedures provides an avenue for the legalization of non-conforming secondary dwelling units created prior to the zoning code (1959).

SECTION 2. Subsection 14-16-1-5 ROA 1994 is amended by inserting the following definitions and definitional changes in alphabetical order.

[+PLAZUELA COMPOUND. A development characterized by a private common area bound by attached or detached buildings on at least three sides.

SECONDARY DWELLING UNIT. A subordinate dwelling unit containing its own kitchen created within, added to, or detached from a single family dwelling. Secondary dwelling units may not be subdivided from or otherwise segregated in ownership from the primary residence / structure.+]

SECTION 3. Subsection 14-16-2-5 RA-2 Residential and Agricultural Zone is amended by inserting the following:

(A) Permissive Uses.

(1) Uses permissive in the RA-1 zone. (2) Private Commons Development, not less than two acres in area, [+except in the North Valley Design Overlay Zone, not less than one acre in area.+]

(B) Conditional Uses.

(1) Uses conditional in the RA-1 zone.

[+(2) Secondary dwelling units, provided:

(a) The property is located in the North Valley Design Overlay Zone;

(b) A Site Development Plan shall be submitted that includes: property lines, total area of the lot, dimensions and area of existing or proposed buildings, dimensions and area of existing or proposed structures, paving, major geographical features (e.g., waterway, flood plain, natural drainage courses with

*Examples of
secondary dwelling
units in the North
Valley*



elevation and centerline), major existing and new trees, permeable surface calculations, parking areas, and exterior building elevations of new construction or conversion of existing buildings or other features specified by the planning director;

(c) The establishment of a secondary dwelling unit shall not be contrary to the public health, safety or welfare of the community;

(d) One secondary unit is allowed per lot;

(e) The maximum floor area of the secondary dwelling unit shall not exceed 1,000 square feet, or 60% of the primary dwelling unit's floor area, whichever is less;

(f) Mobile homes and recreational vehicles are not allowed as secondary dwelling units;

(g) One on-site parking space is required for the secondary dwelling unit in compliance with the 60% maximum front yard setback area that can be an improved parking and maneuvering area in Section 14-16-2-6 (F) (2) and (3);

(h) Secondary dwelling unit façades must be constructed of similar siding materials as the primary dwelling unit, except that unadorned concrete masonry units shall not be used for any secondary dwelling unit façade;

(i) The scale of the secondary dwelling unit shall be smaller than and subordinate to the primary dwelling unit's scale as viewed from a public street;

(j) The orientation of the secondary dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the secondary dwelling unit, including landscape screening, fencing, and window and door placement;

(k) The secondary dwelling unit may be rented to not more than one person per bedroom for long-term living purposes (e.g., occupancy for a time

period of one month or longer); and

(l) A lot containing the primary and secondary dwelling unit must meet all applicable requirements set forth in the zoning code and specified in the North Valley Design Overlay Zone, including but not limited to: minimum lot size, maximum floor area, minimum permeable surface, and tree protection requirements.+]

Section 4. Subsection 14-16-2-6 R-1 Residential Zone is amended by inserting the following:

(B) Conditional Uses

[(+)(15) Secondary dwelling units, provided:

(a) The property is zoned R-1, RA-2, or SU-1 for R-1, or for RA-2, and is located in the North Valley Design Overlay Zone;

(b) A Site Development Plan shall be submitted showing features specified by the planning director, typically including: property lines, total area of the lot, dimensions and area of existing or proposed buildings, dimensions and area of existing or proposed paving, major geographical features (e.g., waterway, flood plain, natural drainage courses with elevation and centerline), major existing and new trees, permeable surface calculations, parking areas, and exterior building elevations of new construction or conversion of existing buildings;

(c) The establishment of a secondary dwelling unit shall not be contrary to the public health, safety or welfare of the community;

(d) Only one secondary unit is allowed per lot;

(e) The maximum floor area of the secondary dwelling unit shall not exceed 1,000 square feet, or 60% of the primary dwelling unit's floor area, whichever is less;

(f) Mobile homes and recreational vehicles are not allowed as secondary dwelling units;

