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#### 3.1. Applicability

- 3.1.1. The uses, buildings, and structures on all land within Volcano Heights shall conform to this Plan. **Table 3.1** shall determine which sections of the Plan apply to any proposed development based on the type and scope of the proposed development.
- 3.1.2. Provisions of this Plan are activated by “shall” when required, “should” when recommended, and “may” when optional.
- 3.1.3. The provisions of this Plan, when in conflict, shall take precedence over those of other City of Albuquerque codes, ordinances, regulations, and standards as amended except as noted herein. Where this Plan is silent, relevant City of Albuquerque codes, ordinances, regulations, and standards shall apply. See also **Section 2.0 Applicability**.
- 3.1.4. Where in conflict with this Plan, the development standards under City Zoning Code §14-16-3-18 General Building and Site Design Regulations for Non-Residential Uses, as amended, shall not apply to property within Volcano Heights. Development standards not addressed in this Plan shall be governed by the City Zoning Code to the extent they are not in conflict with the intent or provisions of this Plan.
- 3.1.5. Terms used throughout this Plan (as noted in bold) are defined in **Section 3.5** of this Plan. Development within Volcano Heights shall be held to these definitions. For those terms not defined in this Plan, City Zoning Code §14-16-1-5 shall apply. Terms not defined in either section shall be accorded commonly accepted meanings. In the event of conflict, the definitions of this Plan shall prevail.
- 3.1.6. Where in conflict, numerical metrics shall prevail over graphic metrics.
- 3.1.7. **Projects Subject to Review:** All private development and redevelopment projects are subject to administrative review by the Planning Department and/or official review by the Development Review Board (DRB) and/or Environmental Planning Commission (EPC) for compliance with the Plan. **Table 3.1** establishes the standards for the applicability of this Plan to all development and redevelopment.

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TABLE 3.1 – APPLICABLE PLAN SECTIONS BY DEVELOPMENT TYPE

Plan Section	4.0 Streetscape Standards	5. 1 Land Use Table	6.X.2 Building Placement	6.X.4 Height Standards	6.X. 6 Parking & Service	6.X.7.i Encroachments	6.X.7.iii Single-Family Buffer	6.X.9-12 Building Design Standards by Zone	8.0 General Building Design Standards	9.0 Signage	10.0 Open Space Standards	10.6 Landscaping & Lighting
<b>Type of Development</b>												
Commercial (retail, office, restaurant), lodging, mixed-use building, apartment/multi-family building (3+ units per lot), and live-work buildings												
New Construction	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use/Expansion of use with no expansion of building		X			X	X			X	X		
<b>Building Expansion</b>												
0% - 49% increase in building square footage <i>(Standards in applicable sections shall apply only to the expansions)</i>		X	X	X	X	X	X	X	X	X	X	X
50% or greater increase of building area <i>(Standards in applicable sections shall apply the entire building including retrofitting of the existing building if non-conforming)</i>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Expansion of parking area only (not in conjunction with expansion of building or use)</b>												
Up to 10 spaces					X				X	X		X
11 or more additional spaces					X		X		X	X	X	X
<b>Façade changes to existing buildings</b>												
'A' Street façade	X					X		X	X	X		X
All other street façades						X		X	X	X		X



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**TABLE 3.1 – APPLICABLE PLAN SECTIONS BY DEVELOPMENT TYPE (Cont'd)**

Plan Section	4.0 Streetscape Standards	5.1 Land Use Table	6.X.2 Building Placement	6.X.4 Height Standards	6.X.6 Parking & Service	6.X.7.i Encroachments	6.X.7.iii Single-Family Buffer	6.X.9-12 Building Design Standards by Zone	8.0 General Building Design Standards	9.0 Signage	10.0 Open Space Standards	10.6 Landscaping & Site Lighting
<b>Type of Development</b>												
Commercial (retail, office, restaurant), lodging, mixed-use building, apartment/multi-family building (3+ units per lot), and live-work buildings (cont'd)												
<b>Signage</b>												
Modification of an existing sign where the cost of the modification is valued at <u>more than</u> 50% of the replacement value of the sign										X		
New sign or complete replacement of an existing sign										X		
<b>Residential Buildings (single-family attached and detached buildings)</b>												
New construction	X	X	X	X	X	X		X	X	X	X	X
Change of Use with no expansion of building		X			X				X	X		X
Expansion of use/structure (any building addition, deck, porch, etc.)		X	X	X	X	X		X	X			X
Expansion of use/structure (new accessory building/structure on the lot)		X	X	X		X		X	X			X
<b>Façade changes</b>												
'A' Street façade						X		X	X			X
All other street façades						X		X	X			

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**3.2. Development Review and Approval Process**

3.2.1. **Intent / Purpose:** In order to encourage and support development in Volcano Heights, review and **approval** of proposed projects should be conducted as speedily as possible. As such, this Plan proposes several opportunities to streamline **approval**, despite the significant efforts needed to coordinate infrastructure for development in the short-term.

3.2.2. **Pre-Application Review Discussions (PRDs):** As the first step in proposing a new development project, all potential **applicants** shall schedule and attend a discussion with the Planning Director or his/her designee. The Planning Department holds Pre-Application Review Discussions in order to provide informal guidance to property owners and/or developers during the conceptual design phase. These discussions are available for appointments on a weekly basis. This discussion will help determine whether major infrastructure will be needed, options for infrastructure planning and coordination, and opportunities for streamlining approvals. Based on conceptual plans, a staff planner may be assigned to the project to help **applicants** navigate necessary **approval** processes.

3.2.3. **Significant Infrastructure Coordination:** **Significant infrastructure** is determined on a case-by-case basis but generally applies to a major street, drainage or utility facility, etc. that is necessary for the subject property as well as other nearby properties to develop. **Applicants** have two process options to coordinate **significant infrastructure**:

- (i) A Site Development Plan for Subdivision may be submitted to the Development Review Board (DRB). This submittal includes a Subdivision Improvement Agreement (SIA), which documents financial guarantees of funds available to provide infrastructure.
  - a. Once approved by the DRB, Site Plans for Subdivision for projects less than 5 acres may proceed directly to **building permit**.
  - b. Subject to **approval** by the DRB, Site Plans for Subdivision 5 acres or greater shall require a Site Plan for Building Permit, eligible for Administrative Review and Approval per **Section 3.2.5** in this Plan. These site plans may be submitted concurrently.
- (ii) Applications for a **Special Assessment District (SAD)**, **Tax Increment Development District (TIDD)**, or **Public Improvement District (PID)** may be submitted to the City Council for **approval**, per the following City Ordinances.
  - a. SAD: Albuquerque Code of Ordinances Section 6-8.
  - b. TIDD: Albuquerque Code of Ordinances Section 4-10.
  - c. PID: Albuquerque Code of Ordinances Section 6-9.

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d. Because these processes include planning for **significant infrastructure** and provide a financial mechanism to fund infrastructure improvements, projects that receive City Council **approval** are eligible for Administrative Approval of Site Development Plans for Building Permit.

3.2.4. **DRB Sketch Plan Review:** All **applicants** shall schedule and attend a discussion with the DRB before submitting a Site Development Plan for Subdivision OR a Site Development Plan for Building Permit that requires infrastructure. The DRB holds weekly Sketch Plan Reviews for no fee.

3.2.5. **Administrative Review and Approval:** Once infrastructure is either in place or coordinated with financial guarantees in place per **Section 3.2.3** of this Plan, Site Development Plans for Building Permit that fully comply with all standards of the Plan shall be processed administratively by the Planning Director or his/her designee and proceed to **building permit**.

