



## SECTOR DEVELOPMENT PLAN



Adopted January 15, 2009  
Updated December 2013

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. R-13-188 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Janice E. Arnold-Jones, by request

1 RESOLUTION

2 AMENDING THE 2008 UPTOWN SECTOR DEVELOPMENT PLAN: TO REQUIRE  
3 LESS RESTRICTIVE REQUIREMENTS OF ORGANIC MULCH IN LANDSCAPE  
4 AREAS; SEPARATE OPEN SPACE REQUIREMENTS FOR RESIDENTIAL AND  
5 NON-RESIDENTIAL LAND USES; ALLOW FULL CREDIT FOR ON-STREET  
6 PARKING; AND, ESTABLISH A DEVIATION PROCESS.

7 WHEREAS, the City adopted the 2008 Uptown Sector Development Plan on  
8 January 15, 2009 through enactment Number R-2009-001;

9 WHEREAS, the Council, the Governing Body of the City of Albuquerque,  
10 has the authority to adopt and amend plans for the physical development of  
11 areas within the planning and platting jurisdiction of the City authorized by  
12 statute, Section 3-19-3, NMSA 1978, and by its home rule powers;

13 WHEREAS, on April 11, 2013 the Environmental Planning Commission, in  
14 its advisory role on land use and planning matters, recommended approval to  
15 the City Council of text amendments to the 2008 Uptown Sector Development  
16 Plan and are presented in the EPC Staff Report (13EPC 40086);

17 WHEREAS, the Environmental Planning Commission found that the above  
18 mentioned text amendments are consistent with applicable Comprehensive  
19 Plan goals and policies;

20 WHEREAS, the requested text amendments are consistent with the  
21 Purpose of the USDP “to encourage and facilitate the infill redevelopment of  
22 the Uptown Area as an economically and environmentally sustainable,  
23 business and pedestrian-friendly area where people can *live, work and play.*”;  
24 *and*

25 WHEREAS, these text amendments will help “to ensure that the Plan  
26 reflects predictable, workable regulations that will be relevant for years come.”

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1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
2 ALBUQUERQUE:

3 Section 1. The following text amendments are made to 2008 Uptown Sector  
4 Development Plan:

5 I. Proposing less restrictive requirements for organic mulch and other  
6 materials in landscape areas.

7 DEFINITIONS, to be inserted or modified on pages 14-31:

8 A. [+Boulder: A large rounded or worn stone or mass of rock, too large  
9 for a person to move.+]

10 B. Mulch: A protective [~~organic~~] covering spread or left on the ground  
11 to reduce evaporation, moderate soil temperature [and] retain moisture [~~and add nutrients to~~] [in the] soil. Many materials are available for use  
12 but should not [result in the following:] have undesirable odors, particle  
13 size over 6 inches, be applied at a [~~thickness~~] [depth] over 4 inches, [~~should not touch plant material,~~] [contain] [~~no~~] metal or trash in the  
14 mix, or [be] placed in areas of directed rainwater flow. Mulch [shall]  
15 [~~be organic and~~] [not include] rubber [or] pavement, [but may include  
16 decorative] rocks, and [non-gray standard crusher fine or gravel. Areas  
17 landscaped with a spreading groundcover are not required to apply or re-  
18 apply mulch under existing groundcover.

19 C. Permeable Surface: Any surface which allows water and air to  
20 penetrate through the surface. Examples are bare soil, grass, natural  
21 stone, Permeable Paving, [~~organic~~] Mulch, interlocking pavers, cobbles  
22 etc.

23 D. Tree Well: A thirty-six (36) square foot space created in paved areas  
24 for tree planting in order to provide desirable rooting volume in a confined  
25 area. [~~Organic~~] Mulch shall be applied over the entire Tree Well surface  
26 but not touching the tree trunk. Tree wells should be created so finish  
27 grade will maximize rainwater usage for vegetation. Soil Connections  
28 should be used to increase rooting volume. A Tree Well can be designed  
29 for rooftop Parking Structures for small trees and shrubs using Engineered  
30 Soil basically as a large container.

31 E. Chapter III, Section E., page 37, Item #5: Protecting  
32  
33

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landscaping by using ~~[-organic-]~~ Mulch and-providing ample Rooting Volume and permeable areas for tree roots to ensure that the trees and landscaping flourish.

#### ZONING AND DESIGN REGULATIONS

F. Chapter V, Section E., Pedestrian Plazas and Playgrounds, page 63, new Item #6 - to be inserted between existing #5 and #6; renumber items #8-#17 accordingly. [+ The use of Boulders is acceptable as important landscape elements in pedestrian plazas. +]

G. Chapter V, Section F., Landscape, page 65, Item #9: ~~[-Organic-]~~ Mulch shall be provided in areas around the living plants to reduce heat and conserve moisture. ~~[-Gravel, rocks, crusher fine and rubber are not Organic Mulch.-]~~

H. Chapter V, Section F., Landscape, page 65, Item #10: ~~[-The use of gravel, including rocks and crusher fine as ground cover, is limited to 5% or less of any Landscape Area, Planting Strip or Open Space area.-]~~

I. Chapter V, Section F, Landscape, Page 65, new Item #10 - to replace the current #10: [+The use of river stones to be used as Mulch in areas of drainage and water runoff is allowed in landscape areas. +]

J. Chapter V, Section F., Landscape, page 65, Item #12: The minimum acceptable sizes of plants, trees or amounts of seed, at the time of planting, are as follows:

- a. [+Deciduous+] ~~[-T-]~~ [+t+]rees must be two inches in caliper[+ or larger. Coniferous trees shall be a minimum of six feet tall. +]
- b. Shrubs, bushes and low-growing evergreens shall be at least one gallon in size.
- c. Ground cover and turf must be adequate to provide 75% ground coverage within two growing seasons after planting.

K. Chapter V, Section G., Trees, page 66, beginning paragraph - add the following after the second sentence: [+A list of permissive trees is found in Appendix A of this Plan. Similar trees, not on the list, may be approved by the Planning Director. +]

L. Chapter V, Section G., Trees, page 67, Item #5: [+Deciduous t+] ~~[-T-]~~rees shall be a minimum of two (2) inches in caliper [+or larger+] at



1 the time of planting. [+Coniferous trees shall be a minimum of six feet  
2 tall at the time of planting.+]

3 M. Chapter V, Section K., pages 76-77, Item #2: A statement describing  
4 how the proposed landscaping meets all the landscape requirements in the  
5 2008 USDP including but not limited to:

- 6 a. the minimum of forty (40%) percent of required Open Space being  
7 Landscape Area  
8 b. the minimum of seventy-five (75%) percent of Landscape Area and  
9 sixty (60%) percent or seventy-five (75%) percent of Planting  
10 Strips being covered with living, vegetative materials, such as  
11 trees, grasses, vines, flowers and/or bushes/shrubs  
12 c. the minimum of ten (10%) percent of the required Landscape  
13 Area and Planting Strips being filled with flowers or flowering  
14 plants. This is not in addition to the required seventy-five  
15 (75%) percent, it is contained within the seventy-five (75%)  
16 percent.

17 ~~[-d. gravel, including rocks and crusher fine, only being used~~  
18 ~~on five (5%) percent of Open Space.-]~~

19 II. Establish Open Space requirements for Residential Uses, separate from  
20 Open Space requirements for Non-Residential Uses and related items.

21 Modifications shall be made to the Definition Section of the Plan, pages 14-31:

22 **DEFINITIONS**

23 A. *Urban Park, to be inserted on page 30:*

24 [+Urban Park: a public space available to the general public that contains  
25 benches, recreational benefit and open space as defined. Space must  
26 contain a minimum of a third (1/3) of an acre or approximately 15,000 square  
27 feet. +]

28 B. Open Space, modified on page 22:

29 [+For Residential Uses: Outdoor space that is open and accessible to the  
30 residents involved which does not contain Buildings and serves as a  
31 counterbalance to the built environment. On-site Open Space is not  
32 required to be open and accessible to the general public.

33 For Non-Residential Uses:+] Outdoor space that is open and accessible to

1 the general public which does not contain Buildings and serves as a  
2 counterbalance to the built environment. Open Space may be any  
3 combination of Pedestrian Plazas, Landscaped Areas, parks or other  
4 recreation features that are open and accessible to the public either  
5 physically or [+visually+], as in the case of a landscaped traffic circle. [~~visually.~~]

## 7 ZONING AND DESIGN REGULATIONS

8 C. Chapter V, Section D., Open Space, page 60: new Item #2, after Item #1.  
9 [+2. Open Space Requirements for Residential Uses: In addition to the  
10 elements listed in subsection 14 of this Section, Open Space may include a  
11 park, Urban Park, plaza or other designated open space that is within 500  
12 feet of the site, at least one third acre in size and is accessible to the  
13 residents involved. Pedestrian Plazas shall comply with Chapter V, Section  
14 E of the USDP. Open Space may also include, but is not limited to:  
15 balconies, patios, on-site landscaped areas except landscape strips for  
16 street trees, internal walkways, active and passive recreational areas,  
17 fountains, swimming pools, wooded areas, and water courses. The  
18 following elements shall not be included as Open Space for the purpose of  
19 meeting the Open Space requirement: drainage ponds, driveways, drive  
20 aisles internal streets, parking in any form, public sidewalks, Uptown  
21 Circulator and/or City Transit Stops, or all undeveloped areas such as dirt  
22 lots. Residential development is not required to comply with the Open  
23 Space Regulations in subsections 5-17 in this Section.

24 D. Chapter V, Section D., Open Space, page 60, Item #6: Open Space  
25 shall be either Developed Open Space, as defined in the 2008 USDP or a  
26 completely Landscaped Area, as defined in the 2008 USDP[+, or a  
27 combination thereof+].

28 E. Chapter V, Section D., Open Space, page 60, Item #7: [~~Required~~]  
29 Developed Open Space areas such as Pedestrian Plazas shall have a  
30 Landscaped Area equal to 40% [~~of the Site~~]. A minimum of 15% of all  
31 Developed Open Space must be shaded from the summer sun with  
32 landscaping including trees and/or permanent or temporary shade  
33 structures. Each [+Developed+] Open Space area must have landscaping

1 and shade.

2 F. Chapter V, Section D., Open Space, page 61: Delete Item #13 –  
3 renumber accordingly: ~~[-The use of gravel including rocks and crusher fine~~  
4 ~~as ground cover is limited to a maximum five 5% percent of any Open~~  
5 ~~Space including any gravel used in Landscaped Areas and/or Planting~~  
6 ~~Strips.-]~~

7 G. Chapter V, Section D., Open Space, page 62, Item #17: ~~[-Required-]~~  
8 Developed Open Space areas shall include a minimum of two of the  
9 following amenities:

- 10 a. Bicycle amenities such as bicycle racks or bicycle
- 11 lockers
- 12 b. Dog-friendly amenities
- 13 c. Drinking fountains
- 14 d. Low-water use fountain or water feature
- 15 e. Playground equipment or other recreational
- 16 amenity
- 17 f. Sculpture or other artwork
- 18 g. Seating
- 19 h. Any other amenities that meet the intent of this Section and the
- 20 approval of the Planning Director

21 III. Full credit allowance for on-street parking as part of the required  
22 parking and adjustments to the walkway regulations:

23 A. Chapter V, Section H., Walkways, page 71, Item #8: Walkways shall  
24 be provided along the entire length of a Building Façade if the Façade has a  
25 public entrance or if the Building Façade is adjacent to any Street. [  
26 Alternative: If the Building Façade does not have a public entrance and is  
27 adjacent to a Street, then a walkway along that Building Façade is not  
28 required, provided:

- 29 a. A 4-foot-wide Planting Strip and a 10-foot-wide sidewalk are
- 30 provided along the Street; and
- 31 b. There is a direct pedestrian connection from the Street-adjacent,
- 32 ten (10) foot sidewalk to a Building Façade walkway. ]

1 B. Chapter V, Section H., Walkways, page 71, Item #11: All Site  
2 Development Plans shall demonstrate Walkway interconnectivity to other  
3 Sites in the Uptown Area. All Walkways ~~[-must-]~~ [+should+] connect to other  
4 Walkways within the Site and to public Right of Ways abutting the Site [+to  
5 create logical interconnectivity for pedestrians that results in a safe route with  
6 minimal pedestrian/vehicle conflicts. The Planning Director, or his/her  
7 designee, and/or the DRB shall determine if redundant walkways can be  
8 eliminated.+]

9 C. Chapter V, Section J., Parking, page 73, new Item #6 - to be inserted  
10 between existing #5 and #6; renumber items #6-#19 accordingly: [+On-street  
11 parking as per §14-16-3-1 (E) (6) (d), except allowable credit shall be one space  
12 per available, adjacent on-street parking space.+]

13 IV. Establishment of a Deviation Process.

14 DEFINITIONS, to be inserted on page17:

15 A. [+Deviation: Deviation from the strict, literal application of any  
16 requirements of the USDP. Deviations do not require approval from the  
17 Zoning Hearing Examiner and are not referred to as a variance.+]

#### 18 MODIFICATIONS TO REVIEW AND APPROVAL PROCESS

19 B. Chapter VII, Section B., Review and Approval Process, page 96, Item  
20 #10: If the URT and the Assigned Case Planner find that the Site  
21 Development Plan is in compliance or very close to compliance with the  
22 2008 USDP, the Applicant may make an Application for Site Development  
23 Plan Approval and schedule a Hearing with the Development Review Board  
24 (DRB). [+An Applicant may apply for a Deviation as described in Section F  
25 of this chapter in order to achieve compliance with the 2008 USDP. +]  
26 Compliance with the URT and/or Assigned Case Planner's list of issues  
27 does not create or imply any vested rights or Entitlements until the  
28 proposed Site Development Plan is signed-off on and dated as Approved  
29 by the DRB.

30 C. Chapter VII, Section B., Review and Approval Process, page 98, Item  
31 #19: If the DRB finds that the Site Development Plan is not in compliance  
32 with the 2008 USDP and/or City requirements and regulations, but does not  
33 issue a Denial, the DRB shall provide the Applicant with a written list

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1 including the areas of non-compliance and reasons for delaying the  
2 Approval. [+A Deviation may be approved per Section F. of this chapter.+]  
3 The Applicant must bring the Site Development regulations before he can  
4 request a second or subsequent DRB Hearing. Compliance with the DRB  
5 list of issues does not create or imply any vested rights or Entitlements  
6 until the Application for Site Development Plan Approval has been signed-  
7 off on and dated as Approved by the DRB.

8 D. Chapter VII: Add new Section F., page 99:

9 [+F. Deviation Process

10 The Deviation process allows review by the Planning Director, or his/her  
11 designee, or the EPC, limited to the requested deviation only.