(g) One on-site parking space is required

for the secondary dwelling unit in compliance with the 60% maximum front yard setback area that can be an improved parking and maneuvering area in Section 14-16-2-6 (F) (2) and (3):

(h) Secondary dwelling unit façades must be constructed of similar siding materials as the primary dwelling unit, except that unadorned concrete masonry units shall not be used for any secondary dwelling unit façade:

(i) The scale of the secondary dwelling unit shall be smaller than and subordinate to the primary dwelling unit's scale as viewed from a public street;

(j) The orientation of the secondary dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the secondary dwelling unit, including landscape screening, fencing, and window and door placement;

(k) The secondary dwelling unit may be rented to not more than one person per bedroom for long-term living purposes (e.g., occupancy for a time period of one month or longer); and

(l) A lot containing the primary and secondary dwelling unit must meet all applicable requirements set forth in the zoning code and specified in the North Valley Design Overlay Zone, including but not limited to: minimum lot size, maximum floor area, minimum permeable surface, and tree protection requirements.+]

Section 5. Subsection 14-16-3-16 Private Commons Development is amended by inserting the following:

(A) A Private Commons Development (PCD) may be established on a tract of land containing two or more acres. [+Exceptions are:

1. A PCD may be established on a tract of land containing one or more acres within the North Valley Design Overlay and zoned RA-1, RA-2, RO-1 or R-1.

2. A PCD shall be established in the North Valley Design Overlay Zoning District where required in accordance with Chapter 3, Section (9) of the North Valley Design Overlay Zone.+]

(B) The number of dwelling units permitted in a PCD is determined by dividing the site area by the minimum lot size permitted in the zone rounded to the nearest whole number. However, the number of dwellings in a PCD may not be more than 50. The minimum lot size to be used for determining the number of dwelling units in a PCD with RA-1 zoning shall be 21,780 square feet.

(C) A PCD mandated in the North Valley Design Overlay Zone through Section (3)(j) of the North Valley Design Overlay Zone ordinance shall receive a 10% reduction in the permeable surface area per lot required through Section (C)(9) of North Valley Design Overlay Zone ordinance and receive a 10% increase in the maximum floor area per lot required through Section (3) (b) of North Valley Design Overlay Zone ordinance.

~~[-(G)-]~~ **[(D)+] The dwelling units may be houses or townhouses or any combination thereof on any size lots.**

~~[-(D)-]~~ **[(E)+] The minimum setbacks **[+in the RA-1, RA-2, and RO-1 zone districts+]** are as follows:**

(1) Front – 15 feet, except driveways shall not be less than 20 feet long.

(2) Rear – 15 feet for houses and townhouses, unless adjoining R-1, RA-1, RA-2, or RO-1 zoned land, in which case the setback for townhouses shall be 25 feet.

(3) Side – there shall be no required side yard setback, except that there shall be a minimum setback of 5 feet for all side yards contiguous with the PCD boundary.

~~[-(E)- A minimum of 30% gross area of a PCD or 100% of the area gained through lot size reductions, whichever is greater shall be set aside as a private commons area.+]~~

~~(F)[- The PGA may be used for agriculture,~~

Concept for a development with 30% of the area in the Private Commons Area (PCA).



Example of a rainwater harvest garden and active shared space in a PCA.



~~landscaping, recreation or any combination thereof. It may be composed of separate tracts but each shall have a minimum length and width of 35 feet and shall be visible from a public right-of-way. Land used for streets, driveways, parking, sidewalks and private yards may not be counted as part of a PCA. No buildings or structures are permitted in a PCA except those necessary for the operation and maintenance of the PCA. A PCA may have underground easements. The use of a PCA may be restricted to the residents of the PCD and may be fenced so long as the public's view is not significantly diminished. -]~~ [+ The minimum setbacks in the R-1 zone districts in the North Valley Design Overlay Zone are as follows:

(1) Front – 10 feet, except driveways shall not be less than 20 25 feet long

(2) Rear – 5 feet for houses and townhouses

(3) Side – there shall be no required side yard setback, except that there shall be a minimum setback of 5 feet for all side yards contiguous with the PCD boundary

G) Private Commons Area (PCA) set-aside area

(1) A minimum of 30% of the gross area in the RA-1, RA-2, and RO-1 zone districts and 15% of the gross area in the R-1 zone district of a PCD or 100% of the area gained through lot size reductions, whichever is greater, shall be set aside as a PCA.