The Planning Director or his/her designee shall be responsible for the following:

- (i) Conducting Pre-Application Review Discussions;
- (ii) Assigning Staff to follow the project through the necessary **approvals**;
- (iii) Reviewing Site Plans for Building Permit for compliance with the intent, policies, and requirements of the Plan;

- (iv) Determining whether a Site Plan for Building Permit deviates from any standard within the thresholds for:
  - a. Minor Deviation per **Section 3.2.10** and **Table 3.2** below and therefore eligible for Administrative Approval;
  - b. Major Deviation per **Section 3.2.11** and **Table 3.3** below and therefore required to obtain **approval** by the EPC;
  - c. Non-compliance without meeting the intent of this Plan and therefore required to modify the Project or amend this Sector Development Plan per City Zoning Code §14-16-4-3; OR
  - d. Non-compliance yet still meeting the intent of this Plan and therefore eligible for **approval** by the EPC with an **exception** per **Section 3.2.13** in this Plan.
- (v) Determining the public notice required for proposed projects, based on the **approval** process determined above
  - a. Public Notice for Site Plans for Building Permit per **Table 3.4** OR
  - b. Public Notice for Site Plans for Subdivision per **Table 3.5**.
- (vi) Mailing Public Notice to relevant Property Owners as noted by (PO) in **Table 3.4** or **Table 3.5**;
- (vii) Determining whether convening the Volcano Heights Review Team is appropriate;
- (viii) Convening a Volcano Heights Review Team of relevant City staff and/or members of the public;

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- (ix) Approving Site Development Plans for Building Permit that fully comply with the intent, policies, and requirements of the Plan;
- (x) Approving minor deviations to previously approved Site Development Plans for Building Permit that comply with this Plan and all applicable City ordinances, as per City Zoning Code §14-16-2-22(6) and **Section 3.2.10** in this Plan.
- (xi) Forwarding any major deviations to the EPC per **Section 3.2.11** below; and
- (xii) Forwarding any appeals to the decision of the Planning Director to the City Council, per City Zoning Code §14-16-4-4.

3.2.6. **Volcano Heights Review Team (VHRT):** As part of the Administrative Review Process, a Volcano Heights Review Team (“the Review Team” or VHRT) may be convened by the Planning Director or his/her designee for projects that require interpretation or discretionary judgment with respect to the project’s compliance with standards. This non-judicial Review Team shall be charged with working cooperatively and creatively with the **applicant** to solve problems and resolve conflicts regarding elements of a proposed development project that seem to meet the intent and policies of this Plan but face logistic challenges in meeting its numeric or text regulations.

The VHRT may include, but is not limited to, the following City staff and/or agency representatives:

- Planning Director or his/her designee
- Staff Planner assigned to proposed project;
- City Planning & Zoning;
- City Hydrologist;
- City Department of Municipal Development (DMD);
- City Open Space Division;
- City Parks and Recreation;
- City ONC;
- Albuquerque-Bernalillo Water Utility Authority (ABCWUA);
- Mid-Region Council of Governments (MRCOG);
- Public Service Company of New Mexico (PNM);
- New Mexico Gas Company;
- Telecommunications Companies;
- Adjacent Property owners;
- Potential tenants;
- Neighborhood Association representatives; and/or
- Merchants’ Associations representatives.

3.2.7. **Development Review Board (DRB) Approval**

The DRB shall be responsible for the following:

- (i) Conducting Sketch Plan reviews weekly;
- (ii) Reviewing/approving Site Plans for Subdivisions that comply with this Plan, the DPM, and City ordinances;
- (iii) Reviewing/approving minor deviations from any dimensional standard in a Site Development Plan for Subdivision per **Section 3.2.10** of this Plan;

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- (iv) Reviewing/approving Site Development Plans for Building Permit that involve 4 or more feet of fill; and
- (v) Reviewing/approving Site Development Plans for Building Permit that involve construction within the Impact Area as defined by the NWMEP. [See **Exhibit 2.1** on page 15.]

### 3.2.8. **Environmental Planning Commission (EPC)**

**Approval:** The EPC shall be responsible for the following:

- (v) Major deviations from the standards beyond Minor Deviations as defined in **Table 3.2** below require review and **approval** by the Environmental Planning Commission (EPC), which includes more opportunity for public review and comment at a public hearing. Major Deviation thresholds shall be allowed per **Table 3.3**. The EPC shall not approve projects that fail to meet the intent of this Plan.
- (vi) Reviewing/approving requests for **exceptions** to the regulations of this Plan that still meet the Plan's intent, per **Section 3.2.13** in this Plan.
- (vii) Reviewing/approving request for zone changes less than 10 acres in size and reviewing/recommending to City Council **approval** or **denial** of zone change requests 10 acres or more.

### 3.2.9. **City Council Appeal and Approval**

- (i) The City Council shall be the body to approve SAD, TIDD, and/or PID applications. See **Section 3.2.3.ii** in this Plan.

- (ii) Per City Zoning Code §14-16-4-1, the City Council shall be the final review and **approval** body in the following circumstances:
  - a. Zone Map amendments for projects 10 or more acres in size; and
  - b. Text amendments, including design regulations.
- (iii) The City Council shall be the final appeal body for proposed projects, per City Zoning Code §14-16-4-3.

3.2.10. **Minor Deviations:** As defined in **Table 3.2**, the DRB shall have the authority to approve minor deviations from Site Development Plans for Subdivision and the Planning Director or his/her designee shall have the authority to approve minor deviations to Site Development Plans for Building Permit that:

- (i) Meet the intent of this Plan;
- (ii) Help to preserve a rock outcrop or other cultural or natural feature deemed significant by the City Open Space Division;
- (iii) Do not materially change the circulation and building location on the site;
- (iv) Do not increase the building area permitted;
- (v) Do not change the relationship between the buildings and the street;
- (vi) Do not allow greater height of any building without a commensurate benefit to the natural environment and built environment;
- (vii) Do not eliminate regulations intended as protections for single-family development existing at the time of this Plan's adoption; or



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(viii) Do not change any required element of the **zoning map** or **Mandatory Streets** map beyond the thresholds established in **Table 3.2** below.

Any appeals shall be heard by the City Council, per City Zoning Code §14-16-4-4.



**TABLE 3.2 – MINOR DEVIATION CRITERIA**

<i>Standard</i>	<i>Minor Deviation Allowed</i>	<i>Criteria</i>
Location/geometry of Mandatory Streets	10% deviation from the Centerline of the street. In the case of avoiding natural and/or culturally significant features, a greater allowance is permitted on a case by case basis and may require a signed agreement with affected <b>adjacent</b> owners.	<ul style="list-style-type: none"> <li>• Shall not introduce a curve beyond what an automobile can navigate safely as defined in the City’s Development Process Manual (DPM) Chapter 23, Sections 2 and 3.</li> <li>• Any change to the location of a Mandatory Street shall be reviewed by the Planning Director or his/her designee for <b>approval</b>.</li> <li>• Any changes proposed to avoid <b>rock outcroppings</b> or other natural and/or culturally significant features shall be coordinated with City Open Space Division.</li> </ul>
Mandatory Street Cross Sections	Any dimensional standard change (increase or decrease) up to 10%.	<ul style="list-style-type: none"> <li>• Shall not eliminate any element from a cross section.</li> <li>• Shall not alter the total <b>right-of-way (ROW)</b> of the paved portion of the cross section.</li> <li>• Shall not decrease travel lanes below 10 feet or increase travel lanes to more than 12 feet.</li> <li>• Shall require justification by the <b>applicant</b>.</li> <li>• May include criteria for variances per City Zoning Code §14-16-4-2(C).</li> </ul>
	Adding medians to an <b>‘A’ Street</b> .	<ul style="list-style-type: none"> <li>• When incorporating a median, the median be a minimum of 2 feet and shall provide enough width to allow vegetation to be planted and sustain itself within the entire median, including turn bays.</li> </ul>
	Adding or removing reverse-angle parking to/from an <b>‘A’ Street</b> .	<ul style="list-style-type: none"> <li>• On-Street parking may be parallel or reversed angle parking. Where reversed angled parking is used, the ROW shall be increased to add that element while still maintaining appropriate dimensions for all other elements. A median is recommended with reverse-angle parking.</li> </ul>
Non-Mandatory Street Cross Section	Any changes in arrangement of the streets cross section shall be reviewed by the Planning Director or his/her designee to ensure compatibility with the intent of this Plan.	<ul style="list-style-type: none"> <li>• Reference to ITE’s “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” or Context Sensitive Design is encouraged.</li> </ul>

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TABLE 3.2 – MINOR DEVIATION CRITERIA (Cont'd)