- 12 1.) The Planning Director, or his/her designee, may approved deviations  
13 from any dimensional standard that is less than or equal to 25%, [+  
14 except deviations pertaining to building height shall not be  
15 permitted for parcels zoned SU-3 for MU-UPT Buffer Zone that  
16 directly abut parcels zoned R-1 that are in use as single-family  
17 residences.+]. Notification may be required at the discretion of the  
18 Planning Director. Any deviations pertaining to building height in  
19 the MU-UPT Buffer Zone [+and not prohibited by the above  
20 exception+] will require notification.
- 21 2.) Any Deviation greater than 25% and up to 50% from any dimensional  
22 standard shall be reviewed by the EPC, [+ except deviations  
23 pertaining to building height shall not be permitted for parcels zoned  
24 SU-3 for MU-UPT Buffer Zone that directly abut parcels zoned R-1  
25 that are in use as single-family residences.+] . Notification and  
26 advertisement shall be by the normal EPC process. Deviations  
27 greater than 50% shall not be approved.
- 28 3.) Any non-dimensional Deviation from the USDP shall be considered  
29 on a case-by-case basis. An example of a non-dimensional  
30 deviation may be non-listed building articulation elements.
- 31 4.) In order for the Planning Director or the EPC to grant a Deviation,  
32 the applicant must demonstrate that the applicable intent, goals and  
33 policies of the Uptown Sector Development Plan are still met and

that the project is of a comparable quality and design, as otherwise required by the USDP, and will enhance the area. In addition, the applicant must also demonstrate at least one of the following:

- a. The site is unique in terms of physical characteristics and requires the Deviation in order to be developed.
- b. The site/project will serve as a catalyst to redevelopment or further development in the USDP area.
- c. The site/project provides a needed service for the community, as identified in the USDP, CIP proposals, community survey or other similar source.
- d. The project will preserve an historic building or structure or an archeological site.

5) Documentation of the approval of the Deviation must accompany a site development plan for approval by the DRB. +]

#### V. Other Approval Process Modifications to the Plan

A. Chapter IV, Section G., Height, page 54, Item #2: SU-3 for MU-UPT/Buffer Zone: Structure height up to 36 feet [+, measured from the top of the curb of the abutting street, +] is permitted at any legal location subject to Buffer Setback regulations.

B. Chapter V, Zoning and Design Regulations, page 57: The beginning of this chapter lists six items pertaining in general to the zoning and design regulations. Item #2 shall include a part of the last sentence found in Chapter VII. Review and Approval Process, Item #16 (page 97) which reads, "The DRB shall not approve the Site Development Plan until it is in compliance with the 2008 USDP and all other applicable City regulations and requirements." Thus, Item #2 (page 57) shall be modified to read:

2. All New Construction and/or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP [+and all other applicable City regulations and requirements+] except where specifically exempt.

C. Chapter VII, Section E., Administrative Amendment, page 99, Item #1.f: The [+amended+] Site Development Plan is in compliance with the 2008 USDP and all other applicable City regulations and requirements.

- 1 [+Requests for building additions, building renovations and/or site
- 2 rehabilitations shall comply with the 2008 USDP for those parts of the site
- 3 or building undergoing construction.+]
- 4 D. Chapter VII, Section E., Administrative Amendment, page 99, Item
- 5 #1.g: The Planning Director finds that neither the City nor any person will
- 6 be substantially aggrieved by the altered plan[+; and+]
- 7 E. Chapter VII, Section E, Administrative Amendment, Page 99, new
- 8 Item #1.h: [+h. Significant City infrastructure and Financial Guarantees are
- 9 not required.+]
- 10 VI. Modifications regarding electric utilities
- 11 DEFINITIONS, modified on page 25:
- 12 A. Public Utility Structure: A structure, owned by a [+unit of+]
- 13 government~~[-a unit-]~~ or by a public utility company, [+which is+]~~[-as-]~~ an
- 14 electric switching station; [+electric+] substation operating at voltages
- 15 greater than 50 kilovolts (kV); gas transfer station or border station; city-
- 16 owned lift station, odor control (or chlorine) station, water well~~[-, -]~~[+or+]
- 17 pump station, water reservoir; or any other public utility structure controlled
- 18 by a rank two facility plan. ~~[-Any structure associated with a natural gas,~~
- 19 ~~electric, water, wastewater or drainage function such as a water well or pump~~
- 20 ~~facility.-]~~
- 21 B. [+Public+] Right-of-Way: The [+total+] area of land [+deeded, reserved
- 22 by plat, or otherwise+] acquired by the city, [+the+] county, or [+the+]
- 23 state~~[-, -]~~ primarily for the use of the public for the movement of people,
- 24 goods, and vehicles.
- 25 C. Chapter III, Intent and Goals, Section C., Open Space, page 34, Item #3:
- 26 Requiring all New Construction or Redevelopment in the Uptown Area ~~[-,~~
- 27 excluding public utility structures, ~~[-attractive and enjoyable-]~~
- 28 [+publicly accessible+] Open Space.
- 29 D. Chapter V, Section B., Screening, page 59, Item #1: Trash receptacles,
- 30 mechanical equipment, loading docks and Public Utility Structures
- 31 [+including ground-mounted transformers and utility pads+], shall be
- 32 screened from public Streets through the use of Solid walls, Solid fences,

berms, dense evergreen foliage or other acceptable screening devices as determined by the Planning Director.

E. Chapter V, Section D., Open Space, page 60, Item #1: All Sites in the Uptown Area zoned SU-3 for MU-UPT and SU-3 for MU-UPT Buffer shall provide a minimum of 10% of their Site acreage as Open Space [+, with the exception of public utility structures.+]

Section 3. FINDINGS ACCEPTED. The following findings are adopted by the City Council:

1. The City of Albuquerque Planning Department is proposing text amendments to the 2008 Uptown Sector Development Plan (USDP) to help clarify specific language in the Plan and to allow more flexibility with the regulations in the Plan.
2. The proposed amendments are legislative in nature since they do not affect established zoning or land uses. The EPC is charged with evaluating the amendments and forwarding a recommendation to the City Council.
3. The amendments are sponsored by the City of Albuquerque Planning Department. The Planning Department has worked with the Uptown Progress Team and other interested stakeholders in determining the text amendments.
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan, the 2008 Uptown Sector Development Plan (USDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request meets the intent of the City Charter: Amending the text of an adopted sector development plan falls within the City's powers (Article I). The text amendments of the USDP "ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment" (Article IX).
6. The proposed text amendments generally further the intent of City policies and regulations to promote the health, safety and general welfare of the public. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.

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- 1 7. The requested amendments are not in significant conflict with adopted  
2 elements of the Comprehensive Plan, the Uptown Sector Development  
3 Plan or other city master plans including the following:

4 **COMPREHENSIVE PLAN ESTABLISHED URBAN AREA POLICIES**

- 5 a. The proposed text amendments will help to promote new  
6 development and redevelopment that allows improvements to  
7 the quality of site connectivity and the design of sites within the  
8 Uptown area, which respects neighborhood values. The  
9 amendments will not result in adverse effects of noise, lighting,  
10 pollution or traffic on residential environments and will  
11 encourage quality and innovation in design that is appropriate  
12 to the Uptown area. (Comprehensive Plan Policies II.B.5.d, i,  
13 and I)
- 14 b. The Uptown area is designated as a Major Activity Center by the  
15 Comprehensive Plan. This request will have a beneficial impact  
16 on social and economic activities in this area as a whole, and  
17 the Uptown area will continue to grow in an urban fashion with  
18 higher density mixed use in buildings that are multi-story. This  
19 compact urban development will help to reduce urban sprawl,  
20 encourage multi-modal transportation and reduce the reliance  
21 on the automobile, while enhancing the identity of  
22 Albuquerque. (Comprehensive Plan Goal for Activity Centers  
23 and Policies II.B.7.a and c.)

24 **C. Environmental Protection and Heritage Conservation**

25 **1. Air Quality**

26 The text amendments will help to improve air quality, safeguarding  
27 public health and enhancing the quality of life, by reducing automobile  
28 travel and promoting reliance on transit and other multi-modal means of  
29 travel. (Comprehensive Plan Goal for Air Quality and Policy II.C.1.d)

30 **8. Developed Landscape**

31 The text amendments will help to improve the developed landscape  
32 quality by relaxing the restrictive regulations regarding organic mulch in  
33 landscaped areas and allowing the use of different types of rock as

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- 1 important features. (Comprehensive Plan Goal for Developed
- 2 Landscape)
- 3 9. Community Identity
- 4 The text amendments regarding “deviations” will not affect the unique
- 5 identity of the Uptown area since a request for a deviation will have to
- 6 meet the intent, goals and policies of the Uptown SDP. (Comprehensive
- 7 Plan Goal for Community Identity and Policy II.C.9.b and e)
- 8 D. Community Resource Management
- 9 6. Economic Development
- 10 The text amendments will encourage steady and diversified economic
- 11 development, balanced with other important social, cultural and
- 12 environmental goals of the Uptown Sector Plan. In addition, the
- 13 amendments will help promote a balance of jobs with housing to reduce
- 14 the need to travel. (Comprehensive Plan Goal for Economic
- 15 Development and Policy II.D.6.g)
- 16 8. The text amendments are consistent with the purpose of the Uptown
- 17 SDP to encourage and facilitate infill redevelopment that is
- 18 economically and environmentally sustainable, business and
- 19 pedestrian-friendly and where people can live, work and play.
- 20 9. The Neighborhood Associations within the USDP area were notified and
- 21 an article has been included in the February 2013 Neighborhood News
- 22 Newsletter distributed to all neighborhood representatives – February
- 23 20, 2013. Notification was also posted on ONC’s homepage for the
- 24 newsletter.
- 25 10. Staff has received an email from the Inez Neighborhood Association
- 26 that is opposed to the text amendment regarding an increase of on-
- 27 street parking credit. The email states that any increase in parking will
- 28 only increase traffic flows in and around Uptown.
- 29 11. Staff has not received any other communications supporting or
- 30 opposing this request.

1       Section 4. **EFFECTIVE DATE AND PUBLICATION.** This legislation shall  
2 take effect thirty days after publication by title and general summary.

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

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R. 2011. 056

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**CITY OF ALBUQUERQUE**  
**CITY COUNCIL**

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8/12/11

**INTEROFFICE MEMORANDUM**

**TO:** Richard J. Berry, Mayor

**FROM:** Laura Mason, Director of Council Services

LM

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. F/S R-11-210 Amending The Uptown Sector Development Plan For An Approximately 390 Acre Area Which Corresponds To The SU-3 For Mixed Use Uptown (MU-UPT) Zone, Which Is Generally Located South Of Menaul Boulevard, North Of Interstate 40, East Of San Pedro Drive, And West Of Prospect Place, Uptown Loop Road And The Eastern Edge Of Winrock Mall; To Allow Single-Level, Single-User Retail Facilities in Excess of 90,000 Square Feet, Provided That Certain Additional Criteria, As Specified Herein, Are Met (Cook), which was passed at the Council meeting of August 1, 2011, by a vote of 7 FOR AND 2 AGAINST.

Against: Garduño, O'Malley

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:mh  
Attachment

10-1-11 10:11 AM

# CITY of ALBUQUERQUE

## NINETEENTH COUNCIL

COUNCIL BILL NO. F/S R-11-210

ENACTMENT NO. H. 2011.054

SPONSORED BY: Michael Cook

### RESOLUTION

AMENDING THE UPTOWN SECTOR DEVELOPMENT PLAN FOR AN APPROXIMATELY 390 ACRE AREA WHICH CORRESPONDS TO THE SU-3 FOR MIXED USE UPTOWN (MU-UPT) ZONE, WHICH IS GENERALLY LOCATED SOUTH OF MENAUL BOULEVARD, NORTH OF INTERSTATE 40, EAST OF SAN PEDRO DRIVE, AND WEST OF PROSPECT PLACE, UPTOWN LOOP ROAD AND THE EASTERN EDGE OF WINROCK MALL, TO ALLOW SINGLE-LEVEL, SINGLE-USER RETAIL FACILITIES IN EXCESS OF 90,000 SQUARE FEET, PROVIDED THAT CERTAIN ADDITIONAL CRITERIA, AS SPECIFIED HEREIN, ARE MET.

WHEREAS, the City adopted the Uptown Sector Development Plan on January 15, 2009 through Enactment Number R-2009-001; and

WHEREAS, the City Council has the authority both to adopt and to amend a sector development plan; and

WHEREAS, the Uptown Sector Development Plan established the following regulation regarding building size in Chapter IV, Item E, on page 53: The maximum square footage allowable for any one level of a building for any single user or establishment shall not exceed 90,000 square feet; and

WHEREAS, this amendment, which shall be known as the Uptown Single-Level, Single-User Retail Facility amendment, generally furthers the overarching purpose and Goal of the Uptown Sector Development Plan; and

WHEREAS, the applicant has adequately justified the amendment pursuant to Resolution 270-1980.

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1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY  
2 OF ALBUQUERQUE:

3 SECTION 1. FINDINGS ADOPTED. The City Council adopts the following  
4 findings:

5 1. Intent of the City Charter: The request to amend the Uptown Sector  
6 Development Plan (USDP) is a general exercise in local self government  
7 (City Charter, Article 1). Consideration of the request to allow single-user  
8 buildings greater than 90,000 square feet, in contrast to the USDP's current  
9 prohibition of such buildings, is germane to the Council's role to ensure  
10 the proper use and development of land (City Charter, Article IX).

11 2. Intent of the Zoning Code (Section 14-16-1-3): The proposed text  
12 amendments partially further the intent of the Zoning Code. The proposed  
13 requirements for single-user buildings greater than 90,000 square feet can  
14 be considered a foundation for promoting health, safety and welfare in a  
15 general sense. However, additional requirements are needed to ensure that  
16 relevant Comprehensive Plan goals and policies (the purpose of which is to  
17 promote health, safety and welfare) are fulfilled.

18 3. The request furthers the following, applicable Comprehensive Plan  
19 Goal and policies:

20 A. Developing and Established Urban Area Goal. Generally the  
21 proposed text amendments would allow for variety and maximum choice to  
22 be offered. The "visually pleasing built environment" and "quality urban  
23 environment" would depend upon site development plan specifics which  
24 cannot be evaluated at this time.

25 B. Policy II.B.5e-programmed facilities/neighborhood integrity. The  
26 proposed text amendments would facilitate development in the SU-3 for  
27 MU-UPT area of Uptown, where urban facilities and services exist, and  
28 would not apply to the SU-3 for MU-UPT/Buffer area to help ensure  
29 neighborhood integrity.

30 C. Policy II.B.5.j-location of new commercial development. The  
31 proposed text amendments would facilitate a certain type of new  
32 commercial development in the SU-3 MU-UPT zone, an area in which  
33 commercial uses are already allowed.

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1       4. The request partially furthers the following Comprehensive Plan  
2       Goals:

3           A. Economic Development. The proposed text amendments would  
4       generally promote economic development, but single-user retail is not  
5       diversified economic development and may or may not be balanced with  
6       important social, cultural and environmental goals.

7           B. Activity Centers. The proposed text amendments may expand and  
8       strengthen concentrations of moderate land use and social/economic  
9       activities, but would not expand and strengthen concentrations of high-  
10      density, mixed-use development throughout the SU-3 for MU-UPT area.

11      5. The request partially furthers the following applicable Comprehensive  
12      Plan Land Use policies:

13           A. Policy II.B.5d- new development/ neighborhood values/ resources.  
14      The request would permit development that is not intense, especially for a  
15      Major Activity Center. Such development would not be allowed in the SU-3  
16      for MU-UPT/Buffer zone, thereby respecting the existing separation of  
17      nearby residential uses. Some neighbors support the request and others  
18      do not. Evaluation of design, the environment and other resources, cannot  
19      be conducted without a site development plan.

20           B. Policy II.B.5.i-employment/service use location. The request would  
21      prohibit employment and/or service uses in the SU-3 for MU-UPT/Buffer  
22      zone, which buffers neighboring residential areas. Siting issues cannot be  
23      evaluated without a site development.

24      6. The request generally furthers the overarching purpose and Goal of  
25      the Uptown Sector Development Plan (USDP). The proposed text  
26      amendments would facilitate infill redevelopment of the Uptown area  
27      (purpose), and would provide opportunities for the public and contribute to  
28      economic growth in Uptown (Goal). [USDP, pgs. 11-12] The zoning in the  
29      USDP is prescriptive and more flexible than zoning outside the Plan area to  
30      help encourage infill development and redevelopment in the Uptown Area.  
31      [R-2009-001] The Review and Approval Process (Chapter VII) is intended to  
32      allow for coordinated and expedited development and redevelopment in the  
33      area.