(2) The allowed uses of the PCA shall be limited to:

(a) Agriculture

(b) Native or xeric plants, such as a stand of cottonwood trees, native and xeric grasses, and shrubs

(c) Landscaped areas that are too steep to be usable as active shared pedestrian space cannot exceed 20% of the required PCA.

(d) Rainwater harvest gardens

(e) Drainage retention or detention for up to 30% of any individual PCA tract. At least one quarter

(1/4) of drainage retention and detention areas larger than 2,000 square feet must have a vegetative cover, as shown in plans approved by the Design Review Board.

(f) A developed park, active shared space, including trails and seating areas

(g) Or any combination of the above.

(H) The PCA may be composed of separate tracts but each shall have a minimum length and width of 35 feet. Land used for streets, driveways, parking, sidewalks and private yards may not be counted as part of a PCA. No buildings or structures are permitted in a PCA, except those necessary for the operation and maintenance of the PCA. A PCA may have underground easements. The use of a PCA may be restricted to the residents of the PCD and may be fenced providing that the public's view of the PCA is not significantly diminished.

(I) The tract or tracts of a PCA shall be located within the property according to the following restrictions:

(1) If a property abuts a waterway of the North Valley area, at least one-half of the PCA shall be located parallel and adjacent to the waterway.

(2) The PCA may be located in a plazuela compound, provided that no street goes through the PCA and at least 25% of the PCA shall be visible from a public right-of-way.

(3) If the property does not abut a waterway of the North Valley area and is not contained in the plazuela area of a plazuela compound, then at least 25% of the PCA shall be visible from a public street right-of-way.+]]

~~[-(G)-]~~ ~~[(J)+]~~ The PCA shall be set aside by the developer through a land use easement and restrictive covenants acceptable to the Development Review Board (DRB).

(1) The covenants shall be in the form of recorded deed restrictions and shall be referenced on the subdivision plat.

Undeveloped land adjacent to a waterway that would be set aside as PCA



Concept for single family and small compounds around a PCA visible from a public street



(2) The covenants shall assure that the PCA will be protected from all forms of development, except as shown on an approved site development plan.

(3) The covenants shall require individual lot owners and the members of the homeowner's association, if applicable, to be jointly and severally liable for maintenance of the PCA.

(4) The land use easement, in favor of the City, shall state the proposed allowable use(s) of the PCA, and require that the PCA be maintained by parties who have ownership interest in the PCD.

(5) The land use easement shall state that if the responsible parties fail or refuse to act on maintenance obligations as set forth in the easement, the City shall have the authority to perform such maintenance as necessary to protect public health and safety. The easement shall state that the City may, after written notice and failure to comply within 30 days, enter upon and maintain the PCA. The easement shall state that the cost of such maintenance plus any other penalties or costs allowed by law in connection therein, shall be assessed against the properties within the PCD and failure to pay assessed charges may result in a municipal lien against each of the individual lots in the PCD. This provision shall not be deemed to create an obligation to act on the part of the City. Under no circumstances will the City maintain recreational uses. Under no circumstances shall the City maintain the PCA for a period longer than one year.

~~[-(H)-]~~ [(K)+] A PCD is created by Development Review Board approval of a site development plan and a subdivision plat. Site plan and subdivision approval are contingent upon recorded deed restrictions approved by the DRB.

~~[-(H)-]~~ [+(L)+] The recorded deed restrictions may not be amended or repealed without the City's prior written approval.

[-(J)-] [(M)+ Upon recording the plat and all required documents for a PCD, the area of the PCD shall

be delineated and designated with the letters “PCD” on the official zone map.

~~[-(K)-]~~ [(N)+] The Planning Director, at the request of the owner, may void the site development plan and remove the PCD designation if no development has occurred on the site, and the property is replatted to conform to the requirements of the underlying zoning district.

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