Standard	Minor Deviation Allowed	Criteria
Site Development Standards		
Build-to zones/setbacks	No more than a 20% change in the maximum or minimum setback. In the case of avoiding natural and/or culturally significant features, a greater allowance is permitted on a case-by-case basis.	<ul style="list-style-type: none"> <li>Changes to the <b>build-to zones</b> and setbacks may only be due to any changes to the street cross sections, changes in the width of a sidewalk, or changes to avoid natural and/or culturally significant features.</li> <li>In no case shall the sidewalk be less than 6 feet in width.</li> </ul>
Building Frontage	No more than a 15% reduction in the required <b>building frontage</b> along each block of an 'A' Street.	<ul style="list-style-type: none"> <li>Any reduction in the required <b>building frontage</b> shall be to accommodate <b>porte cocheres</b> for drop-off and pick-up.</li> </ul>
Street screen	Waiver of street screen requirement along a 'B' Street.	<ul style="list-style-type: none"> <li>Requirement for a <b>street screen</b> may only be waived along a 'B' Street frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure within 2 years. <b>Applicant</b> may be required to show financial records or sketch plans indicating intent and/or planning.</li> <li>In no case shall any portion of the surface parking have frontage along an 'A' Street without a required <b>street screen</b>.</li> <li>In no case shall the (off-street) surface parking lot be located at a street intersection for a minimum depth of 20' along each street (regardless of Street Type).</li> </ul>
Non-dimensional standard	Any non-dimensional standard deemed minor by the Planning Director or his/her designee.	<ul style="list-style-type: none"> <li>Any change shall be based on specific development context that poses a challenge to meet the standards OR a demonstration that the proposed change improves the project's ability to meet the Plan's intent(s).</li> </ul>
Building Design Standards	Any dimensional standard change (increase or decrease) up to 10%.	<ul style="list-style-type: none"> <li>Any change shall be based on specific development context that poses a challenge to meet the standards OR a demonstration that the proposed change improves the project's ability to meet the Plan's intent(s).</li> </ul>
	Any non-dimensional standard deemed minor by the Planning Director or his/her designee.	<ul style="list-style-type: none"> <li>Any change shall be based on specific development context that poses a challenge to meet the standards OR a demonstration that the proposed change improves the project's ability to meet the Plan's intent(s).</li> </ul>
Streetscape Standards	Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context and street cross section.	<ul style="list-style-type: none"> <li>Any changes to the streetscape standards shall be based on specific development context such as vegetation, natural features, drainage, and fire access and is subject to <b>approval</b> by the Planning Director or his/her designee and/or relevant City department.</li> </ul>

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3.2.11. **Major Deviations:** The EPC shall have the authority to approve major deviations, as defined in **Table 3.3**, that:

- (i) Meet the intent of this Plan;
- (ii) Help to preserve a rock outcrop or other cultural or natural feature deemed significant by the City Open Space Division;
- (iii) Do not materially change the circulation and building location on the site;
- (iv) Do not increase the building area permitted;
- (v) Do not change the relationship between the buildings and the street;
- (vi) Do not allow greater height of any building without a commensurate benefit to the natural environment and built environment;
- (vii) Do not eliminate regulations intended as protections for single-family development existing at the time of this Plan's adoption; or
- (viii) Change any required element of the **zoning map, Mandatory Streets** map, or regulatory standard within the thresholds established by **Tables 3.2 or 3.3** below.

Any appeals shall be heard by the City Council, per City Zoning Code §14-16-4-4.

3.2.12. **Non-compliance:** This Plan distinguishes projects that meet the intent of this Plan, as determined by the Planning Director or his/her designee from those that do not.

- (i) Projects that meet the intent of this Plan but require deviations beyond those considered Major per **Table 3.3** in this Plan shall follow one of the relevant processes below:
  - a. Request and justify a variance because of unique parcel conditions through the process outlined in City Zoning Code §14-16-4-2;
  - b. Request and justify a zone change to SU-2 for SU-1 per City Zoning Code §14-16-2-22 to accommodate a compatible use not listed as permissive or conditional in Table of this Plan; OR
  - c. Request and justify an **exception** to a design standard (e.g. Site Development or Building Design Standards) per **Section 3.2.13** in this Plan.
- (ii) Projects that do not meet the intent of this Plan shall require either modification to the project or amendment of this Plan, per **Section 3.3** of this Plan and City Zoning Code §14-16-4-3.

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TABLE 3.3 – MAJOR DEVIATION CRITERIA

Standard	Major Deviation Allowed	Criteria
Site Development Standards		
Build-to Zones/Setbacks	A change in the maximum or minimum setback between 20-50%. In the case of avoiding natural and/or culturally significant features, a greater allowance is permitted on a case-by-case basis.	<ul style="list-style-type: none"> <li>Changes to the build to zones and setbacks may only be due to any changes to the street cross sections or changes in the width of a sidewalk.</li> <li>In no case shall the sidewalk be less than 6 feet in width.</li> </ul>
Building Frontage	A reduction in the required <b>building frontage</b> along each block of an 'A' Street between 15-30%.	<ul style="list-style-type: none"> <li>Any reduction in the required <b>building frontage</b> shall be to accommodate porte-cocheres for drop-off and pick-up.</li> </ul>
Building Design Standards	Any dimensional standard change (increase or decrease) between 10-40%.	<ul style="list-style-type: none"> <li>Any change shall be based on specific development context that poses a challenge to meet the standards OR a demonstration that the proposed change improves the project's ability to meet the Plan's intent(s).</li> </ul>
	Any non-dimensional standard deemed major by the Planning Director or his/her designee.	<ul style="list-style-type: none"> <li>Any change shall be based on specific development context that poses a challenge to meet the standards OR a demonstration that the proposed change improves the project's ability to meet the Plan's intent(s).</li> </ul>

3.2.13. **Exceptions from Design and/or Subdivision Ordinances' Development Standards**

(i) As long as a proposed project meets the intent of this Plan, the EPC shall be authorized to approve Site Development Plan submittals with appropriate **exceptions** to adopted standards and regulations, provided a project meets at least one of the following conditions, as justified by the **applicant**:

a. The project includes elements of **exceptional** civic, architectural, or environmental design. These design elements should provide a benefit to the City, **adjacent** property owners, and/or the built or natural environment that justifies the requested **exception**.

b. The **exception** will help to preserve and/or enhance significant views, **rock outcroppings**, or other natural features.

c. The **exception** will help to coordinate and/or enhance development or improvements on **adjacent** properties.

d. The **exception** is needed to accommodate a **major employer**.

(ii) In order to justify requests for **exceptions**, the **applicant** shall submit sufficient design sketches, photographs, and other detailed information as may be necessary to demonstrate the case and solution requested for an exception to the adopted regulations.

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- (iii) Site Development Plans may require additional analysis and/or documentation, such as, but not limited to: site elevations, site sections, and building heights showing impacts to views and/or relationship to nearby **sensitive lands**.

3.2.14. **Project Approval:** The Planning Director, DRB, or EPC shall approve Site Development Plans for public and private projects that meet the intent of the Volcano Heights Sector Development Plan. This **approval** is required as a condition for the following:

- (i) Acceptance by the Planning Department of an application for a grading permit;
- (ii) Acceptance by the Planning Department of an application for a **building permit** for construction of a new structure;
- (iii) Acceptance by the Planning Department of an application for a **building permit** for expansion of an existing structure;
- (iv) Acceptance by the Planning Department of an application for a **building permit** for exterior renovation, remodeling, or other alteration of existing structure;
- (v) Construction of a surface parking lot; and
- (vi) Acceptance by the Planning Department of an application for a sign permit.

3.2.15. **Review of Phased Projects:** To minimize review steps for phased projects, the DRB may approve a Site Development Plan for Subdivision for all phases provided that the **applicant** submits drawings that depict the initial phase as well as all future phases. The Site Development Plan is valid for seven years from the date of the **approval** and may be amended administratively per City Zoning Code §14-16-2-22.

3.3. **Amendments to the Sector Development Plan and/or Zoning Map:** Amendments and/or changes to the **zoning map**, Mandatory Street map, and property boundaries shall be considered by the EPC and forwarded with a recommendation for **approval** or **denial** to the City Council for sites 10 acres or less. For sites 10 acres or greater and for all text amendments, the Land Use Hearing Officer shall consider such changes and recommend **approval** or **denial** for final action by the City Council in accordance with the procedure set out in §14-16-4-3 of the City Zoning Code.