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1           7. The applicant has adequately justified the request pursuant to  
2 Resolution 270-1980:

3           A. Section 1A: Consistency with the City's health, safety, morals and  
4 general welfare can be demonstrated because the request generally  
5 furthers applicable Goals and policies. Where it does not, the application of  
6 conditions of approval will improve the extent to which Goals and policies  
7 are furthered.

8           B. Section 1B: Though the applicant has provided a generally  
9 acceptable justification overall, additional and complimentary mitigation  
10 measures are needed to ensure that stability of land use and zoning can be  
11 ensured.

12           C. Section 1C: General consistency with the overarching intentions  
13 of the Comprehensive Plan and the Uptown Sector Development Plan  
14 (USDP) can be demonstrated. Therefore, any conflict with an adopted  
15 element of the Comprehensive Plan or other City master plan, such as a  
16 sector development plan, is not considered significant.

17           D. Section 1D: The proposed text amendments would generally be  
18 more advantageous to the community because they would increase the  
19 diversity of uses in Uptown and promote economic development. While the  
20 FAR and parking requirements are steps in the right direction, additional,  
21 complimentary measures are needed to ensure that the proposed text  
22 amendments foster more concentrated development fitting of a Major  
23 Activity Center as envisioned by the Comprehensive Plan.

24           E. Section 1E: A variety of retail and service uses are permissive in  
25 the SU-3 for MU-UPT zone. Conditions of approval can be applied to  
26 mitigate the impact of a large building, which would render it generally not  
27 harmful to adjacent property or the community.

28           F. Section 1F: The proposed zone change requires no major or  
29 unprogrammed capital expenditures by the City.

30           G. Section 1G: Neither the cost of land nor other economic  
31 considerations are the determining factor. The purpose of the text  
32 amendments is to provide a greater variety of retail uses in Uptown,

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1 subject to requirements that would create an urban form appropriate for  
2 Uptown.

3 H. Section 1H: Location on a collector or major street is not being  
4 used to justify the request.

5 I. Section 1I: The proposed text amendments do not apply to one  
6 small area and would not result in a spot zone; rather, they would apply to  
7 the SU-3 for MU-UPT zoned area but not to the SU-3 for MU-UPT/Buffer  
8 zone area.

9 J. Section 1J: The proposed text amendments are not applicable to a  
10 "strip of land along a street".

11 SECTION 2. The following amendments are made to the Uptown Sector  
12 Development Plan:

13 1. The regulation regarding building size in Chapter IV, Item E, on page  
14 53 of the City of Albuquerque's Uptown Sector Development Plan (USDP) is  
15 hereby amended as follows:

16 "E. BUILDING SIZE.

17 The maximum square footage allowable for any one level of a Building  
18 for any single user or Establishment shall not exceed 90,000 square feet,  
19 unless the Building or Establishment is subject to an approved Site  
20 Development Plan which has:

- 21 1. a Floor Area Ratio of 0.5 or greater, and
- 22 2. at least 50% of the parking within a structure, which may include a  
23 freestanding parking structure, parking on the roof of a building, or  
24 parking below a building, and
- 25 3. primary vehicular access must be to and from a collector street, or a  
26 street having a greater capacity, and
- 27 4. for any Building or Establishment, any part of the occupiable area of  
28 which is within ¼ mile of the centerline of Louisiana or Menaul  
29 Boulevard, one major façade and one major public entrance of the  
30 Building or Establishment shall be separated from either Louisiana  
31 Boulevard, Menaul Boulevard, or any other bounding arterial street only  
32 by landscaping (hard & soft), sidewalks and/or pedestrian plaza as  
33 described in this Plan.

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1 One-level Buildings for a single user or Establishment in excess of  
2 90,000 square feet are not permitted in the SU-3 for MU-UPT Buffer Zone.  
3 Applicants for a one-level building for any single user or establishment  
4 greater than 90,000 square feet shall, prior to making a Site Development  
5 Plan application, give notice of such proposed action in accordance with  
6 Section VII B(13) hereof. Site development Plans and site development  
7 plan amendments for a Building for any single-user or Establishment that  
8 exceeds 90,000 sf on a single level, shall be reviewed through the process  
9 described in Chapter VII of the USDP.”

10 2. A new subsection 4 shall be added to Chapter IV, Mixed Use Zone:  
11 Section F, Floor Area Ratio (FAR), to read as follows: 4. For sites that have  
12 a one-level building in excess of 90,000 sf for any single-user or  
13 Establishment, the minimum FAR shall be 0.5.

14 3. Chapter V, Section E. Pedestrian Plazas and Playgrounds is hereby  
15 amended as follows: “Pedestrian Plazas are strongly encouraged as a  
16 means of meeting the “10% of Site” Open Space requirement. Single-  
17 Level, Single-User Retail Facilities Exceeding 90,000 sq. ft. are required to  
18 include a Pedestrian Plaza as specified below.”

19 4. A new Section N shall be added to Chapter V, Zoning & Design  
20 Regulation, to read as follows: Single-Level, Single-User Retail Facilities  
21 (SLSURFs) Exceeding 90,000 sq. ft. in Uptown. Single-Level, Single-User  
22 Retail Facilities exceeding 90,000 sq. ft. are only allowed in the SU-3 for  
23 MU-UPT zoned area. SLSURFs exceeding 90,000 sq. ft. in Uptown are  
24 subject to the following, additional regulations specific to Uptown:

25 A. Loading docks and facilities shall be screened from public view  
26 and, where parking is provided beneath a building, shall be  
27 integrated with the parking structure.

28 B. Maintenance Agreement for Vacant or Abandoned Site. SLSURFs  
29 exceeding 90,000 sq. ft. shall be maintained during periods of  
30 abandonment or vacancies at the same level as when occupied. The  
31 owner of a site shall sign a maintenance agreement with the City that  
32 ensures the site will be maintained when vacant to the following  
33 minimal standards, among others deemed appropriate by the

1 Planning Director. This maintenance agreement shall be provided  
2 upon application and address the following:

- 3 a. The landscaping shall be watered, pruned and weeded.
- 4 b. The parking areas shall be cleaned of dirt and litter.
- 5 c. The building facades shall be kept in good repair, cracked  
6 windows shall be replaced and graffiti removed.
- 7 d. Outdoor security lighting shall be maintained and operated.
- 8 e. Hydrology systems shall be kept in good working order.

9 5. Chapter IV, Mixed Use Zone: Section A.3, SU-3 for MU-UPT and SU-3  
10 for MU-UPT Buffer, shall be amended as follows: "All New Construction  
11 and or Redevelopment must comply with all the zoning and design  
12 regulations of the 2008 USDP except where specifically exempted and/or as  
13 otherwise required."

14 6. The first sentence of the definition for "Floor Area Ratio (FAR)" in  
15 Chapter II of the Plan shall read: "The total, heated gross floor area of all  
16 Buildings on a Lot divided by the total area of the Lot."

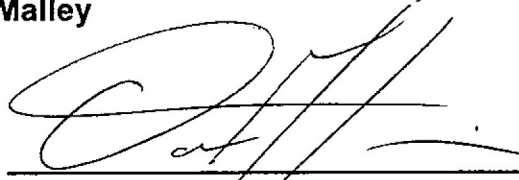
17 7. A new definition shall be added to Chapter II: Omitted Wall Line: A  
18 line of the ground determined by a vertical plane from: a) the overhang or  
19 outermost projection of a structure; or b) the outer edge of the roof of a  
20 structure without walls; or c) two feet inside the eave line of a structure  
21 with roof eaves.

22 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph,  
23 sentence clause, word or phrase of this resolution is for any reason held to  
24 be invalid or unenforceable by any court of competent jurisdiction, such  
25 decision shall not affect the validity of the remaining provisions of this  
26 resolution. The Council hereby declares that it would have passed this  
27 resolution and each section, paragraph, sentence, clause, word or phrase  
28 thereof irrespective of any provisions being declared unconstitutional or  
29 otherwise.

30 SECTION 4. This resolution shall take effect five days after publication  
31 by title and general summary.

1 PASSED AND ADOPTED THIS 1<sup>st</sup> DAY OF August, 2011  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

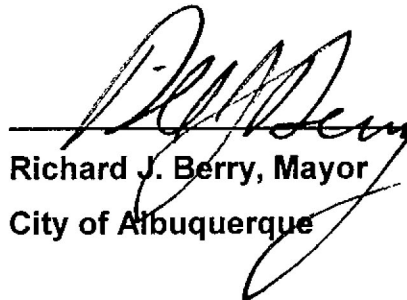
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4 Against: Garduño, O'Malley

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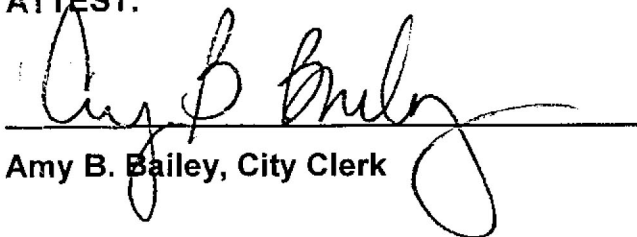
8 Don F. Harris, President  
9 City Council

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13 APPROVED THIS 22<sup>nd</sup> DAY OF August, 2011

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17 Bill No. F/S R-11-210

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20 Richard J. Berry, Mayor  
21 City of Albuquerque

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25 ATTEST:

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27  
28 Amy B. Bailey, City Clerk

# CITY of ALBUQUERQUE

## EIGHTEENTH COUNCIL

COUNCIL BILL NO. R-08-141

ENACTMENT NO. R.2009.001

SPONSORED BY: Sally Mayer

### RESOLUTION

FOR AN AREA OF APPROXIMATELY 460 ACRES AS DEPICTED IN ATTACHMENT B AND BORDERED GENERALLY BY MENAUL NE ON THE NORTH, PENNSYLVANIA NE AND ESPANOLA NE ON THE EAST, CONSTITUTION NE AND INTERSTATE 40 ON THE SOUTH, AND SAN PEDRO NE ON THE WEST; REPEALING THE 1995 UPTOWN SECTOR DEVELOPMENT PLAN; ADOPTING THE REVISED 2008 UPTOWN SECTOR DEVELOPMENT PLAN AS A RANK 3 PLAN; CHANGING EXISTING ZONING FROM SU-3; SU-2/R-2 O-1; SU-2/R-2 C-2; SU-2/R-1; R-1 TO SU-3/MU-UPT AND SU-3/MU-UPT/BUFFER.

WHEREAS, there is a request to rescind the 1995 Uptown Sector Development Plan (1995 USDP) and adopt the Revised 2008 Uptown Sector Development Plan (2008 USDP); and

WHEREAS, the primary purpose of the 2008 USDP is to provide new zoning and design regulations to facilitate opportunities for development and redevelopment of Uptown as an economically and environmentally sustainable, business and pedestrian friendly Major Activity Center where people can live, work and play; and

WHEREAS, the boundaries of the 2008 USDP are the same as for the 1995 USDP, approximately Interstate 40 (south), Pennsylvania and Espanola (east), Phoenix Avenue and Menaul Boulevard (north), and San Pedro (west) as depicted on Attachment B attached hereto; and

WHEREAS, the public planning process for the 2008 USDP included four public meetings in the Uptown Area to which all affected Neighborhood Associations were invited, and the involvement of representatives from the

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Uptown Progress Team Neighborhood Association, Otak, Inc. Consultants,  
and the Planning Department; and

WHEREAS, the City Council has reviewed the staff reports, the record from  
the Environmental Planning Commission (EPC), the transcripts from the EPC's  
hearing; and

WHEREAS, the 2008 USDP was considered at two Land Use, Planning and  
Zoning Committee meetings in October 2008 and the City Council meeting at  
which this Resolution was adopted.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:

SECTION 1. The City Council makes the following findings:

A. The City Council has provided notice of the proposed adoption of the  
2008 USDP to all property owners within the boundaries of the plan, all  
property owners within 100 feet of the boundaries of the property covered by  
the plan and to all neighborhood associations within 100 feet of the  
boundaries of the property covered by the plan.

B. The hearings conducted by the Land Use, Planning and Zoning  
Committee and the City Council with respect to adoption of the 2008 USDP  
provided all owners of property directly impacted by the plan and all persons  
who demonstrated that they were or could be aggrieved by the adoption of the  
plan the opportunity to participate and present their position on the issue.

C. Under the City of Albuquerque's Comprehensive Plan, Uptown is a  
designated Major Activity Center.

D. The 2008 USDP facilitates the goal for Major Activity Centers by  
allowing mixed-use concentrations of interrelated activities that promote  
multi-modal access both to and within the Activity Center.

E. The 2008 USDP proposes new zoning and design regulations that  
identify design elements, appropriate uses, transportation service, and other  
details of implementation to help facilitate development of the Uptown Area  
into a Major Activity Center.

F. The 2008 USDP proposes public connectivity infrastructure that will  
help transform Uptown into a true Major Activity Center. The infrastructure  
includes a Pedestrian Circulation System, a Bicycle Circulation System, a

1 Localized Transportation System, Parking Structures, a Wayfinding System,  
2 and Civic Spaces. In order to obtain this infrastructure, the USDP encourages  
3 public/private partnerships to help finance the costs.

4 G. The 2008 USDP furthers the following policies for Major Activity  
5 Centers per the Comprehensive Plan:

6 Policy a: The 2008 USDP provides opportunities for highly  
7 concentrated commercial, service and employment uses in conjunction  
8 with area-wide needs.

9 Policy c: The 2008 USDP allows structures whose height, mass and  
10 volume would be significantly larger than any others in their  
11 surroundings.

12 Policy i: The 2008 USDP promotes public/private cooperation to  
13 support the development and function of the Uptown Major Activity  
14 Center.

15 H. The Uptown Area is located in the area designated Established  
16 Urban by the Comprehensive Plan. The 2008 USDP is consistent with the goal  
17 for Established Urban Areas by promoting a quality urban environment that  
18 enables Uptown to be identifiable, individual, and integrated within the  
19 metropolitan area. The 2008 USDP offers variety and maximum choice in  
20 housing, transportation, work areas, and life styles, while creating a visually  
21 pleasing built environment.

22 I. The 2008 USDP does not specifically address air quality, however, it  
23 proposes a balanced land use/transportation system which will result in  
24 improved air quality (Comp Plan, Air Quality, II.C.1).

25 J. The 2008 USDP furthers the goals of the Comprehensive Plan for  
26 Developed Landscape (II.C.8) and Community Identity and Urban Design  
27 (II.C.9) by proposing design standards that will help improve the developed  
28 landscapes' quality. The Sector Plan requires extensive landscaping and  
29 encourages plazas and parks to create a pleasing visual environment.

30 K. The 2008 USDP does not specifically address energy management,  
31 however, it proposes a transportation system that is intended to be more  
32 energy efficient (Comp Plan, Energy Management, II.D.3).

1 L. The 2008 USDP emphasizes public/private partnerships in order to  
2 develop transportation improvements called for in the Transportation and  
3 Transit Goal of the Comprehensive Plan (II.D.4). Recognizing the limitations  
4 on funding for such public/private partnerships rather than establishing  
5 specific goals or requirements, the 2008 USDP provides for transportation  
6 planning to proceed "when acceptable funding has been arranged...."