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TABLE 3.4 – APPROVAL PROCESS AND NOTIFICATIONS: SITE PLANS FOR SUBDIVISION

Zones	Proposed Project	Compliance	Approval Process		Notification		
Transition Zones	Any Project < 5 acres	Fully Compliant	DRB				NR
		Minor Deviation(s)	DRB				NR
		Major Deviation(s)		EPC	NA	PO	
	Any Project 5+ acres	Fully Compliant	DRB		NA	PO	
		Minor Deviation(s)	DRB		NA	PO	
		Major Deviation(s)		EPC	NA	PO	
Center Zones + VHMx	Any Project < 5 acres	Fully Compliant	DRB				NR
		Minor Deviation(s)	DRB				NR
		Major Deviation(s)		EPC	NA	PO	
	Any Project 5+ Acres	Fully Compliant	DRB				NR
		Minor Deviation(s)	DRB				NR
		Major Deviation(s)		EPC	NA	PO	

**Approval Process Abbreviations**

DRB = Development Review Board

EPC = Environmental Planning Commission

**Notification Abbreviations**

NA = Neighborhood Associations *(Includes relevant Merchants Associations registered with the Office of Neighborhood Coordination. Notice shall be the responsibility of the applicant.)*

PO = Property Owners within 200 feet *(Notice shall be the responsibility of the Planning Director or his/her designee.)*

NR= Not Required



**TABLE 3.5 – APPROVAL PROCESS AND NOTIFICATIONS: SITE PLANS FOR BUILDING PERMIT**

Zones	Proposed Project	Compliance	Approval Process			Notification		
Transition Zones	Residential Project < 5 acres	Fully Compliant	AA					NR
		Minor Deviation(s)	AA	VHRT				NR
		Major Deviation(s)			EPC	NA	PO	
	Residential Project 5+ acres OR Project with Non-residential Component (any size)	Fully Compliant	AA	VHRT		NA	PO	
		Minor Deviation(s)	AA	VHRT		NA	PO	
		Major Deviation(s)		VHRT	EPC	NA	PO	
Center Zones + VHMx	Any Project < 5 acres	Fully Compliant	AA	VHRT				NR
		Minor Deviation(s)	AA	VHRT				NR
		Major Deviation(s)		VHRT	EPC	NA	PO	
	Any Project 5+ Acres	Fully Compliant	AA	VHRT				NR
		Minor Deviation(s)	AA	VHRT				NR
		Major Deviation(s)		VHRT	EPC	NA	PO	

**Approval Process Abbreviations**

- AA = Administrative Approval
- VHRT = Volcano Heights Review Team
- EPC = Environmental Planning Commission

**Notification Abbreviations**

- NA = Neighborhood Associations *(Includes relevant Merchants Associations registered with the Office of Neighborhood Coordination. Notice shall be the responsibility of the applicant.)*
- PO = Property Owners within 200 feet *(Notice shall be the responsibility of the Planning Director or his/her designee.)*
- NR= Not Required

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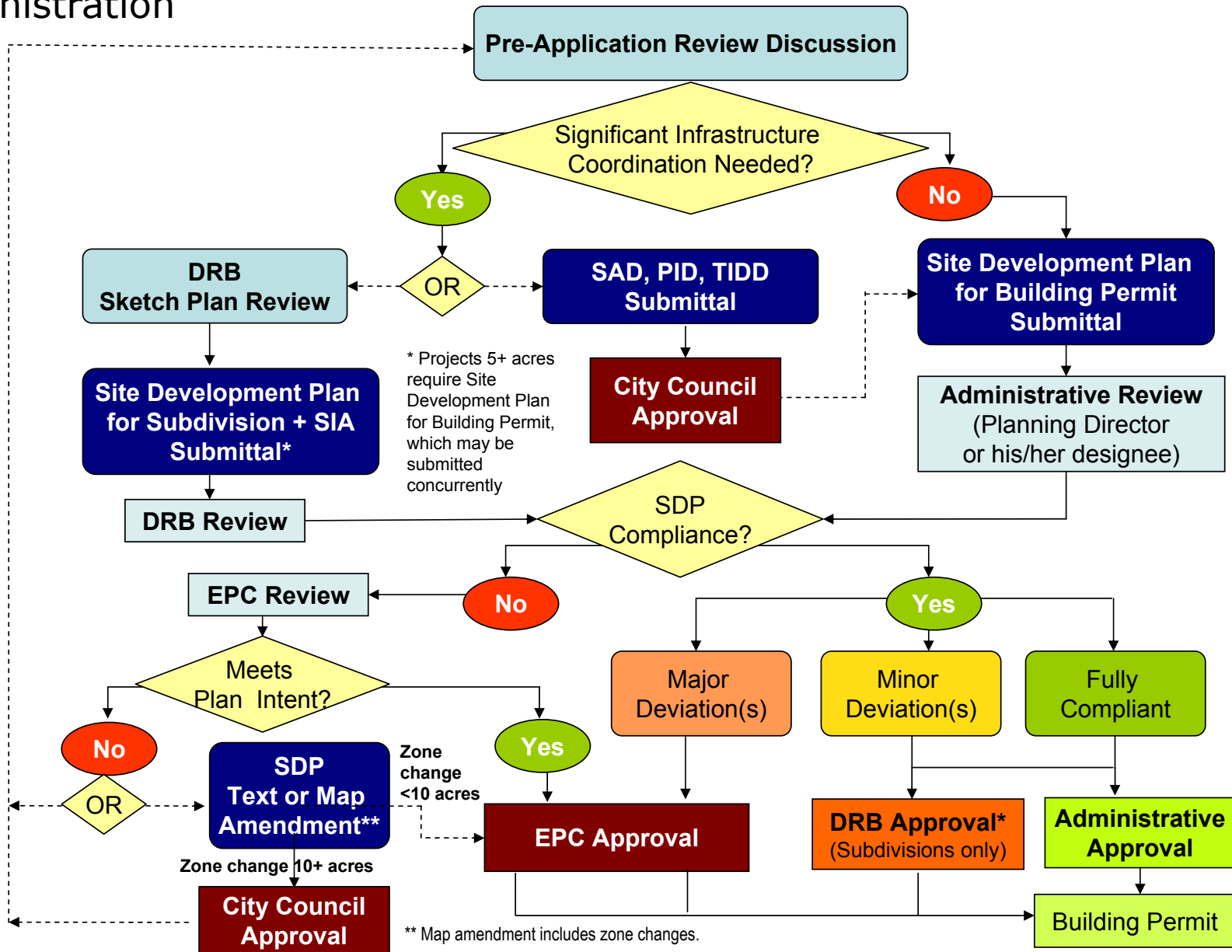


Exhibit 3.1 – Volcano Heights Approval Process Diagram



## 3.0 Administration

**3.4. Public Notification**

- 3.4.1. Notification for Site Plans for Building Permit shall be required as per **Table 3.4**.
- 3.4.2. Notification for Site Plans for Subdivision shall be required as per **Table 3.5**.
- 3.4.3. **Applicant Responsibilities:** When required (as noted with “NA” in Table 3.4 or Table 3.5), the **applicant** shall give written **notification** of the Application for Site Development Plan to any recognized **Neighborhood Association**, Neighborhood Coalition, non-recognized neighborhood organization, and/or homeowner association which covers, abuts, or is across the public **right-of-way** (ROW) from the project site.
- (i) The Office of Neighborhood Coordination (ONC) shall provide the **applicant** with a complete list of the names and addresses for all people who require **notification**, including any interested parties in the area who have registered with ONC to receive notice. The **applicant** shall not be held responsible for notifying people who are not on the ONC list.
- (ii) Notification shall include a reduced version of the proposed Site Development Plan, including the Landscape Plan; the date, time, and location of the DRB or EPC hearing; contact information for the **applicant**; and the name, e-mail, and phone number of the Staff Planner.
- (iii) Notification shall be sent by certified mail, return receipt requested, and postmarked at least fifteen (15) days in advance of the hearing.

- (iv) The **applicant** shall give copies of the ONC **notification** list and proof of mailings to the Approval Body for the hearing record. Failure by the **applicant** to show proof of **notification** shall be grounds for a deferral of the applicant’s proposal at the Hearing until proper proof of **notification** is provided by the **applicant**.

- 3.4.4. **Planning Director Responsibilities:** When required (as noted with “PO” in Table 3.4 or Table 3.5), the Planning Director or his/her designee shall provide mailed **notification** to property owners within two-hundred feet (200) of the boundaries of the proposed project site, excluding public rights-of-way.

**Notification** shall be postmarked a minimum of ten (10) days prior to the hearing and shall include reduced copies of the proposed Site Development Plan, the Landscape Plan, and contact information for the Planning Department and the **applicant**.