7 M. The 2008 USDP provides two new zones for the entire Uptown Area:  
8 SU-3/MU-UPT for the core area and SU-3/MU-UPT/Buffer for the periphery. The  
9 new zoning is less prescriptive and more flexible than the current zoning to  
10 help encourage infill development and redevelopment in the Uptown Area.

11 N. The proposed zone change is consistent with the requirements of  
12 Resolution 270-1980 as follows:

13 1. The 2008 USDP contains zoning and design regulations that  
14 will promote the health, safety, morals, and general welfare of the City.

15 2. The 2008 USDP establishes zoning that is more flexible and in  
16 tune with the current needs of the area, which will promote more stability and  
17 sustainability of the area.

18 3. The 2008 USDP is in compliance with applicable goals and  
19 policies of the Comprehensive Plan for Major Activity Centers as set out  
20 above.

21 4. The proposed zoning in the 2008 USDP is more advantageous  
22 to the community and to the city as a whole because it will allow mixed-use  
23 concentrations of interrelated activities that promote transit and pedestrian  
24 access both to and within the Activity Center.

25 5. There has been no demonstration that any of the permissive  
26 uses in the MU/Buffer zone would be harmful to adjacent property owners, the  
27 neighborhood or the community.

28 6. The 2008 USDP encourages public/private partnerships to  
29 fund the necessary infrastructure in the plan area. However, the proposed  
30 zoning is not tied to the funding and the City is not bound to provide the  
31 capital improvements on any special schedule.

32 7. Economic factors were considered in determining the  
33 proposed zones. However, they are not the sole factor for a change of zone.



1           8.       Although the new zones in the 2008 USDP abut major streets,  
2 this is not the sole justification of the mixed-use zones.

3           9.       The new zones do not constitute a "spot" or "strip" zone since  
4 the zones involve more than one premise and one strip of land along a street.

5       SECTION 2.       The Revised Uptown Sector Development Plan,  
6 Attachment A hereto and made a part hereof, is adopted as a Rank Three Plan,  
7 as a regulatory guide to the implementation of the Albuquerque / Bernalillo  
8 County Comprehensive Plan.

9       SECTION 3.   All development and redevelopment activities within the area  
10 shall be guided and regulated by the provisions of the Revised Uptown Sector  
11 Development Plan.

12       SECTION 4. The Zone Map, adopted by Article 14-16-4-9 ROA 1994, is  
13 hereby amended to reflect the rezoning in the map shown in Attachment B  
14 hereto.

15       SECTION 5. EFFECTIVE DATE AND PUBLICATION. This legislation shall  
16 take effect five days after publication by title and general summary.

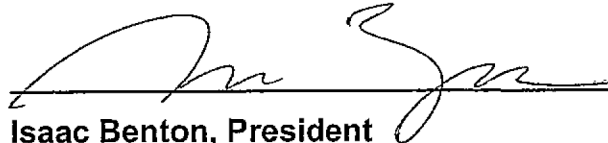
17       SECTION 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
18 clause, word or phrase of this resolution is for any reason held to be invalid or  
19 unenforceable by any court of competent jurisdiction, such decision shall not  
20 affect the validity of the remaining provisions of this resolution. The Council  
21 hereby declares that it would have passed this resolution and each section,  
22 paragraph, sentence, clause, word or phrase thereof irrespective of any  
23 provisions being declared unconstitutional or otherwise invalid.

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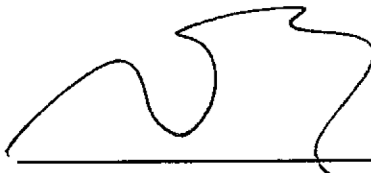
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1 PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF January, 2009  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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9 Isaac Benton, President  
10 City Council

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13 APPROVED THIS 15<sup>th</sup> DAY OF January, 2009  
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16 Bill No. R-08-141

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20 Martin J. Chávez, Mayor  
21 City of Albuquerque  
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25 ATTEST:

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27 City Clerk  
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# Acknowledgements

## Mayor

Honorable Martin J. Chávez

## City Council

District 4 Honorable Brad Winter, President  
District 2 Honorable Debbie O'Malley, Vice President  
District 1 Honorable Ken Sanchez  
District 3 Honorable Isaac Benton  
District 5 Honorable Michael J. Cadigan  
District 6 Honorable Rey Garduño  
District 7 Honorable Sally Mayer  
District 8 Honorable Trudy Jones  
District 9 Honorable Don Harris

## Environmental Planning Commission

District 7 Laurie Moya, Chairman  
District 6 Judy Kowalski, Vice-Chair  
District 1 Vacant  
District 2 Jonathan Siegel  
District 3 Jamie Jett-Walker  
District 4 Joe Yardumian  
District 5 Richard Shine  
District 8 Doug Peterson  
District 9 Michael Dickson

## City of Albuquerque

Richard Dineen, AIA, Director, Planning Department  
Neal Weinberg, Associate Director, Planning Department  
Carmen Marrone, Division Manager, Advance Planning  
Kevin Broderick, Manager, Traffic Engineering  
Neal Butt, Environmental Health Scientist, Air Quality Division  
Mathew Conrad, Code Compliance Official, Zoning Enforcement  
Andrew de Garmo, Transit Department  
Ramona Gabaldon, Administrative Assistant, Planning Department  
Juanita Garcia, Assistant Planning Manager, Zoning Code Services  
Jesse Garves, Graphic Artist  
Colleen Grier, Web Manager, AGIS  
Nicholas Kuhn, City Forester, Parks Department  
Catalina Lehner, Senior Planner  
Crystal Metro, Transportation Planning  
Lorena Patten-Quintana, Associate Planner  
Michael Polikoff, Planning Department  
Chuck Thompson, Department of Municipal Development

Alfredo Salas, Printer, Copy Center  
Chuck Thompson, Department of Municipal Development

### **Uptown Progress Team Board of Directors**

Louis Abruzzo, President  
Marti Partridge, Vice President  
David Campbell, Secretary  
Mickey Gowdy, Treasurer  
Marcy Cook, Executive Director  
Paul Silverman, Past President  
Sandy Arnold  
Mark Bidwell  
Robert Garcia  
Gary Goodman  
Michael Kelly  
Aleem Kassam  
Ron Nelson  
Randy Sanchez  
Trent Stafford  
Jeff Stuve

### **Advisory Committee**

Doug Antoon, Attorney  
James Boley, Architect/Planner  
Ignacio Correa-Ortiz, Architect/Planner  
Lawrence Kline, Planner  
Karen Marcotte, AICP, Consensus Planning  
Bob McCabe, Architect/Planner  
Richard Sertich, Planner, Retired Assoc. Director City Planning Department  
Mark Wade, Architect  
Eric Webster, Transportation Planner, MRCOG

### **Special Gratitude to:**

Gilbert Montano, Policy Analyst, Council Services  
Debbie Stover, ASLA, Planner, Senior Policy Analyst, Council Services  
Kelley Chavez, Council Services

### **Consultants**

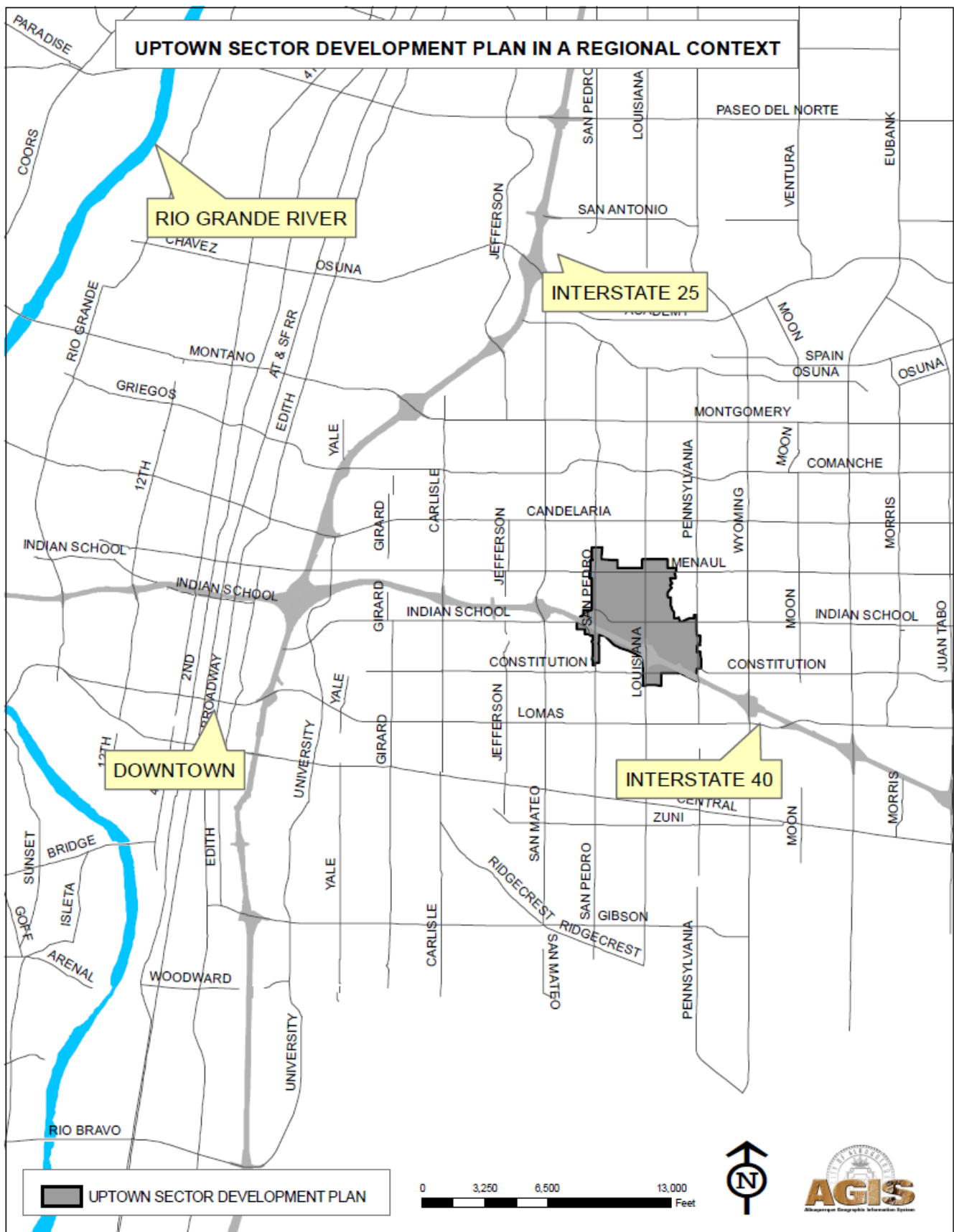
OTAK, Inc. Tempe Arizona  
Professor Mark Childs, University of New Mexico

# TABLE OF CONTENTS

<b>Map: Uptown Sector Development Plan Regional Context</b>	<b>7</b>
<b>Map: Uptown Sector Development Plan Boundaries</b>	<b>8</b>
<b>Chapter I. Introduction and Purpose</b>	<b>9</b>
<b>Chapter II. Definitions</b>	<b>12</b>
<b>Chapter III. Intent and Goals</b>	<b>28</b>
A. Zoning	28
B. Design	28
C. Open Space	29
D. Pedestrians	29
E. Environment	30
F. Parking	31
G. Transportation	32
H. Bicycle Circulation	33
I. Wayfinding	33
J. Public Connectivity Infrastructure	34
K. Funding Opportunities	34
<b>Map: Uptown Sector Development Plan – Zoning</b>	<b>37</b>
<b>Chapter IV. Mixed-Use Zones</b>	<b>38</b>
A. SU-3 for MU-UPT and SU-3 for MU-UPT/Buffer	38
B. Permissive Uses	38
C. Prohibited Uses	43
D. Lot Size	45
E. Building Size	45
F. Floor Area Ratio (FAR)	45
G. Height	45
H. Setbacks	46

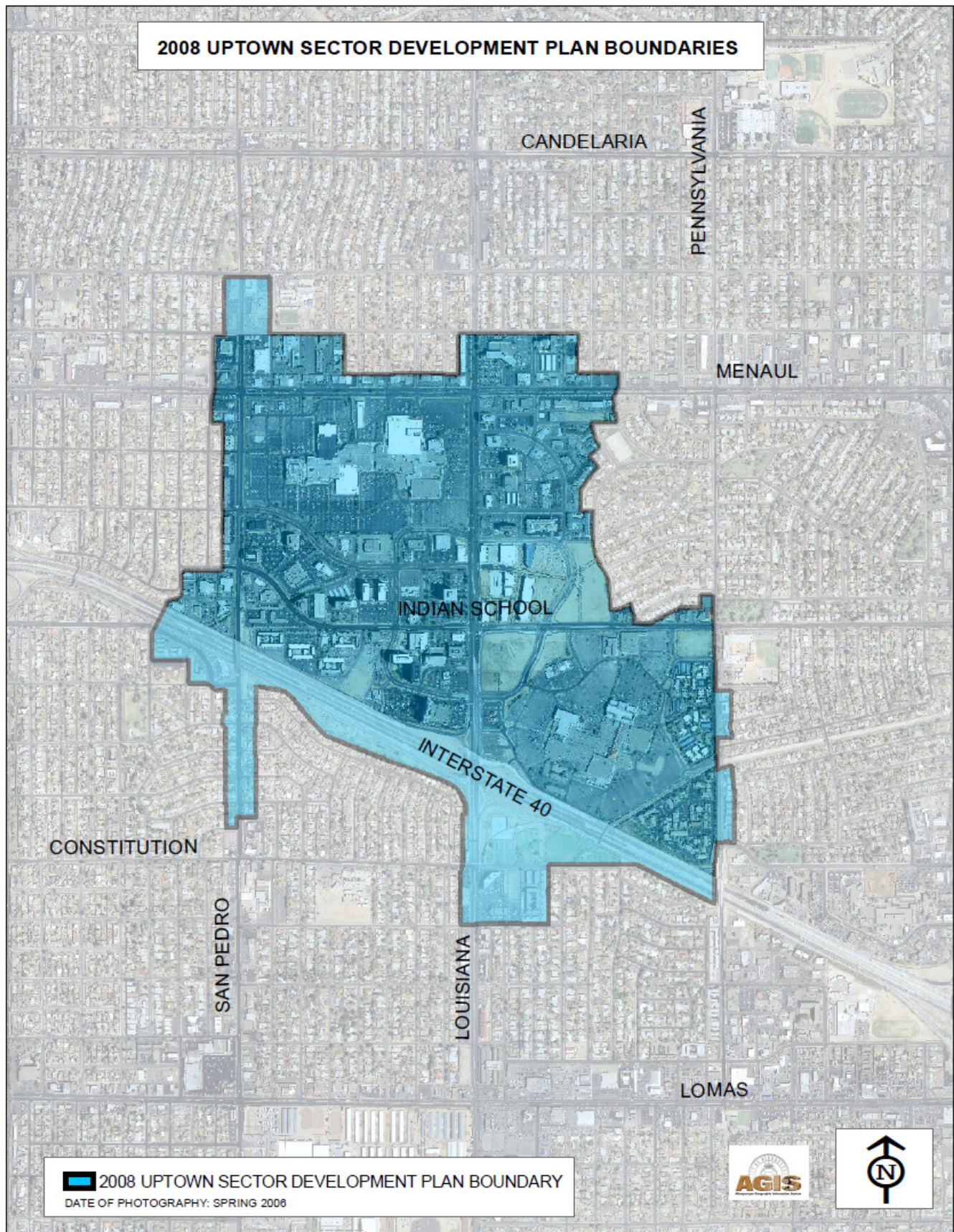
<b>Chapter V. Zoning and Design Regulations</b>	<b>49</b>
A. Buildings	49
B. Screening	50
C. Fencing and Walls	51
D. Open Space	51
E. Pedestrian Plazas and Playgrounds	54
F. Landscape	55
G. Trees	57
H. Walkways	60
I. Landscape Buffers	61
J. Parking	62
K. Landscape Plan	65
L. Signage	66
M. Wireless Telecommunication Facilities (WTFs)	73
N. Single-Level, Single-User Retail Facilities (SLSURFs)	73
 <b>Chapter VI. Public Connectivity Infrastructure</b>	 <b>75</b>
A. Pedestrian Circulation System (PCS)	75
B. Bicycle Circulation System (BCS)	75
C. Parking Structures	76
D. Wayfinding System	77
E. Circulator	77
F. The Basics – Infrastructure	77
 <b>Chapter VII. Review and Approval Process</b>	 <b>82</b>
A. Site Development Plans for Building Permit	82
B. Review and Approval Process	82
C. Site Development Plan Denial	84
D. Appeal Process	85
E. Administrative Amendment	85
F. Deviation Process	86
 <b>Chapter VIII. Appendixes</b>	 <b>88</b>
Appendix A Tree List for Shade, Signature and Evergreen Trees	89
Appendix B Planting Guides	90
Appendix C Border Design	96

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2008 UPTOWN SECTOR DEVELOPMENT PLAN BOUNDARIES





## **Chapter I. INTRODUCTION and PURPOSE**

The Uptown Area is located in the northeast quadrant of Albuquerque, approximately 6.5 miles from Downtown Albuquerque. The Uptown Sector Development Plan (USDP) area covers approximately 460 acres and includes three regional retail centers: Winrock Center, Coronado Mall and ABQ Uptown. These three centers provide the primary retail focus for the area. In addition, Uptown is home to Albuquerque Public Schools' Administrative Offices and the majority of New Mexico's financial, investment and brokerage firms. Uptown contains 1.82 million square feet of office space, which in 2007 was 14.62% of Albuquerque's total office space. This Area provides a major source of employment for Albuquerque and surrounding areas with over 11,000 jobs, as of 2004 and the highest concentration of office uses outside of Downtown. The primary transportation routes for Uptown are Interstate 40, Louisiana Boulevard and Menaul Boulevard.

Many of the goals and strategies in the 1981 and 1995 Uptown Sector Development Plans were achieved. National air quality standards were met and traffic congestion was improved by the construction of the I-40 Louisiana Boulevard interchange. However, prior Uptown Sector Development Plans limited the opportunities needed for continued economic growth, infill and redevelopment in the Uptown Area. New guidelines were needed if Uptown was to continue as a strong economic engine for the whole State.

In 2007/2008, the Uptown property owners, City Planning, City Council and the Uptown Progress Team Neighborhood Association worked together to write the new Uptown Sector Development Plan. Input from public meetings also helped to shape the new USDP. The majority of the property owners in the Uptown Area felt that the 1995 USDP was too prescriptive to encourage economically viable redevelopment. Problems were identified and solutions were provided. The 1995 USDP mandated certain percentages for land uses in the Uptown area. A negative result of that requirement was to deny Coronado Mall the entitlement to build an exciting new redevelopment because there were no residential units included in their proposed plan. Another unpopular result of the percentage requirements was that ABQ Uptown/Hunt was mandated to build apartments. The surrounding neighborhoods did not want any more apartments but ABQ Uptown/Hunt had to comply with the 1995 USDP.

Conditions have changed in Uptown and all across the country. People desire more than just shopping centers. Cities and property owners have seized an opportunity to redevelop properties into community oriented gathering places with outdoor amenities such as enhanced pedestrian walkways, bicycle paths and plazas not found inside traditional malls.

The housing stock surrounding the Uptown Area is aging. Most of the houses were built in the 1960s. Fortunately, most of the homes were quality products and will continue to provide desirable, affordable housing for years to come but only if Uptown blight is reversed. It is not enough to just stop the deterioration, the new USDP sets forth new regulations in order to create a truly "special place" as directed for a Major Activity Center by the Comprehensive Plan.

Goals have changed as was anticipated in Section 14-16-4-3 ROA 1994 of the Zoning Code which requires the review of Sector Plans at least every 10 years. New Parking regulations are an example of goals that have changed. While trying to provide opportunities for alternative modes of transportation, the 1995 USDP proposes to limit the availability of free Parking in order

to limit the use of automobiles. While a “park once” philosophy is a widely embraced concept, limiting free Parking or automobile use is not overwhelmingly popular in this part of the City.

In February 2008, the City hired OTAK Inc. a professional planning/ architecture/ engineering firm and Professor Mark Childs to help develop possible strategies for creating a more dynamic, cohesive Uptown Area. OTAK designed an exciting plan of Public Connectivity Infrastructure (PCI) to enhance Uptown aesthetics, improve mobility for pedestrians and bicyclists and provide opportunities for Community Activities. The OTAK Plan identified several actions necessary to help Uptown evolve into an exciting, interconnected, economically viable area. The Public Connectivity Infrastructure plan generated enthusiasm from both the business owners and the surrounding neighborhoods.

Unfortunately, the level of infrastructure presented in the OTAK plan is prohibitively expensive without Public/Private Partnership funding. This Uptown Sector Development Plan sets forth two different standards of regulations for the Uptown Area. Chapter IV and Chapter V describe the regulations for all New Construction and/or Redevelopment for properties that are not participating in Public/Private Partnership funding. Chapter VI presents a framework for the Public Connectivity Infrastructure which would undoubtedly create the “ideal” Uptown if Public/Private funding is available. The enhanced regulations in Chapter VI are justified and reflect the obligation created by the use of funds from a Public/Private Partnership. These funds must support the public purpose of generating new community activity space, employment opportunities and increasing revenues. Additionally the use of these funds will strengthen and stabilize the surrounding neighborhoods by making the Uptown Area an even more desirable place to live and do business.

The purpose of the 2008 USDP is to encourage and facilitate the infill redevelopment of the Uptown Area as an economically and environmentally sustainable, business and pedestrian-friendly area where people can **live, work and play**. The 2008 USDP is the guiding document that unites the Uptown Area as a cohesive, definable, dynamic area. New Construction, Redevelopment and the use of Public/Private Partnerships will build new infrastructure and amenities that define the Uptown Area as **the place to be**.

The overarching goal of this Uptown Sector Development Plan is to ensure the Uptown Area thrives economically, provides exciting opportunities for the public and creates an attractive built environment for everyone to enjoy. With the adoption of the 2008 USDP, the future of Uptown has never been brighter.

There is another broad public purpose served by investing and revitalizing Uptown. New Walkways, Bikeways, Open Space, a Wayfinding System, transit facilities and Parking Structures create a reinvigorated Mixed-Use area that can help stave off the blight that is so often found in the aging parts of all cities.

The 2008 Uptown Sector Development Plan was developed to reflect predictable, workable regulations that will be relevant for decades to come. The revisions to the 2008 USDP are consistent with the Albuquerque Bernalillo County Comprehensive Plan’s policies for Major Activity Centers.

The 1995 Uptown Sector Development Plan was repealed with the adoption of the 2008 USDP.

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## Chapter II. DEFINITIONS

The following definitions are not merely advisory but are intended as an integral part of the regulations in the 2008 USDP. These definitions are necessary to the understanding and interpretation of the 2008 USDP. These definitions shall apply in all cases unless the context clearly indicates or requires a different meaning and in such cases every effort shall be made to maintain the intent of this definition. When a word is defined in the 2008 USDP and also used elsewhere in the Zoning Code, the definition written here shall be the overriding definition for the purposes of the 2008 USDP. When a word is not defined in the 2008 USDP but is defined elsewhere in the Zoning Code, the Zoning Code definition shall be used. Words used in present tense include the future tense, words in the plural number include the singular number, words in the singular number include the plural number, and the masculine gender includes the feminine gender. The words “shall”, “will” and “must” are mandatory; “may” and “should” are suggestive.

Words that are defined in this section will be capitalized throughout this document to remind the reader that there is a specific meaning that could be unique to this document.

**Adequate Parking:** Parking that meets the needs of a particular business or Establishment and in an amount to best ensure that no situation shall arise that would create over-flow Parking into the surrounding residential neighborhoods that are not within the 2008 USDP Area.

**Administrative Amendment:** A change to an approved Site Development Plan granted by the Planning Director. [The Planning Director shall grant an Administrative Amendment only if the change requested is consistent with the Administrative Amendment criteria set out in Chapter VII, Section E. of the 2008 USDP.]

**Adult Amusement Establishment:** An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial Establishment that provides amusement or entertainment featuring one or more of the following:

1. A live performance, act or escort service distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of “Specified Anatomical Areas” or the conduct or simulation of “Specified Sexual Activities” as those terms are defined in Section 14-16-1-5 ROA 1994.
2. Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of “Specified Anatomical Areas” or the conduct or simulation of “Specified Sexual Activities” as defined in Section 14-16-1-5 ROA 1994. [Adult Amusement Establishments are a Prohibited Use in the 2008 USDP.]

**Alley:** A thoroughfare designated by the City as public Right-of-Way, which affords a secondary means of access to an abutting property.

**Amphitheater:** An outdoor open-air area or structure having tiers of seats, benches or berms with less than 1,000 seats in number, suitable for small performances. [An Amphitheater is a Permissive Use in SU-3 for MU-UPT and a Prohibited Use in SU-3 for MU-UPT Buffer Zone.]

**Appeal Process:** The process by which a declaratory ruling made by the Development Review Board (DRB) may be challenged.

**Applicant:** An Applicant is a person applying for Site Development Plan Approval. This person may be the owner or the owner's representative.

**Application:** A submittal of a Site Development Plan for Building Permit to the DRB for Approval.

**Approval:** An action taken by the DRB of signing and dating a Site Development Plan as Approved. [An Approval grants an Entitlement to obtain a Building Permit from the Building and safety Division.]

**Approved:** The status of a Site Development Plan that has been given an Approval by the DRB.

**Assigned Case Planner:** A planner assigned by the Director of Planning to scrutinize a Application for Site Development Plan Approval when the Site is located within the Uptown Area. [The Assigned Case Planner shall be very familiar with the 2008 USDP and will attend all Project Review Meetings and DRB Hearings regarding the specific Application for Site Development Plan the planner was assigned to monitor. The Assigned Case Planner is advisory and will communicate any issues of non-compliance to the Applicant, the URT and to the DRB. The Assigned Case Planner will stay involved until there is an Approval or a Denial of the Site Development Plan.]

**Arena or Stadium:** A large space for athletic games or performance events, surrounded by tiers of seats for more than 1,000 spectators. [A Stadium and/or an Arena is a Prohibited Use.]

**Articulation:** A means of breaking up large expanses of blank wall both horizontally and vertically by adding changes in relief, alternating building materials and the placement of windows, portals and other external features.

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

**Bicycle Circulation System (BCS):** Uptown infrastructure consisting of bicycle lanes, routes and trails connected and enhanced in order to safeguard and encourage bicycle travel throughout the Uptown Area. The Bicycle Circulation System (BCS) is an element of the Uptown Public Connectivity Infrastructure.

**BID:** See "Business Improvement District".

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

**Boulder:** A large rounded or worn stone or mass of rock, too large for a person to move.

**Building:** Any Structure having a roof supported by columns or walls and intended for interior uses including subordinate and customarily incidental uses such as garages and sheds. In the case of a Mall, a Building is that space utilized by one business or Establishment and does not include all of the businesses within the Mall. Buildings may be attached or detached from one another.

**Building Permit:** An official certificate of Entitlement issued by the City to an Applicant in order to construct, enlarge or alter a Structure.

**Building Mounted Sign:** A sign entirely supported by or through a Building; it includes Canopy Sign, Marquee Sign, Projecting Sign, Roof Sign and Wall Sign.

**Business Improvement District (BID):** A type of assessment district in which property owners and/or business owners choose to be assessed a fee, collected on their behalf by the City, for use in promoting, maintaining and improving a specific business area. [The recognized Neighborhood Association, the Uptown Progress Team, will administer BID funds through a separate agreement with the City of Albuquerque.]

**Busker:** A person engaging in the act of reciting, singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work outside of a Building or within the open space of a Mall or on a plaza or public space.

**Caliper:** The diameter of a tree trunk measured six inches above grade.

**Canopy:** A roof-like decorative feature projecting from the exterior of a Building that may serve as a shelter from the sun, rain or wind. For landscaping usage see “Tree Canopy”.

**Canopy Sign:** A type of sign mounted under and supported by a permanent Canopy, arcade, or portal, or signage printed directly on the Canopy itself.

**Circulator:** A localized transportation system designed to serve the Uptown Area.

**Clear Site Triangle:** An area of unobstructed vision at Street intersections between three and eight feet above the gutter line and within a triangular area at the Street corner, which area is bounded by:

- a. The Street property lines of the corner lot and a line connecting points 25 feet distant from the intersection of the property lines of such a lot; or
- b. The curb lines of an intersection and a line connecting points 35 feet distant from the corner of the intersection, such corner determined by projecting the curb lines out to a specific point, whichever is the lesser.

**Code Compliance Official:** also known as Zoning Enforcement Officer, Zoning Enforcement Manager, Code Enforcement Officer or his designee.

**Community Activities:** Indoor or outdoor public festivals, marketplace activities, shows or gatherings for community arts, cultural, agricultural or recreational activities.

**Denial:** A refusal by the DRB to approve a Site Development Plan because of non-compliance with the requirements, regulations and/or standards of the 2008 Uptown Sector Development Plan and applicable City codes.

**Developed Open Space:** An outdoor area that consists of more than just a Landscaped Area. It is Open Space that has been developed into a place people can enjoy such as a Pedestrian



Plaza or recreational area.

**Development Review Board (DRB):** A board established by the Planning Department made up of representatives from various City departments charged with granting Approval or Denial of Site Development Plans. [The DRB holds Hearings approximately every week.]

**Deviation:** Deviation from the strict, literal application of any requirements of the USDP. Deviations do not require approval from the Zoning Hearing Examiner and are not referred to as a variance.

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

**Drive-In Restaurant:** A Building and adjoining Parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted Building or in vehicles parked upon the Premises, regardless of whether or not in addition thereto seats or other accommodations are provided inside for the patrons. Services are affected principally while patrons remain in their vehicles. [Drive-in Restaurants are a Prohibited Use in the 2008 USDP.]

**Drive-Up Service Window:** A Building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service. [A Drive-Up Service Window is a Prohibited Use except as part of a bank or pharmacy. Bank and/or pharmacy Drive-Up Service Windows shall not exceed three lanes.]

**Engineered Soil:** Soil created as rooting volume for vegetation that also serves alternative purposes such as structural strength for pedestrian or automobile traffic, storm water control, water holding capacity, lightweight materials for rooftop applications, or other soil conditions necessary for vegetative growth.

**Entitlement:** An approved City action that gives legally enforceable rights to a property owner.

**Establishment:** A place of business for a single user where business is conducted or services are performed. In the case of a Mall or an Establishment is that space that is used by one business and does not include all of the businesses within the Mall.

**Facade:** Any separate external face of a Building, including parapet walls and omitted wall lines. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are considered as part of a single Façade.