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3.0 Administration

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TABLE 3.6 - APPROVAL PROCESS BY DEVELOPMENT TYPE

Type of Request	Administrative Review (PRD)	Administrative Approval (AA)	DRB Decision	EPC Decision	City Council Decision	Building Permit (Front Counter)	Applicable Sections/Criteria
1. Ordinary building maintenance (includes changes to the exterior and/or interior)						X	<ul style="list-style-type: none"> <li>Interior changes may require building, electrical, and/or other city permits</li> <li>Exterior changes affecting more than 120 SF require a <b>building permit</b>.</li> </ul>
2. Renovation or alteration of a building interior with no exterior façade changes						X	<ul style="list-style-type: none"> <li>Interior changes may require building, electrical, and/or other city permits.</li> </ul>
3. Renovation, alteration of, or addition to an existing building	X	X				X	<ul style="list-style-type: none"> <li>Any decision on Major Deviations from dimensional elements limited to <b>building height</b> and building <b>setbacks</b> shall be made by the EPC.</li> </ul>
4. Demolition of a building	X					X	<ul style="list-style-type: none"> <li>Requires demolition permit from the City.</li> </ul>
5. New construction with < 4 ft. fill NOT requiring significant infrastructure	X	X		Major Deviat.		X	
6. New construction with < 4 ft. fill requiring significant infrastructure	X		X	Major Deviat.		X	
7. New construction with 4+ ft. fill	X		X	Major Deviat.		X	<ul style="list-style-type: none"> <li>Requires sign-off from City hydrologist.</li> </ul>
8. Construction of a parking garage	X	X		Major Deviat.		X	<ul style="list-style-type: none"> <li>Building Design Standards shall apply.</li> </ul>
9. Construction of a new surface parking lot or expansion of an existing surface parking lot	X		X	Major Deviat.		X	
10. Change of use within an existing building or structure (with no exterior façade changes)	X	X				X	

Notes:

1. Appeals per City Zoning Code §14-16-4-4
2. Deviat. = Deviation [See **Table 3.2** and **Table 3.3**]

TABLE 3.6 – APPROVAL PROCESS BY DEVELOPMENT TYPE (Cont'd)

Type of Request	Administrative Review (PRD)	Administrative Approval (AA)	DRB Decision	EPC Decision	City Council Decision	Building Permit (Front Counter)	Applicable Sections/Criteria
11. New sign or alteration of an existing sign	X	X				X	<ul style="list-style-type: none"> <li>Sign permits shall be required for all new and altered signs within any character zone.</li> <li>Signs may be approved administratively for all signs that conform to Sign Standards.</li> </ul>
12. Master Sign Plan approval	X		X	Major Deviat.			<ul style="list-style-type: none"> <li>See #11 above.</li> </ul>
13. Character zone boundary change request	X			Recomm.	X		<ul style="list-style-type: none"> <li>All requests to change the underlying zoning boundaries shall be processed as an SDP Zoning Map Amendment per City Zoning Code §14-16-4-3.</li> <li>Zone changes shall not eliminate any Character Zone from the Plan area or change the overall boundary of the Plan area.</li> </ul>
14. Request to change zoning standards or design standards	X			Recomm.	X		<ul style="list-style-type: none"> <li>All requests to change the underlying zoning and/or design regulations shall be processed as an SDP amendment to zoning per City Zoning Code §14-16-4-3.</li> </ul>

Notes:

1. Appeals per City Zoning Code §14-16-4-4
2. Deviat. = Deviation [See **Table 3.2** and **Table 3.3**]
3. Recomm. = Recommendation to the City Council

## 3.0 Administration

# R

# 3

### 3.5. Definitions

The following definitions shall apply within Volcano Heights. For those terms not defined in this Plan, City Zoning Code §14-16-1-5 shall apply. In the event of conflict, the definitions of this Plan shall prevail. Where used elsewhere in this Plan, these terms appear in bold.

- A' Street:* A street designation in this Plan used to denote pedestrian-friendly streets with no curb cuts particularly suited to retail opportunities.
- Abutting:* The condition under which two properties touch, without separation from a public **right-of-way (ROW)**.
- Accessory Building:* Defined per City Zoning Code §14-16-1-5, accessory buildings do not count as **buildings** for the purposes of **building frontage** or Site Development Standards in this Plan. Accessory buildings shall conform to the Building Design Standards in this Plan.
- Accessory Use:* A use that is appropriate, subordinate and customarily incidental to the primary use of the lot.
- Adjacent:* The condition under which two properties are next to each other, whether **abutting** or separated from a public **ROW**.
- Alley:* A thoroughfare designated by the City as public **ROW**, which affords secondary means of access to an **abutting** property.



Mezzanine on the West Side

*Amphitheater:* An open-air venue for entertainment, typically comprised of a stage facing a sloping, semi-circular seating gallery. The scale should complement surrounding development. Where located within 500 feet of existing residential uses, special design measures, such as locating the stage so sound is directed away from homes or employing berms or walls to redirect sound as necessary, shall be taken to reduce ambient impacts off-site. Amphitheatres shall comply with the City noise control ordinance [Article 9 of Building and Safety: ROA 1994 Sec. 9-9].

*Ancillary Structure:* A structure within an open space area that may include minor commercial uses, such as small food or news vendors, but is primarily intended to serve as civic elements for general public use to support and complement more passive activities. Ancillary structures may take the form of a pavilion, pergola, or kiosk. The style should complement surrounding buildings while remaining clearly subordinate to them in mass and scale. Ancillary structures do not count as buildings for the purpose of building frontage or Site Development Standards in this Plan but shall conform to the Building Design Standards in this Plan.

*Appeal Process:* The process by which a declaratory ruling made by the DRB or EPC or Administrative **denial** may be challenged.

*Applicant:* An applicant is a person applying for Site Development Plan **approval**. The person may be the property owner or owner's representative.

3.0 Administration



**Approval:** An action taken by the Planning Director (or his/her designee) issuing an Administrative Approval as noted in a **Notice of Decision (NOD)** or by the DRB signing and dating a Sector Development Plan as **approved**.

**Articulation:** A means of breaking up large expanses of blank wall both horizontally and vertically by adding changes of relief (i.e. how far a portion of the façade projects from or is recessed into the main façade surface), alternating building materials, and/or the placement of windows, **portals**, and other external features.

**Attics / Mezzanines:** The interior part of a **building** contained within a pitched roof structure or a partial story between two main stories of a building.

**Auto-related Sales and Service Uses:** Establishments that provide **retail sales** and services related to automobiles including, but not limited to, cars, tires, batteries, gasoline, etc.

**Auto-oriented:** A term describing those aspects of a project intended primarily for the benefit of vehicle access, amenities, and service, including but not limited to drive-through lanes, drive-up windows, queuing, parking, **alleys**, loading areas, etc.

**Awning:** A decorative feature extending from the exterior of a **building** that may serve as a shelter from the sun, rain, or wind.

**'B' Street:** A street designation in this Plan that denotes an **auto-oriented** street that provides vehicle access to parking, services areas, etc.

**Block Size:** Block size is measured between centerlines of the vehicular streets that frame the block, which is defined per City Zoning Code §14-16-1-5.

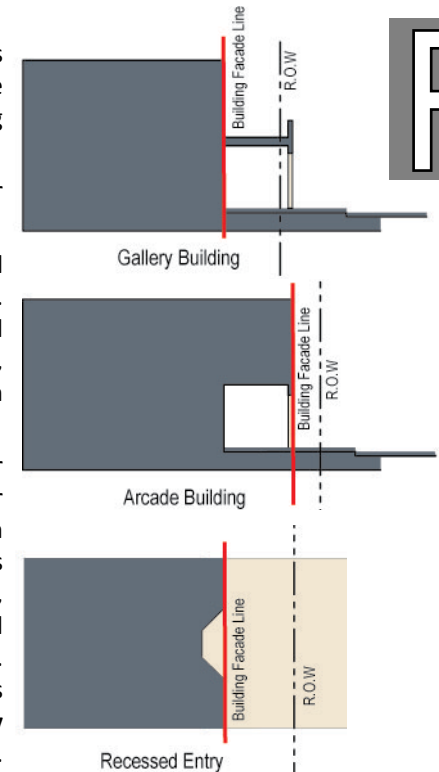
**Bikeway:** Any bicycle lane, bicycle route, and/or bicycle trail.

**Build-to Zone (BTZ):** The area within which the principal building's front façade is to be built. The BTZ is measured from the required minimum setback. Where appropriate, parking is allowed within the BTZ, given the required screening.