**Floor Area Ratio (FAR):** The total, heated gross floor area of all Buildings on a Lot divided by the total area of the Lot.

$$\text{FAR} = \frac{\text{Total Building Floor Area}}{\text{Total Lot Area}}$$

$$\text{Example: Far of 0.3} = \frac{13,068 \text{ sq. ft. (Building Size)}}{43,560 \text{ sq. ft. (One Acre Lot)}}$$



**Freestanding Sign:** A sign attached to or supported from the ground and not attached to a Building; signs on walls or fences that are not an integral part of a Building are Freestanding Signs. Freestanding Signs shall be used to identify only the businesses on the Premise where the Freestanding Sign is located. Non-commercial signs such as “Sense of Place”, Wayfinding Signage, and Kiosks may be structured as Freestanding Signs but are not included in Freestanding Sign allowances.

**Goal:** A statement describing a desired outcome or condition. A Goal does not require specific actions unless the mandatory words “shall”, “will” or “must” are specifically used in the statement of the Goal.

**Graywater or Water Reuse System:** Commonly known as “purple pipe” systems whereby recycled or treated wastewater is used for non-potable water uses such as landscape irrigation.

**Hearing:** See “DRB Hearing”.

**Helipad:** Facility intended for the takeoff and/or landing of helicopters at a location other than an airport or other general aviation facility. [Helipad must be located at least 60 feet above ground level to be a Permissive Use otherwise it is a Prohibited Use. Helipads, as defined, are a Permissive Use in SU-3 for MU-UPT. Helipads are a Prohibited Use in SU-3 for MU-UPT Buffer Zone.]

**Iconic Signs:** Signs that are different than the commonly seen square or rectangular signs, signs that have elements of highly recognizable or identifiable features, facades or are otherwise distinguished from the average square or rectangular boxed design. Examples of allowable iconic signage would be the bowling pin on Menaul and San Pedro, the tall “Q” sign at ABQ Uptown or the large red arrow at Carlisle and Indian School. They typically have characteristics of art, going beyond simply advertising the why and where. The iconic sign typically refers to its/an object by actually resembling it like a picture, such as a bicycle as a sign for a bicycle shop.

**Illuminated Sign:** Any sign which is directly lighted by any on-premise electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than upon the sign itself.

**Institutional Use:** Public, private and governmental use of a nonprofit nature, typically engaged in providing services to the public. Institutional Uses are limited to the following:

- a. churches, chapels, places of worship including incidental recreational and educational facilities
- b. community centers
- c. cultural centers
- c. libraries
- d. museums
- e. police substations
- f. schools, public and/or private

**Intent:** A clarifying statement preceding a planning Goal that sets forth a broad desired outcome. [A statement of Intent does not require specific actions unless the mandatory words “shall”, “will” or “must” are specifically used in the statement describing an Intention.]

**Internal Street:** Streets within a specific Site Development Plan that may be public or private.

**Kiosk:** A freestanding sign-like structure designed to provide information on various Uptown locations, pedestrian and bicycle directions, listings of Community Activities, Uptown Circulator and Albuquerque Transit Schedules and other information helpful to Uptown visitors. Kiosks may be included as part of the Uptown Wayfinding System.

**Landscape Area:** The area, optional or required, that is landscaped with living vegetative materials, such as trees, grasses, vines, spreading shrubs or flowers. Landscape Area is required to have seventy-five (75%) percent of the ground level covered in vegetative materials. Planter boxes and large planting pots may also be considered as Landscape Area if approved on a Site Development Plan and not within a Planting Strip. Trees are strongly encouraged in Landscape Areas.

**Landscape Buffer:** A required piece of land in a specific location used to physically separate or screen one land use or piece of property from another. [A Landscape Buffer shall be used to satisfy the “10% of Site” Open Space requirement.]

**Landscape Plan:** A plan that must be submitted to the Planning Department along with a Site Development Plan for approval. [The Landscape Plan will show the proposed and required landscape including the landscape details listed in Chapter V. of the 2008 USDP.]

**Legally Nonconforming:** A Building use, Building design or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance or Sector Plan, but that fails by any reason of such adoption, revision or amendment to conform to the present requirement of the zone.

**Local Street:** A Street such as Española or Cutler that is primarily for access to abutting properties and carries relatively low traffic volumes.

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

**Mall:** A collection of retail, office or restaurant Establishments typically located along a pedestrian corridor or Walkway that can include multiple Buildings, attached on one or more sides.

**Marquee Sign:** A type of Building-Mounted Sign, parallel to the Façade it is mounted on, horizontal in nature as it is wider than it is tall may be designed with the ability to change text or message.

**Mixed-Use:** Development of a Site allowing one or more uses such as, but not limited to, office, Institutional, retail, residential, public or entertainment uses.

**Mixed-Use Zone (SU-3 for MU-UPT):** The Mixed-Use Uptown Zone is a zone where a mixture of commercial, housing and civic uses including, but not limited to: retail, wholesale, Institutional, restaurants, offices, hospitality and entertainment are allowable. These uses may be located on the same Site and may be contained in the same Building. There are no specific Mixed-Use requirements for each Site and single land use Sites are allowed.

**Mixed-Use Buffer Zone or SU-3 for MU-UPT Buffer Zone:** The Mixed-Use Uptown Buffer Zone is a zone in the Uptown Area that abuts single-family residential zoning not within the Uptown Area. The Buffer Zone is intended to provide a transition between the surrounding neighborhoods and the more intense Uptown Area.

**Monument Sign:** A Freestanding Sign of low overall height, approximately at eye level, that sits directly on the ground or is mounted on a low base. The Monument Sign identifies a facility, Building or entrance.

**Mulch:** A protective covering spread or left on the ground to reduce evaporation, moderate soil temperature and retain moisture in the soil. Many materials are available for use but should not result in the following: have undesirable odors, particle size over 6 inches, be applied at a depth over 4 inches, contain metal or trash in the mix, or be placed in areas of directed rainwater flow. Mulch shall not include rubber or pavement, but may include decorative rocks, and non-gray standard crusher fine or gravel. Areas landscaped with a spreading groundcover are not required to apply or re-apply mulch under existing groundcover.

**Multi-Unit Premise:** A group of separate Buildings operating under a common name or management; a single Building containing multiple uses where there are specific exterior entrance ways for individual uses; or a group of uses on separate but adjoining properties that request treatment as a multi-use complex (used in reference to garage sales).

**Neighborhood Association:** An association recognized by the City of Albuquerque Office of Neighborhood Coordination. Membership in a Neighborhood Association is defined by each individual Neighborhood Association's by-laws.

**New Construction:** A project in which an entirely new facility is built from the ground up.

**Nonconforming:** see "Legally Nonconforming".

**Notification:** Notification is the requirement of an Applicant to notify, by certified/return receipt mail, two duly authorized representatives of any recognized Neighborhood Association and/or non-recognized neighborhood or homeowner association, which is located within, contiguous to, or across public Right of Way from the area covered by the Site Development Plan. A list of these people shall be provided by the ONC, this list shall also include anyone in the area that has requested Notification from the ONC. For projects located within the SU-3 for MU-UPT Buffer Zone, Notification is also the requirement that the Planning Director shall mail written notice to property owners within one-hundred (100) feet of the exterior boundaries of the project Site.

**Oasis:** A fertile place in the desert.

**Off-Premise Sign:** A sign where the content of the sign does not refer to a business or merchant doing business on the Premise where the sign is displayed.

**Off-Street Parking:** Off-Street Parking is not required Parking and shall be referred to as Parking.

**Omitted Wall Line:** A line of the ground determined by a vertical plane from:

- a. the overhang or outermost projection of a structure; or
- b. the outer edge of the roof of a structure without walls; or
- c. two feet inside the eave line of a structure with roof eaves.

**On-Premise Sign:** A sign, the content of which relates to the Premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities of or on those Premises, or the sale, lease, or construction of those Premises.

**On-Street Parking:** On-Street Parking shall be referred to as Parking.

**Open Space:** For Residential Uses: Outdoor space that is open and accessible to the residents involved which does not contain Buildings and serves as a counterbalance to the built environment. On-site Open Space is not required to be open and accessible to the general public. For Non-Residential Uses: Outdoor space that is open and accessible to the general public which does not contain Buildings and serves as a counterbalance to the built environment. Open Space may be any combination of Pedestrian Plazas, Landscaped Areas, parks or other recreation features that are open and accessible to the public either physically or visually, as in the case of a landscaped traffic circle.

**Parcel:** A part or portion of land, a Lot.

**Park and Ride - Joint Use:** Provision of Parking for transit customers in an area containing Parking Spaces, which dual use is agreed to by the transit department and the person in control of the property; the joint use is utilized for more than 30 consecutive day.

**Park and Ride - Temporary:** The temporary provision of Parking for transit customers using service provided by the municipal transit agency in conjunction with a temporary civic use, including but not limited to the New Mexico State Fair and the International Balloon Fiesta. Other temporary civic uses shall have a demonstrable public purpose and shall require the approval of the Mayor. Use of the facility shall not exceed 45 days in a calendar year. The use may include a ticket booth, portable restrooms, lighting, concession stand, and barriers contributing to traffic management. Approval of a traffic management plan shall be required.

**Park Once:** "Park Once" is a behavior typified by parking ones' car at a single location, possibly a Parking Structure, and accessing several other locations by other means such as a Walkway or an Uptown Circulator. "Park Once" is a behavior that is encouraged in the Uptown Area in order to lessen traffic and conserve fuel.

**Parking:** A suitable space for temporary vehicular storage. Parking may consist of any combination of Parking Lots, Parking Spaces and/or Parking Structures.

**Parking Basin:** Areas within the 2008 USDP that have been designated for a minimum of one Parking Structure predicated upon a funding source being available. Parking Basins are included in Public Connectivity Infrastructure.

**Parking Lot:** An area of ground level Parking Spaces including drive aisles for circulation not in

a Parking Structure used for temporary parking of personal vehicles not within the public Right-of-Way. [Parking Lots do not about Walkways that about Buildings.]

**Parking Lot Trees:** Trees required in Parking Lots.

**Parking Space:** Single space for Parking not located in the public Right-of Way Parking Spaces may be single or grouped together as in Parking Lots or Parking Structures. [The 2008 USDP does not distinguish between Off-Street or On-Street parking.]

**Parking Structure:** Uptown infrastructure that includes Parking Spaces and adjacent access drives, aisles and ramps that are located in a structure with two or more levels above or below ground. [There are specific Design Regulations in Chapter V. that apply to Parking Structures. Parking Structures are included in Public Connectivity Infrastructure (PCI).]

**Pedestrian Circulation System (PCS):** Uptown infrastructure consisting of enhanced Walkways, and Pedestrian Plazas, designed to connect the entire Uptown Area with pedestrian features intended to make walking in Uptown a safer more enjoyable experience. [The Pedestrian Circulation System (PCS) allows pedestrians to access all major Uptown uses: offices, businesses, restaurants and entertainment venues. The Pedestrian Circulation System is included in Public Connectivity Infrastructure.]

**Pedestrian Plaza:** An outdoor space open to and easily accessible by the public that contains seating, landscaping, shade or other amenities such as water features and/or art. [Pedestrian Plazas are typically privately owned and maintained but Pedestrian Plazas may also be publicly owned and publicly or privately maintained. Design Regulations for Pedestrian Plazas are included in Chapter V. of the 2008 USDP. Pedestrian Plazas are an enhancing element of the Pedestrian Circulation System.]

**Pedestrian-Scale Lighting:** Lighting typically positioned over a Walkway rather than a Street. Lighting scaled to the pedestrian is usually limited in height to 16-foot poles and incorporates decorative features or design detail.

**Permeable Pavement:** 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. May be used in Parking with lower vehicle weight traffic. see Appendix B for examples.

**Permeable Surface:** Any surface which allows water and air to penetrate through the surface. Examples are bare soil, grass, natural stone, Permeable Paving, Mulch, interlocking pavers, cobbles etc. See Appendix B for examples.

**Permissive Use:** Any use that is established as lawful in a particular zone, provided the use conforms with the regulations applicable to that zone. [Permissive Uses allowed in the SU-3 for MU-UPT Zone and/or the SU-3 for MU-UPT Buffer Zone are listed in Chapter IV. of the 2008 USDP.]

**PID:** see “Public Improvement District”.

**Plan:** A single word used interchangeably with the defined phrase “Site Development Plan for Building Permit”. [“Plan” cannot be used interchangeably with a Site Development Plan for Subdivision.]

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

**Planting Strip:** A Planting Strip is a continuous area a minimum of four (4) feet wide that adjoins a ten (10) foot wide Walkway. A Planting Strip is not hardscape and is in addition to the required 10 foot wide Walkway. [Planting Strips are not within the 10 foot Walkways. All new Street Trees shall be planted in either a four (4) foot wide or a six (6) foot wide Planting Strip depending on the Street. Planting Strips shall be covered with either sixty (60%) or seventy-five (75%) percent living vegetative material depending on their location. Design should include water harvesting and soil protection methods.]

**Premise:** Any Lot or combination of contiguous Lots held in single ownership or managed as one Site, together with the development thereon; there may be multiple occupancy.

**Prohibited Use:** Any use not allowed in a zoning district [Prohibited Uses are listed in Chapter IV. of the 2008 USDP.]

**Project Review Meeting:** The first step in the Site Development Plan Review and Approval Process [The first Project Review Meeting is a discussion between the Applicant and the Uptown Review Team (URT) before an Application for Site Development Plan Approval has been submitted to the Planning Department.]

**Projecting Sign:** A type of Building-Mounted Sign that is perpendicular to the Façade where it is mounted, vertical in nature as it is taller than it is wide.

**Public Connectivity Infrastructure (PCI):** New Uptown infrastructure designed to foster the redevelopment of the Uptown Area into a cohesive, environmentally conscious, economically vibrant area. Public Connectivity Infrastructure includes, but is not limited to, Parking Structures, Streets, Walkways, Pedestrian Plazas, Uptown Circulators, civic spaces, a Wayfinding System, and Bikeways.

**Public Improvement District (PID):** A district formed pursuant to the New Mexico Public Improvement District Act, Sections 5-11-1 through 27 NMSA 1978.

**Public/Private Partnerships:** Partnerships between the public sector and the private sector for the purpose of financing and constructing infrastructure for the public purpose.

**Public Right-of-Way:** The total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.

**Public Utility Structure:** A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; city-owned lift station, odor control (or chlorine) station, water well or pump station, water reservoir; or any other public utility



structure controlled by a rank two facility plan.

**Raze:** To tear down or demolish.

**Recreational Vehicle:** A vehicle not exceeding forty (40) feet in body length, eight feet in width or eleven (11) feet in overall height, primarily designed as a temporary living quarters for recreational, camping or travel use; it either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. Recreational Vehicle includes motor home, truck camper, travel trailer, and camping trailer.

**Redevelopment:** Exterior, outdoor construction including changes to a Façade other than New Construction that could be described as conversion, enlargement, structural alteration, relocation, expansion, reduction, rebuild or reconfiguration and that increases, decreases or changes by 10% or more of the existing Building or individual Establishments' total square footage. If the Building or Establishment is part of a Mall, Redevelopment is an increase, decrease or change of 10% or more of the total square footage of the existing Establishment or Building, not the entire Mall.

**Restaurant:** An establishment that serves food and beverages which are consumed on its Premises by customers seated at tables and/or counters either inside or outside the building thereon, and which may be engaged in providing customers with take-out service of food and/or non-alcoholic beverages for off-site consumption. Sale of alcoholic drink is controlled by other provisions in the City of Albuquerque Zone Code and the New Mexico State statutes regarding alcoholic drink sales.

**Review and Approval Process:** The process by which Site Development Plans located within the Uptown Area are reviewed and either approved or denied.

**Rideshare:** The cooperative effort between two or more people to travel together by motor vehicle, usually to and from work.