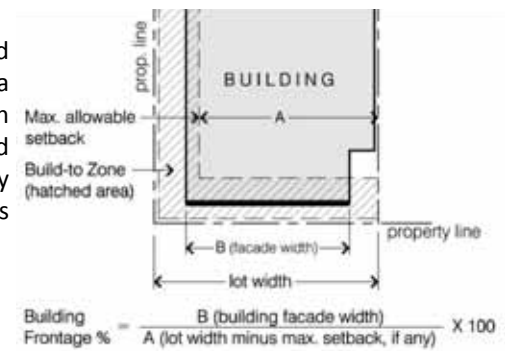
**Building:** Any structure used or intended for supporting or sheltering any use or occupancy that is entirely separated from any other structure by space or by walls in which there are no common doors, windows, or similar openings; is covered by a roof; and forms an enclosed space. Buildings generally enclose primary uses of the site, as opposed to **accessory buildings**, which enclose accessory (i.e. secondary or auxiliary) uses.

**Building Façade Line:** The vertical plane along a lot where the building's front façade is actually located.

**Building Frontage:** The percentage of front façade located within the front **Build-to Zone** as a proportion of the block frontage along an **'A'** or **'B'** Street. **Parks**, plazas, improved **forecourts**, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.



Sample Building Façade Lines



Building Frontage Calculation

### 3.0 Administration

<i>Building Height:</i>	The height of a <b>building</b> measured from approved grade to the eave line in the case of a pitched roof or to the roof line in the case of a <b>parapet</b> . See also <b>structure height</b> .	<i>Center Zones:</i>	Character Zones within Volcano Heights meant to provide gravity to hold together surrounding development. Center Zones are intended to have the most dense, urban, walkable built environment and the most intense activity, particularly for pedestrians. In this Plan, Center Zones include Town Center, Regional Center, and Village Center zones.
<i>Building Permit:</i>	An official certificate of Entitlement issued by the City to an <b>applicant</b> in order to construct, enlarge, or alter a structure.	<i>Character Zone:</i>	A zone within Volcano Heights that creates an urban form distinct from other zones in the Plan area. Character Zones are identified in the zoning map in <b>Section 5.1</b> .
<i>Business Improvement District (BID):</i>	Business Improvement Districts (BIDs) are created by petition of at least ten or more business owners comprising at least 51% of the total business owners in the proposed district. Upon receipt of the petition, a municipality typically passes an ordinance creating the district and establishing the time and terms for paying the BID fee, which could be assessed as part of property taxes or paid annually by tenants. The municipality appoints a management committee, typically an existing revitalization nonprofit or a committee of nominees submitted by business owners, to manage collected fees and act as the legal entity to provide ongoing maintenance, services, and liability for a self-defined area. BIDs often employ a property manager that can act as a recruiting, marketing, and brokering agent for the district.	<i>Civic Uses</i>	Any facility owned, maintained or operated by a public entity or municipality.
<i>Bus Rapid Transit (BRT):</i>	A public transportation system with some dedicated infrastructure and additional resources that enables faster, more efficient service than an ordinary bus line. These systems approach the service quality of rail transit with the cost savings and flexibility of bus transit.	<i>Civic Space:</i>	See Open Space, Civic.
		<i>Colonnade:</i>	A row of regularly spaced columns supporting a major horizontal element above.
		<i>Commercial Ready:</i>	A space constructed at a minimum ground floor height as established in each character zone that may be used for non-commercial uses and/or be converted into retail/commercial use. The space must comply with all building and construction codes for retail use in place at the time of site plan <b>approval</b> . Commercial-ready spaces are intended to provide additional flexibility to use space according to market demand.

3.0 Administration

**Commercial Surface Parking Lot:** Typically for-fee parking as the primary use of the property. This does not include commercial garages or required off-street parking that supports an associated, primary commercial use located on the same property, such as store or office parking.

**Community Garden:** A small- to medium-size garden cultivated by members of an area for small-scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).

**Cornice:** The uppermost section of the trim along the top of a wall or just below a roof.

**Courtyard:** A landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It should be designed to connect to **adjacent buildings** or to the public sidewalk through a pedestrian passage and should incorporate **water harvesting**.

**Denial:** A refusal by any relevant **approval** body to approve a Site Development Plan because of non-compliance with the intent, requirements, regulations, and/or standards of a Sector Development Plan and/or applicable City codes.

**Development Review Board (DRB):** A 5-member board of City staff (designees for the Planning Director, Parks and Recreation, and ABCWUA; City Engineer; and Traffic Engineer) charged with administering the Subdivision Ordinance and granting **approval** or **denial** of Site Development Plans. [DRB Hearings are weekly.]

**DRB Hearing:** The quasi-judicial hearing held for the purpose of reviewing Site Development Plans and taking public comment on proposed projects.

**EIFS:** Exterior Insulating Finishing System, a relatively inexpensive building material limited by the Building Design Standards in this Plan.

**Encroachment:** Any structural or non-structural element such as a sign, **shade structure**, canopy, terrace, or balcony, that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public ROW, or above a height limit. Encroachments are subject to license and fee restrictions per the DPM, Chapter 8.

**Exception:** In addition to exceptions allowed by City Zoning Code §14-16-4-2, this Plan defines criteria under which a project can request an exemption from a regulation in this Plan. [See **Section 3.2.13** on page 30]



Action Buzz Community Garden



Sawmill Courtyard



Brickyard District Courtyard

## CHAPTER II: REGULATIONS

### 3.0 Administration

# R

# 3



Forecourt in East Downtown



Gallery in Downtown

*Exceptional Project:*

Any project incorporating elements of exceptional civic, architectural, or environmental design that benefit the City, **adjacent** properties, and/or the built or natural environments. The benefits to the natural environment may include habitat preservation; interpretation and/or preservation of cultural and/or archaeological resources; or sustainability, **Low-Impact Design**, or **water harvesting**.

*Façade:*

Any separate external face of a **building**, including **parapet** walls and recessed walls. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are considered part of a single façade.

*Forecourt:*

Similar to a **courtyard** but located in the front of a **building** such that the forecourt is surrounded on two or three sides by wings of the building. See also **parking court**.

*Frontage:*

See **building frontage**.

*Full-service Grocery:*

A retail establishment that primarily sells food but may also sell other convenience and household goods, which occupies at least 5,000 **gross square feet (GSF)** but not more than 20,000 GSF.

*Gallery:*

An extension of the main façade of the **building** at or near the front property line. The gallery may overlap the public sidewalk, subject to **encroachment** license and fees per the DPM, Chapter 8.

*Gross Square Feet (GSF):*

Corresponds to the definition of Gross Floor Area per City Zoning Code §14-16-1-5. (GSF = Net Usable Area + Structural Space).

*Homeowners Association (HOA):*

An organization in a subdivision, planned community, or condominium that makes and enforces rules for the properties in its jurisdiction. HOAs collect monthly or annual dues and act as the legal entity responsible for construction, ownership, ongoing maintenance, and liability for amenities in common areas, such as **parks**, tennis courts, elevators, and swimming pools. HOAs can levy special assessments on homeowners when the association lacks sufficient reserves to pay for unexpected repairs and can place liens on property owners behind on their dues.

*Institutional Uses*

Uses related to non-profit organizations dedicated to religious, educational, healthcare, or social functions.

*Intent:*

A clarifying statement that sets forth a broad desired outcome. A statement of intent does not require specific actions unless the mandatory word “shall” is specifically used.

*Intelligent Transportation Systems (ITS):*

New telecommunications technologies employed to minimize traffic congestion, air pollution and fuel consumption. ITS can include variable message signs, wireless communication, closed-circuit television (CCTV) cameras and advanced traffic signal controls.

*Kiosks:*

Mobile structures that have functioning wheels and an axle, including mobile vending carts, mobile food units, and raw produce vending stands, for the sale of goods including but not limited to food, produce, flowers, and/or arts and crafts.



3.0 Administration



*Live-Work:* A dwelling unit that is also used for work purposes, such as professional office, artist’s workshop, or studio, located on the street level and constructed as separate condominium units or as a single unit. The ‘live’ component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this Plan in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

*Living Fence:* A landscaping treatment with vegetation dense and/or tall enough to screen **abutting** uses, particularly parking areas.

*Lot:* A separate tract or parcel of land platted and placed in the County Clerk’s record in accordance with laws and ordinances.

*Low Impact Design (LID):* An approach to managing rainwater runoff that emphasizes conservation and use of on-site natural features to protect water quality. Using engineered small-scale hydrologic controls, LID works to replicate the pre-development condition by infiltrating, filtering, storing, evaporating, and detaining runoff close to its source. Frequently used LID techniques include bioretention cells (rain gardens), cisterns, green roofs, pervious paving, bioswales, and commercial filter systems.

*Major Employer:* A company with 150+ employees in a particular structure or campus.

*Mandatory Streets:* A minimal network of streets needed to support future development within Volcano Heights. Mandatory Streets are those mapped in **Exhibit 4.1**. Street locations have some flexibility per **Table 3.2** and **Table 3.3** but shall retain the general grid pattern and a minimum level of connectivity to serve pedestrians and disperse auto traffic. Mandatory Streets include required cross sections and frontage standards per **Section 4.6**.

*Merchants Association:* A voluntary member organization of businesses within a self-defined area. Merchants Associations typically collect regular dues to pool funds that pay for maintenance, improvements, property management, marketing, etc. for privately owned amenities. Merchants Associations that choose to register with the City Office of Neighborhood Coordination (ONC) shall be included in official **notification** of projects per **Table 3.4** starting on page 33 and **Table 3.5** starting on page 32 of this Plan.

*Mixed Use:* Any legal combination of permitted or conditional land uses, typically referring to a mix of residential and non-residential uses. In this Plan, all Character Zones include a mix of uses. The particular mix of uses is tailored for each zone based on location, access, and surrounding context. One character zone is named Mixed Use to distinguish it from the **Center Zones** and the **Transition Zones**.



*Living Fence on the West Side*

### 3.0 Administration

R

3

*Neighborhood Association:* A voluntary member organization of residents within a self-defined area. Membership in a Neighborhood Association is defined by each individual Neighborhood Association's by-laws. A neighborhood association that chooses to register with the City ONC becomes a recognized neighborhood association and shall be included in official **notification** requirements of projects per **Table 3.4** starting on page 33 and **Table 3.5** starting on page 32 of this Plan.

*Net Square Feet (NSF):* Corresponds to definition of Net Leasable Area in City Zoning Code §14-16-1-5 (i.e. the net floor space in a **building** measured from the inside surfaces of exterior walls and excluding interior walls and partitions, mechanical equipment rooms, lavatories, janitorial closets, elevators, stairways, major circulation corridors, aisles, and elevator lobbies).

*Notice of Decision (NOD):* The official document issued by the Planning Director or his/her designee, the DRB, or the EPC approving Site Development Plans.

*Notification:* Notification is the requirement of an **applicant** to notify, by certified/return receipt mail, two duly authorized representatives of any **Neighborhood Association** or other association registered with the Office of Neighborhood Coordination within, contiguous to, or across public **ROW** from the area covered by the Site Development Plan. See **Table 3.4** and **Table 3.5** for projects requiring the Planning Director or his/her designee to notify property owners within 200 feet of the project boundary.

*Open Space:* In lowercase letters, a generic term for any outdoor space or amenity intended to remain unbuilt, regardless of location, ownership, or management responsibility—e.g., landscaped medians, buffers, **paseos**, **setbacks**, **courtyards**, **community gardens**, or balconies. Open space is required through various means in order to provide a psychological and physical respite from development densities. Healthy places balance density vs. openness, urban vs. natural environments. For City-owned open space, see Open Space, Major Public.

*Open Space, Civic:* Publicly accessible areas such as plazas, **paseos**, and streetscapes within the **Build-to Zone** along public rights-of-way. These spaces may count as either usable or **detached open space**.

3.0 Administration



*Open Space, Detached:*

Outdoor space required by zone to balance development densities in a developing area. **Detached open space** shall be provided via dedication, on-site, or cash-in-lieu per City Zoning Code §14-16-3-8. See requirements in **Section 10.3**. Management responsibilities for dedicated lands shall be determined as part of the developer’s dedication agreement. Detached open space requirements are in addition to, and calculated and administered separately, from **usable open space** or Impact Fees.

*Open Space Network:*

The totality of **Major Public Open Space** managed by the City Open Space Division, comprising native or minimally-developed areas such as public rights-of-way, trail corridors, and environmentally **sensitive lands** that are preferably (but not necessarily) visually or physically linked.

*Open Space, Developed:*

Any portion of **usable open space** that has been improved from its natural state with a constructed **private open space amenity**, whether accessible privately or publicly (i.e. **plaza, amphitheater, playground, balcony**, etc.) .

*Open Space, Private:*

Any open space owned, managed, and maintained privately. **Private open space** may be accessible to the public via public access easement. Private open space may count as usable or **detached open space**, depending on whether it is provided on the same site as the proposed project. For all residential and mixed uses, privately accessible open spaces such as **courtyards**, porches, and balconies may count as **usable open space**. Private open space amenities shall be the responsibility of property owners/developers for the cost of construction, and ongoing maintenance and liability shall also be privately funded, such as by a **POA or HOA**. To be dedicated to the City for ongoing maintenance and liability responsibility, they must meet City standards and be acceptable to the relevant City department.

*Open Space, Major Public (MPOS):*

Publicly-owned spaces managed by City Open Space Division. These are typically greater than five acres and may include natural resources, preserves, recreational facilities, dedicated lands, or trail corridors.

*Open Space, Usable:*

Outdoor space to be preserved on-site to help ensure livable conditions on each site. See **Section 10.4**. Management responsibilities to be determined as part of the developer’s dedication agreement. On-site open space in non-residential and mixed use developments shall be accessible to the public, with the exception of balconies, porches, and **courtyards**.

*Parapet:*

A low wall that serves as a vertical barrier at the edge of a roof, terrace, or other raised area; in an exterior wall, the part entirely above the roof.

*Park:*

A **civic space** programmed for active recreation, available for passive recreation, and accessible to the public.

## 3.0 Administration



Parking Court in Nob Hill



Paseo in Downtown



Patio on the West Side



Playground on the West Side

**Parking Court:** A small parking area surrounded by three wings of a **building**, served by one-way access from an **'A' Street**, with angled parking spaces screened by vegetation or **living fence**.

**Paseo:** A civic space dedicated to pedestrian movement located between blocks, buildings or along **alleys**. Paseos may terminate public streets within the Plan area.

**Patio:** An outdoor space for dining or recreation that adjoins a residence or non-residential use and is often paved. It may also be a roofless inner **courtyard** within a residence or non-residential use.

**Pedestrian-oriented:** A term describing those aspects of a project intended primarily for the benefit of access, amenities, or services for people on foot or bicycle, including design details at the scale of the human body.

**Permeable Paving:** Hardscape material used as a means of allowing water and air to penetrate to underlying soil or gravel reservoir for storm water control, reduction in heat island, and the health of planted materials, e.g. pave stones, matrix materials, permeable asphalt, or permeable concrete.

**Planning Director:** The Director of the Planning Department or his/her designee.

### Playgrounds

**Civic open spaces** designed and equipped for children's recreation. Playgrounds should serve as quiet, safe places – protected from the street and typically located where children do not have to cross major streets to access. Playgrounds may be fenced. An open shelter, play structures, interactive art and/or fountains may be included. A larger playground may be incorporated into a **park**, whereas a more intimate playground may be incorporated into a **recreation area**.

### Plaza:

A primarily hardscaped, **civic open space** with formal landscaping, available for civic purposes and commercial activities. A plaza shall be defined spatially by **buildings** but may have street frontage on up to two sides.

### Pilaster:

A pier or pillar attached to the wall or portion of the wall that projects slightly to resemble a column, often with capital and base.

### Portal:

A portion of the ground-level, main façade of the **building** that is recessed, with a **colonnade** supporting the upper floors of the building. Portals are intended to provide weather protection for pedestrians to access buildings with ground-floor commercial or retail uses.

### Porte Cocheres:

A roofed structure covering a driveway at the entrance of a building to provide shelter while entering or leaving a vehicle.

### Private Open Space Amenity:

Could include a pool (swimming, lap pool, spa area), play courts (basket ball, tennis), or picnic areas with shade structures.

3.0 Administration



**Property Owners Association (POA):** Typically a non-voluntary organization that collects regular dues from all property owners within a self-defined area to pay for ongoing maintenance, liability, and operations of privately owned amenities that benefit properties within the self-defined area.

**Public Improvement District (PID):** A method of funding subdivision improvements, such as roads, public buildings, drainage infrastructure and recreational facilities through special assessments added to property taxes.