**Roof Sign:** A Building-mounted sign or sign segment which is higher than the roof of the Building or Canopy to which it is attached.

**Rooting Volume:** The amount of soil necessary for sustainable tree and plant growth. Desirable conditions include sufficient pervious surface for air exchange and water infiltration, presence of organic matter and nutrients necessary for tree and plant growth, lack of construction debris, bulk density below 1.8 g/cc, pH and soil salts in acceptable range for species, and a volume of soil capable of sustaining mature tree size. Soil Volume is determined as length times width to a depth of 3 or 4 feet and should exceed 1 cubic foot of soil per 1 cubic foot of tree canopy. See Appendix B.

**Salvage Yard:** Any location whose primary use is where wasted or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including but not limited to materials such as scrap metals, paper, rags, tires and bottles. [A Salvage Yard is a Prohibited Use.]

**Setback:** The distance between a Structure and a Lot line [Setbacks are regulated in Chapter

IV. of the 2008 USDP.]

**Shade Tree:** Deciduous trees capable of reaching a mature canopy diameter of at least 25 feet or a mature height of at least 30 feet Shade Trees are listed in Appendix A.

**Shared Parking:** Public or private Parking used jointly by two or more uses or owners.

**Shared Parking Agreement:** A legally binding agreement duly executed by all owners of record acknowledging the intent to share Parking between properties with uses conducive to sharing Parking [ Such agreement shall address the issue of how Parking will be shared and what will happen if the parties change their operating hours and peak business periods. The Shared Parking Agreement shall be recorded by the Applicant with the Bernalillo County Recorder's Office prior to the issuance of a Building Permit or certificate of occupancy. A copy of the Shared Parking Agreement shall be filed in the project review file.]

**Sidewalk:** Sidewalks are referred to as Walkways and must meet the Design Regulations in Chapter V. See "Walkways" for definition.

**Sign Area:**

1. For Free-Standing and Projecting Signs means the area of one rectangle or of two contiguous rectangles in the same plane, drawn with horizontal and vertical lines so as to include the entire sign except sign supports. The viewpoint for calculation shall be that which gives the largest dimension to that rectangular area.
2. Sign Area for Building-Mounted Signs, except Projecting Signs, means the area enclosed with a sign border, or the sum of the areas of the minimum imaginary rectangles enclosing each word or non-verbal symbol if there is no sign border.
3. Ornamental sign bases without advertising elements are not counted in Sign Area.
4. Sign Area for additional add-on signs to Off-Premise Signs shall be calculated as the area of up to two rectangles in addition to the rectangle which defines the area of the basic sign.

**Sign Height:** The vertical distance from grade to the highest point of the sign.

**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.

**Signature Tree:** Trees intended as a unifying feature for the Uptown Area. Signature Trees are trees with a noticeable flowering presence in spring or summer. See Signature Trees listed in Appendix A.

**Site:** An area governed by a Site Development Plan.

**Site Development Plan:** A shortened phrase, which can be used interchangeably with the defined phrase "Site Development Plan for Building Permit" [Site Development Plan cannot be used interchangeably with "Site Development Plan for Subdivision".]

**Site Development Plan for Building Permit:** An accurate Plan at a scale of at least 1 inch to



100 feet, which covers a specific Site. The Site Development Plan shall allow 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 shall also include a Landscape Plan and a Signage Plan as described in Chapter V. of the 2008 USDP.

**Site Development Plan for Subdivision:** A Plan (to scale) indicating the division of a Lot, tract or Parcel of land into two or more Lots, plats, Sites or other divisions of land for the purpose of sale, rent, lease or building development. [A Site Development Plan for Subdivision does not allow an applicant to apply for a Building Permit as it is usually not as definite and/or detailed as a Site Development Plan for Building Permit.]

**Site Plan:** A shortened phrase, which can be used interchangeably with the defined phrase “Site Development Plan for Building Permit”. [Site Plan” cannot be used interchangeably with “Site Development Plan for Subdivision”.]

**Soil Connections:** Used to increase rooting volume for isolated or small Tree Wells in paved areas. This includes engineered soil, pipe, or other underground methods of connecting a Tree Well to a nearby Landscaped Area. Pervious paving or bridging are methods of Walkway construction that will achieve this effect.

**Solid Fence or Solid Wall:** A continuous non-transparent vertical surface kept in good repair. A fence with inserts, non-rigid or cloth-like materials attached to the fence does not constitute a solid wall or fence.

**Special Events Permit:** A permit issued by the City of Albuquerque that allows the permit holder to do something that is outside the scope of the normal use for a property.

**Stadium or Arena:** A large space for athletic games or performance events, surrounded by tiers of seats for more than 1,000 spectators. [A Stadium and/or an Arena is a Prohibited Use.]

**Staging Yard:** Temporary construction storage for equipment, material or activity incidental to a specific construction project. [A Staging Yard is Permissive Use provided it is temporary.]

**Stepback:** An indentation on a Façade, adjacent to the Right-of-Way, eliminating the “canyon effect” of the Building. A Stepback is the upper portion of a Building that is offset in comparison to the lower portion of the Building. For the purposes of the 2008 USDP, a Stepback may occur at a minimum height of 26 feet but the Building can go no taller than 52 feet without a Stepback. The minimum depth of a Stepback is 12 feet.

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

**Street:** That portion of a public Right-of-Way or private way including internal Site Streets or thoroughfare which is primarily devoted to vehicular movement. Such Right-of-Way or thoroughfare normally provides access to abutting property.

**Street Tree:** Required trees planted along the sides of all Streets including Internal and Local

Streets and along Walkways that are not shaded by any other trees. [Approximately 1/3 of all new Street Trees planted shall be Signature Trees, 2/3 of all new Street Trees planted shall be Shade Trees and Evergreen Trees should be planted where appropriate.] See Appendix A tree list

**Structure:** Anything constructed or erected above ground-level which 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.]

**Suite Liner:** see “Wrap”.

**Tax Increment:** A piece or portion of future gains of taxes used to finance the current improvements used to create those gains.

**Tax Increment Allotment:** The allocation or amount of Tax Increment designated to specific districts or uses and/or debt service.

**Tax Increment Development District (TIDD):** A Tax Increment Development District (TIDD) is the geographic area where the Tax Increment is generated and allocated.

**Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle, to be used for the carrying of persons or property or as a human habitation. However, a structure that meets the requirements of the Building Code of the City in all ways, including foundation, is not a trailer, whether or not it was once a vehicle.

**Tree Canopy:** The upper portion of a tree covered in leaves or needles. Average canopy width and height determine canopy coverage. [A 40 foot tall tree with 30 feet in height and 20 foot wide of leaf canopy equals 600 square feet of canopy.]

**Tree Well:** A thirty-six (36) square foot space created in paved areas for tree planting in order to provide desirable rooting volume in a confined area. Mulch shall be applied over the entire Tree Well surface but not touching the tree trunk. Tree wells should be created so finish grade will maximize rainwater usage for vegetation. Soil Connections should be used to increase rooting volume. A Tree Well can be designed for rooftop Parking Structures for small trees and shrubs using Engineered Soil basically as a large container.

**Uptown Area:** The area of Uptown as defined by the Uptown Sector Development Plan and zoned either SU-3 for MU-UPT or SU-3 for MU-UPT Buffer.

**Urban Park:** a public space available to the general public that contains benches, recreational benefit and open space as defined. Space must contain a minimum of a third (1/3) of an acre or approximately 15,000 square feet.

**Uptown Progress Team Neighborhood Association (UPTNA):** The recognized Neighborhood Association for the Uptown Area.

**Uptown Review Team (URT):** A group of representatives from various City departments assembled by the Planning Director for the purpose of reviewing projects within the Uptown Area

for eventual Site Development Plan Approval. [The URT will ensure compliance with the 2008 USDP and other applicable City regulations and requirements.]

**Uptown Sector Development Plan (USDP):** The guiding document that governs New Construction, Redevelopment and public participation within the Uptown Area boundaries.

**URT:** see “Uptown Review Team”.

**Walkways:** That portion of the public Right-of-Way or private property which is primarily devoted to pedestrian use [Sidewalks, pedestrian links and/or pedestrian connections are referred to as Walkways. Walkways must follow the Design Regulations in Chapter V.

**Walkway Trees:** Trees planted along Walkways to provide a shady and inviting environment.

**Wall Sign:** A sign parallel to the exterior surface of a Building, applied directly on the Building, in a window, or a signboard attached flush to the Building, projecting no more than 6 inches from the Building surface. Light sources aimed at the Wall Sign may extend farther.

**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 such as a cistern or a “catchment area” and a means to distribute water using gravity. Water is directed to landscape holding areas, concave or planted areas with “edges” to retain water, which can be used immediately by nearby plants. Water Harvesting methods of dispersal can also include solar powered pumps. Tanks can be underground making this a space saving, green building, method of achieving water and cost savings. Water Harvesting is strongly recommended for all Parking Structures and rooftops.

**Wayfinding System:** A system of signage, Kiosks and other tools to guide drivers, pedestrians and bicyclists through Uptown. [The use of creative, consistent Wayfinding tools that give the Uptown Area a unique, enhanced and memorable identity by creating a strong “sense of place”. The Wayfinding System is a unifying element that may be included as part of the Public Connectivity Infrastructure.]

**Wrap or Suite Liner:** A Structure connected to and extending from the front, side or rear of a Parking Structure for the purpose of screening and creating Street level activity.

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## **Chapter III. INTENT and GOALS**

### **A. Zoning**

The intent of the 2008 USDP is to create two new zones for the entire Uptown Area. The new zoning throughout the Uptown Area is a less prescriptive, more flexible Mixed-Use Zone with an expedited approval process for Site Development Plans that meet the zoning and design regulations set forth in the 2008 USDP.

Zoning goals of the 2008 USDP include:

1. Creating new Mixed-Use Zoning that promotes integrated, economically viable and sustainable land uses that include: commercial, civic, office, restaurant, hotel, housing and entertainment.
2. Protecting existing neighborhoods by maintaining the Buffer Zone protections from the 1995 USDP with regard to setbacks and height restrictions between Uptown Mixed-Use and existing single family residential not within the Uptown Area.
3. Encourage desired New Construction and/or Redevelopment by allowing an expedited review and approval process for projects that support the purpose and meet the regulations of the 2008 USDP.

### **B. Design**

The intent of the design regulations of the 2008 USDP is to create a unique, quality environment that unifies the Uptown Area for the enjoyment of everyone.

The design regulation goals of the 2008 USDP include:

1. Enhancement of the aesthetic conditions of the Uptown Area.
2. Requirement of architectural design and building materials that create quality Buildings that will stand the test of time, attractive on all visible sides and welcoming to visitors and residents.
3. Encouraging LEED and Green designs.
4. Creating a “sense of place” that include Walkways that are 10 feet wide with a unifying design element (Appendix C ) for connectivity within the Uptown Area, enhanced landscaping, Wayfinding signage and public spaces throughout the entire Uptown Area. All Site Development Plans shall clearly demonstrate the interconnectivity from each site to the rest of the Uptown Area.
5. Requiring Open Space with increased landscaping in order to ensure the public a pleasant experience within the built environment. Landscaping is a tool for visually unifying the Uptown Area. Flowering trees are a Signature design element in Uptown. The design, placement and maintenance of all trees and vegetation should consider the

environmental, economic and social effects of those improvements.

6. Taking advantage of views to the Sandia Mountains or to other exciting elements within Uptown when designing public places such as Pedestrian Plazas, Walkways and outdoor dining spaces.

### **C. Open Space**

Open Space areas are spaces intended to provide the public with a respite, visual and/or physical, from the built environment. These spaces are required in order to satisfy the visual and psychological needs of the community.

The goals for Open Space include:

1. When a required Open Space area is a physical place like a Pedestrian Plaza, it shall be ADA compliant, have a Landscaped Area equal to 40% of the required Open Space and include amenities.
2. 15% of all Open Space shall provide shade from the summer sun.
3. Requiring all New Construction or Redevelopment in the Uptown Area, excluding public utility structures, to provide publicly accessible Open Space.
4. Encouraging different types of Open Space areas: developed areas such as Pedestrian Plazas where the public can gather and smaller Landscaped Areas for the public to enjoy visually as they move through the Uptown Area.
5. Ensuring that enhanced landscaping and shade are included in Developed Open Space areas.
6. Allowing sites to combine required Open Space in order to create more usable, quality Open Space for the community to enjoy.
7. Connecting Open Space areas to Walkways throughout the Uptown Area.
8. Encouraging Developed Open Space areas to take advantage of the Sandia Mountain views or other exciting elements within Uptown.
9. Designing Landscaped Areas as focal points throughout a Site.

### **D. Pedestrians**

The intent of the 2008 USDP is to make the Uptown Area a safe and enjoyable place to walk. There is a focus on creating a very special experience for pedestrians making the Uptown Area a unique pedestrian destination. Many pedestrian amenities are required for Redevelopment and New Construction such as Open Space, enhanced trees, enhanced landscaping and 10 foot wide Walkways.

The goals to achieve a safe and enhanced pedestrian environment include:

1. Facilitating pedestrian safety by allowing more mid-block signalized crossings of major Streets and providing, wherever possible, areas of “safe haven” for pedestrians to use while crossing the Streets in the Uptown Area.
2. Encouraging pedestrians to walk between sites in the Uptown Area by requiring New Construction and/or Redevelopment to provide 10 foot wide Walkways with enhanced landscaping and trees.
3. Designing New Construction or Redevelopment with overhangs, Awnings, Canopies, portals, trees and landscaping to shelter pedestrians from extreme weather or intense sun. Considering wind conditions (both westerly and east canyon winds) when designing Building entrances, Pedestrian Plazas and Walkways, etc. Promoting positive use of breezes and natural ventilation during the summer. Protecting pedestrians from fall or winter winds and gusting spring winds whenever possible.
4. Designing doorways and entries to be inviting and easy to find. Doorways and entryways should add interest to the overall Building Façade.
5. Planning pedestrian scale activities such as street fairs, art shows, sidewalk sales, farmers markets and/or other events for people to enjoy. Providing music and art to enhance the excitement of being in the Uptown Area.
6. Building the Pedestrian Circulation System (PCS) described in the Public Connectivity Infrastructure in Chapter VI. of the 2008 USDP. The PCS facilitates access to all parts of Uptown by connecting Walkways to Pedestrian Plazas, Parking Structures and other areas of interest created to excite people who are walking in Uptown. The complete Pedestrian Circulation System can only be achieved through Public/Private Partnership funding sources such as a TIDD and cannot be required or fully realized without such funding.

## **E. Environment**

It is the intention of the 2008 USDP to protect the environment while still allowing people to maintain their lifestyles. Cars, City Buses, bicycles and pedestrians are all welcome in Uptown but it is important to mitigate any negative effects on the environment when possible. The Public Connectivity Infrastructure encourages “Park Once” behavior through the use of the Pedestrian Circulation System, Parking Structures and the Uptown Circulator.

The environmental goals for Uptown include:

1. Continuing to meet and maintain Federal standards for air quality in Uptown.
2. Promoting the use of City Transit, Uptown Circulators, bicycles, Ridership programs and pedestrian walkways.