**Recreation Area:** A **civic open space** intended for passive, unprogrammed recreation not typically defined spatially by building façades. Recreational areas are typically naturalistic with minimal improvements.

**Retail Sales:** Retail establishments are the final step in the distribution of merchandise. They are organized to sell items in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc., and health and personal services.

**Right-of-Way (ROW):** The area of land acquired by the city, county, or state primarily for the use of the public for the movement of people, goods, and vehicles.

**Rock Outcropping:** Bedrock or other stratum a minimum of 6 feet high on its steepest side as measured from the adjacent 10% slope line and in excess of 500 SF in surface area.

**Roof Terraces/Gardens:** Flat areas on top of a building that are accessible for use as a recreation or gardening space for the residents and users of the building.

**Sensitive Lands:** Areas with environmental concerns that warrant special consideration for nearby development. Sensitive lands include, but are not limited to, the volcanic Escarpment; the Petroglyph National Monument; **Major Public Open Space**; or archaeologically, culturally, and/or geologically significant areas.

**Service Uses:** A category for limited personal service establishments that offer a range of personal services including (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

**Setback:** The required minimum distance between the property line and the **building façade** or structure.

**Secondary Dwelling Unit:** A minor second dwelling unit up to 650 SF associated with a single-family detached dwelling unit permitted anywhere on the lot except the front yard.



Portal on the West Side



Rock Outcropping in Volcano Heights



Roof Terrace in East Downtown

## CHAPTER II: REGULATIONS

### 3.0 Administration



Building Blade Sign in Downtown



Blade and Marquee Signs in Downtown



Monument Sign on the West Side

*Senior Housing Facility:*

An age restricted residential complex that may be in a variety of housing forms— attached or detached dwelling units, apartments, private or semi-private rooms— occupied by senior citizens. The property shall be operated as “Housing for Older Persons” as defined in the Federal Housing for Older Persons Act (42U.S.S., para 3607(b)(2)) and uses will include related facilities and services, such as a common dining area, private recreational facilities, housekeeping assistance, medical services including but not limited to dietary and nutritional assistance, or incidental services related to daily living. Facilities meeting the definition of a Community Residential Program cannot be included under the Senior Facility Housing use.

*Sign, Building Blade:*

A **pedestrian-oriented** sign affixed perpendicular to the corner of a building or along the front façade of a building above the ground floor to provide identification for the whole building.

*Sign, Freestanding:*

Includes both permanent and temporary signs placed within a building’s front yard. Freestanding signs may be pole or **monument signs**.

*Sign, Marquee:*

A sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or, in the case of theatres or other public venues, the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or in sequence as chasing lights. Marquee signs may often be combined with **building blade signs**.

*Sign, Monument:*

Any **freestanding sign** connected to the ground with no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure and may also include a sign base and sign cap.

*Sign, Sandwich Board:*

A portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.

*Sign, Tenant Blade:*

A **pedestrian-oriented** sign smaller than a **building blade sign**, affixed perpendicular to the building façade under a canopy or **awning** or immediately over a tenant space to provide identification for individual tenants within a building.



Sandwich Board Signs in East Downtown



Tenant Blade Signs in East Downtown



3.0 Administration



**Signage Plan:** A plan submitted along with a Site Development Plan indicating the dimensions, location, colors, lighting, motion, and materials of all proposed signage. Elevation drawings of all signs shall be included on the signage plan.

**Significant Infrastructure:** Determined on a case-by-case basis but generally including a major street, drainage or utility facility, etc. necessary to develop the subject property as well as other nearby properties.

**Single-loaded Road:** A road with development only on one side. In this Plan, a single-loaded road is the recommended transition from the Petroglyph Monument Boundary to development in the Escarpment Transition Zone.

**Site Development Plan:** A shortened phrase referring to a Site Development Plan for Building Permit. [Site Development Plan cannot be used interchangeably with “Site Development Plan for Subdivision.”] Where used as a plural in this Plan (i.e. “Site Development Plans”) without a qualifier (i.e. “for Building Permit” or “for Subdivision”), it refers to both Site Development Plans for Building Permit and Site Development Plans for Subdivision.

**Site Development Plan for Building Permit:**

As per City Zoning Code §14-16-1-5, an accurate Plan at a scale of at least 1 inch to 100 feet, which covers a specific site. Submittal requirements vary based on the size of the development, proposed uses, and existing conditions surrounding the site. Typically, Site Development Plans for Building Permit identify land uses, exact structure locations, structure elevations and dimensions, parking, loading facilities, any energy conservation features of the Site Plan and the proposed schedule for development including any phases. A Site Development Plan for Building Permit may also require a landscape plan and a **signage plan**, utility plan, and preliminary grading and drainage plan.

**Site Development Plan for Subdivision:**

As per City Zoning Code §14-16-1-5, a Site Development Plan for Subdivision includes information used to plat a lot for future development.

**Site Development Standards:**

Shall be established for each Character Zone to specify the height, bulk, orientation, and arrangement of elements for all new construction and redevelopment.

**Soffit:**

The exposed underside of any architectural element, especially a roof, or the underside of a structural component such as a beam, arch, or recessed area.



Single-loaded Roads Next to Open Space in Albuquerque

3.0 Administration

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Sprayground Features in Albuquerque

*Special Assessment District (SAD):*

A defined area in which property owners pay a fee in addition to property taxes to fund necessary improvements, such as drinking water and sewer lines, street paving and other government services, in new subdivisions. By state statute [ref needed] the assessed fee cannot be greater than the calculated benefit to the value of the property.

*Sprayground:*

A fully automated water feature for people of all ages to play. Spraygrounds may be private or public.

*Stepback:*

An indentation on a façade **abutting** the **ROW** intended to eliminate the “canyon effect” of buildings along a roadway. A stepback is the upper portion of a **building** that is offset in comparison to the lower portion of the building.

*Storage:*

A space or place where goods, materials, or personal property is placed and kept for more than 24 consecutive hours.

*Street Designations:*

Refer to either ‘**A**’ or ‘**B**’ **Streets** in this Plan. **Exhibit 4.1** starting on page 55 in **Section 4.5** shows character zones and street types and street designations applicable to Mandatory Roads, subject to the standards in this Plan.

*Street, Neighborhood:*

A street that is primarily for access to **abutting** properties and carries relatively low traffic volumes.

*Streetlights, Cobrahead:*

A typical streetlight installation with a light fixture resembling a cobra head mounted on a distribution pole high enough to light a roadway. Cobrahead lights are typically used to serve **auto-oriented** streets, as the tall distribution poles are out of scale with the pedestrian realm.

*Streetlights, Column:*

A typical streetlight installation for retail areas. The light fixture is mounted on a distribution pole at a height at the pedestrian scale to serve the pedestrian as well as the auto realm.

*Street Screen:*

A freestanding wall or **living fence** built along the frontage line or in line with the **building façade** along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

*Structure:*

Anything constructed or erected above ground-level that requires location on the ground but not including a tent, vehicle, vegetation, public utility pole or line, or attached to something having a location on the ground. [A **building** is a structure, but a structure is not necessarily a building.]

*Structure Height:*

The vertical distance above the approved grade of any structure on the site.

*Tax Increment Development District (TIDD):*

The geographic area where a Tax Increment (i.e. a piece or portion of future gains of taxes used to finance current improvements) is generated and located.





- Transition Zones:* Areas intended to buffer existing lower-density and single-family residential development and **sensitive lands** from higher-density, higher-intensity uses toward the center of the Plan area. In this Plan, Neighborhood Transition zones are located on the northern and southern boundaries of the Plan area, and Escarpment Transition zone is located along the eastern edge of the Plan area. Transition Zones include limits on building heights and scale, as well as business operations for conditional uses.
- Transom:* A bar, typically wood or stone, across the top of a door or window.
- Undevelopable Land:* Land that is not suitable for cut or fill and includes, but is not limited to, significant **rock outcroppings** as defined by this Plan.
- Water Harvesting:* A water conservation method used to capture, divert, and/or store rainwater for plant irrigation and other uses. A simple system usually consists of an area to catch water (i.e. catchment area or cistern) and a means to distribute water using gravity. Water is directed to landscape holding areas, concave or plated areas with “edges” to retain water, which can be used immediately by nearby plants.
- Zoning Map:* A regulatory map that shows the character zones applicable to the Volcano Heights Plan area subject to the standards in this Plan.

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