3. Continuing to improve traffic conditions to reduce automobile emissions in Uptown.
4. Requiring enhanced landscaping and trees as a major element in maintaining a healthy environment.
  - a. Shaded Parking reduce temperatures and the formation of ground level ozone and smog.
  - b. All vegetation filters storm water before it reaches the river or infiltrates into the soil.
  - c. Trees, especially large shade trees, help reduce wind speed and remove dust and other air pollutants.
5. Protecting landscaping by using mulch and providing ample Rooting Volume and permeable areas for tree roots to ensure that the trees and landscaping flourish.
6. Identifying areas that will lack solar access in the winter or that will cause excessive outdoor heat accumulation in the summer. Conserving energy by mitigating these effects through design, materials or vegetation where feasible.
7. Utilizing water harvesting techniques and water reuse systems when possible for trees and landscaping to reduce municipal water use. Maximizing water relocation to the root zones of trees for better overall health of the trees.
8. Using solar energy or other alternative energy systems and energy efficient design when possible. LEED and Green Building methods are strongly encouraged.
9. Using landscaping, shade, openings for winter sun and non-glare materials advantageously when designing outdoor spaces in order to create inviting and comfortable places for people to gather in all seasons.

## **F. Parking**

The intention of the 2008 USDP is to ensure Adequate Parking for the Uptown Area while being sensitive to the environmental goals of “Park Once” behavior. Adequate Parking is essential for the Uptown Area to successfully develop into a dynamic Mixed-Use area.

A Public/Private Partnership funding source such as a TIDD could enable Parking Structures to be built throughout the Uptown Area eliminating the need for “a sea of Parking”. Parking Structures are the solutions to many issues facing the Uptown Area. However, the existing Parking Spaces and Parking Lots in the Uptown Area are allowed to remain and new Parking Spaces and Parking Lots may be built so long as all Parking follows the Design Regulations set out in Chapter V. of the 2008 USDP. When Parking Structures are built they must follow the Design Guidelines in Chapter V. If Public/Private Funding is used to build a Parking Structure it should be located in accordance with Public Connectivity Infrastructure, Chapter VI. of the 2008 USDP.

Parking solutions should reflect a realistic range of Parking options and regulations. It is not the



intent of the 2008 USDP to restrict Parking in such a way as to make the Uptown Area less marketable than other parts of the City.

The Parking goals include:

1. Eliminating maximum Parking requirements.
2. Creating Parking regulations that allow for a market driven Parking outcome, both in amount and location but require a minimum standard for Parking that will protect the residential areas outside the Uptown Area from overflow Parking.
3. Formulating a policy that will allow for Shared Parking between uses and across property lines throughout the Uptown Area.
4. Building Parking Structures as part of the Public Connectivity Infrastructure, Chapter VI. It is likely that this goal cannot be fully realized without funding provided by a Public/Private Partnership such as a TIDD or PID.

## **G. Transportation**

The intent of the 2008 USDP in regard to transportation is to create a safe environment for people to travel in and around the Uptown Area using various modes of transportation. It is important that everyone involved works to mitigate traffic congestion and safeguard air quality. The Uptown Progress Team Neighborhood Association (UPTNA) through the formation of a Business Improvement District (BID) should be the force behind achieving many of the following goals.

The transportation goals include:

1. Continuing to meet all objectives of the National Ambient Air Quality Standards.
2. Increasing and promoting the use of City Transit as a means of transportation for both the people coming to enjoy the Uptown Area and for people living in Uptown.
3. Encouraging the UPTNA to lead a Transportation Management Program and to establish rewards such as dedicated Parking and other incentives for the use of alternative fuel vehicles and for the people who participate in Rideshare programs.
4. Developing and promoting the operation of a free, full-time, Uptown Circulator for shoppers, visitors, customers, employees and residents. Attractive Circulator stops should be located to maximize safety, accessibility and may be used as a unifying element throughout the Uptown Area. The City and Uptown property owners shall investigate alternatives to standard shuttle buses. The need for this type of localized transportation could also be satisfied by other means such as sky shuttles or trams.
5. Connecting the Uptown Circulators to City Transit stops. The Public Connectivity Infrastructure, Chapter VI. includes connecting the Uptown Circulator to Pedestrian

## **H. Bicycle Circulation**

The intention of the 2008 USDP is to encourage bicycling in the Uptown Area and to make it a more safe and enjoyable experience.

The goals to achieve a safe and enhanced environment for bicyclists include:

1. Encouraging the Uptown Area property/business owners to install bicycle racks and covered bicycle storage where possible and desirable.
2. Planning bicycle activities for all ages to entice bicyclists to the Uptown Area.
3. Building the Bicycle Circulation System (BCS) described in the Public Connectivity Infrastructure, Chapter VI. of the 2008 USDP.

## **I. Wayfinding**

The Wayfinding System is intended to be a system of directional signage and informational Kiosks consistent throughout the Uptown Area as a unifying element. Through the design and implementation of the Wayfinding System, the Uptown Area will emerge as an easily recognizable area of Albuquerque having its own unique character and “sense of place”.

The basic purpose of the Wayfinding System is to guide people through Uptown whether they are driving, walking, riding a bicycle, taking a City bus or an Uptown Circulator. The Wayfinding System is part of the Public Connectivity Infrastructure. Public/Private Partnership funding sources such as a TIDD or PID may be necessary to fully implement the Wayfinding System.

The goals for the Wayfinding System include:

1. Creating an Uptown logo with the help of the UPTNA. This will be the symbol that gives the Uptown Area a “sense of place”. It is a visual presence that ties the whole Uptown Area together but does not interfere with other commercial identities.
2. Developing an overall signage package for pedestrians, drivers and bicyclists that provide directional signage to all areas and uses in the Uptown Area, incorporating the logo.
3. Providing Kiosks or other signage at various locations for the purpose of posting information on current Community Activities.
4. Developing a Wayfinding System as described in Public Connectivity Infrastructure, Chapter VI. of the 2008 USDP.

## **J. Public Connectivity Infrastructure**

The intent of the Public Connectivity Infrastructure is to guide new infrastructure in a coordinated manner so as to visually and physically unite all the properties within the Uptown Area while providing desirable public amenities. By creating a cohesive, dynamic, exciting “place to be” the Uptown Area will become a renewed and economically vibrant area.

The Public Connectivity Infrastructure goal is the creation of the new infrastructure described in Chapter VI. including but not limited to the following elements:

1. A Pedestrian Circulation System (PCS)
2. A Bicycle Circulation System (BCS)
3. Parking Structures
4. A Wayfinding System
5. Uptown Circulator
6. The Basics - Infrastructure

In order to finance and build the Public Connectivity Infrastructure it is necessary to create Public/Private Partnerships between the City of Albuquerque, Bernalillo County, the State of New Mexico and the landowners in the Uptown Area. The 2008 USDP recognizes that without a Public/Private Partnership this level of new public infrastructure might not be achieved and redevelopment efforts could be stifled.

## **K. Funding Opportunities**

It is the intent of the 2008 USDP to facilitate the successful growth and evolution of Uptown. To allow Uptown to realize its potential it is necessary to provide new public infrastructure that will draw people to the Uptown Area.

The implementation of new Public Connectivity Infrastructure is essential to the future success of the Uptown Area. Enhanced landscaping, Pedestrian Plazas, bicycle paths, civic spaces and a Wayfinding system will create an identity for Uptown that is unique to Albuquerque and all of New Mexico. Cohesive new infrastructure will give Uptown its “sense of place” along with a vibrancy that will ensure the Uptown Area’s popularity for decades to come.

The ability to build Parking Structures along with the other features of Public Connectivity Infrastructure probably necessitates the use of Public/Private Partnership funding sources like the establishment of Tax Increment Development Districts (TIDDS).

A TIDD serves a broad public purpose through the financing of new public infrastructure such as Parking Structures, civic amenities, Pedestrian Plazas, Streets, Walkways and the other elements of the Public Connectivity Infrastructure. TIDD financing for the Uptown Area is

essential in creating economic development and redevelopment opportunities including job growth. Without TIDD financing much of the new infrastructure is prohibitively expensive and probably cannot be achieved or required.

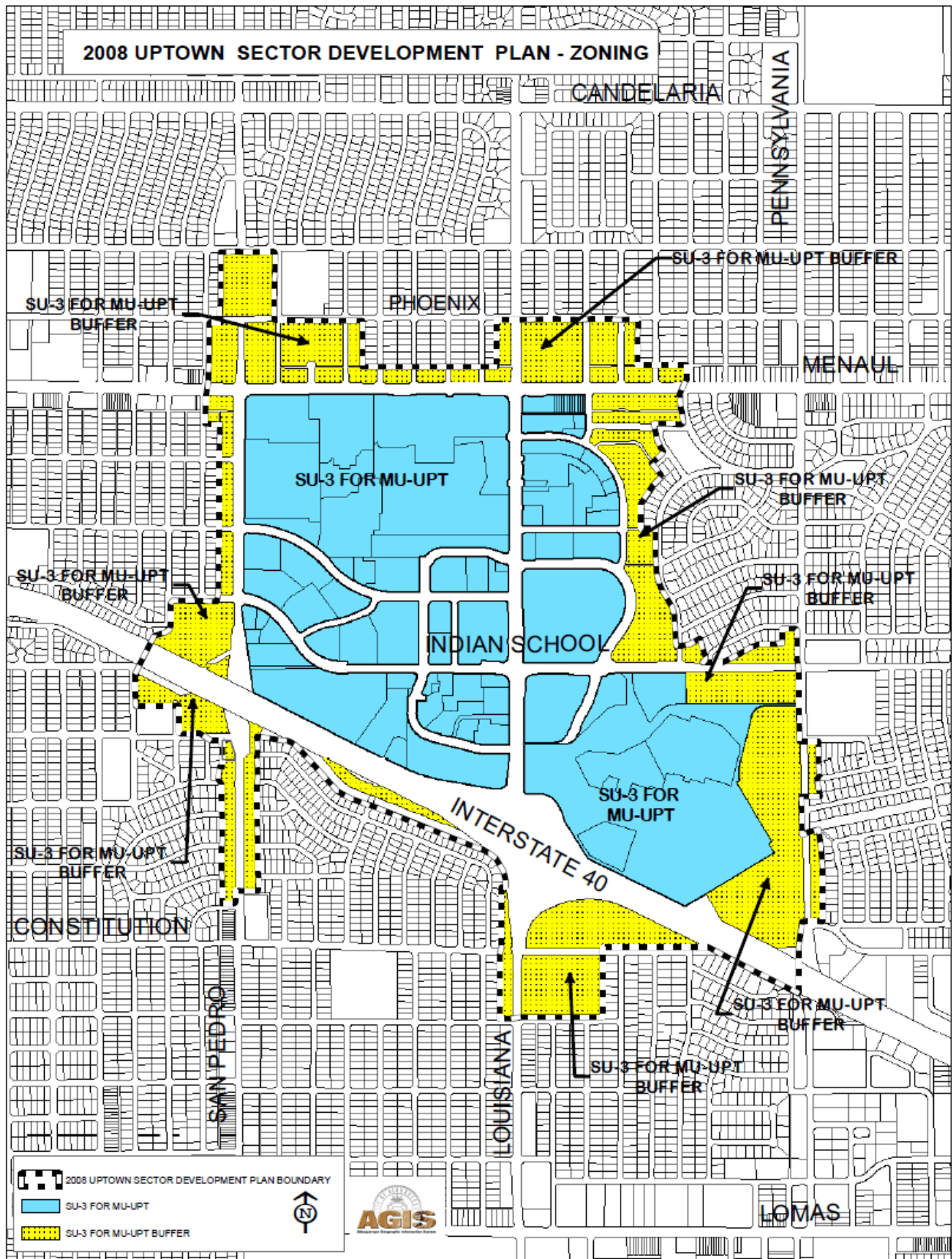
A BID should be established by the UPT to maintain and foster the overall success of the Uptown Area.

The use of a BID and TIDDs maximize the Uptown Area's Redevelopment opportunities and prevent blighted or declining areas from evolving.

The goals for creating funding opportunities include:

1. The Uptown Progress Team should establish an Uptown Business Improvement District (BID) to maintain and promote Uptown.
2. City support for the establishment of one or more Tax Increment Development Districts (TIDDs) to facilitate and foster construction of the new Public Connectivity Infrastructure needed in Uptown.
3. City support for the creation of an Uptown Progress Team BID.
4. Establishing TIDDs that meet State, County and City laws regarding their formation in order to promote the Uptown Area's redevelopment as a premiere Mixed-Use economic development area that will benefit Albuquerque, Bernalillo County and the entire State.

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## Chapter IV. Mixed-Use Zone

### A. SU-3 for MU-UPT and SU-3 for MU-UPT/Buffer

1. All properties within the Uptown Sector Development Plan boundaries shall be zoned SU-3 for MU-UPT or SU-3 for MU-UPT/Buffer. Because of the new Mixed- Use Zones created in the 2008 USDP, terms such as “Large Retail Facility” or “Shopping Center” are not applicable to this Sector Development Plan and neither are regulations written for those facilities such as Section 14-8-2-7 ROA 1994 and Section 14-16-3-2 ROA 1994.
2. Upon adoption of the 2008 USDP, all existing Buildings which do not conform to the 2008 USDP are permitted as Legally Nonconforming as to the use of the Building and Legally Nonconforming as to the design of the Building.
3. All New Construction and or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP except where specifically exempted and/or as otherwise required.
4. If an existing Building, with a use that becomes Legally Nonconforming upon adoption of the 2008 USDP, is Razed voluntarily or involuntarily, the rebuilt Building can continue as a Legally Nonconforming Use, but must come into compliance with all other regulations and requirements in the 2008 USDP. For example if a hotel in the SU-3 for MU-UPT Buffer Zone is destroyed or torn down it is allowed to rebuild as a Legally Nonconforming hotel, but the new Building must comply with all other regulations in the 2008 USDP including the required Building design, landscaping and Parking. Section 14-16-3-4 (A) (8) ROA 1994 of the zone code limits the amount of time in which the rebuild must begin and that regulation is incorporated into the 2008 USDP.
5. SU-3 for MU-UPT and SU-3 for MU-UPT/Buffer Zone are Mixed-Use Zones that allow housing, civic and commercial uses including: retail, wholesale, restaurants, offices, hospitality and entertainment. These uses may be located on the same Site and may be contained in the same Structure. There are no specific Mixed-Use requirements for each Site and single land use Sites are allowed. Each New Construction or Redevelopment Site shall be governed by a Site Development Plan that has been approved by the City using the process described in Chapter VII. of the 2008 USDP.
6. All uses within SU-3 for MU-UPT and SU-3 for MU-UPT/ Buffer Zone are either Permissive or Prohibited as described in this Chapter. There are no conditional uses in the 2008 USDP. Uses that are not listed in the 2008 USDP shall not be governed by R-3, Section 14-16-2-12 ROA 1994 or C-2, Section 14-16-2-17 ROA 1994.
7. All properties zoned SU-3 for MU-UPT/Buffer shall follow the regulations for the SU-3 for MU-UPT zone, except where different regulations are listed as exemptions in this Chapter with regard to uses, setbacks, height and required Landscape Buffers. In addition, vehicle access to and from the west side of Española Street between Cutler Street and Indian School Road shall not be allowed.



8. New Construction or Redevelopment shall be allowed to occur in multiple phases provided that the phasing is clearly delineated on an approved Site Development Plan and provided that each individual phase meets the regulations of the 2008 USDP as that phase is developed.

## **B. Permissive Uses**

The following uses are Permissive Uses in the SU-3 for MU-UPT Zone and the SU-3 for MU-UPT Buffer Zone except those uses listed as Prohibited in the SU-3 for MU-UPT Buffer Zone:

1. Amphitheater  
**Exception:** An Amphitheater is a prohibited use in the SU-3 for MU-UPT Buffer Zone.
2. Animal Clinic provided the clinic has only one outside exercise run and that the exercise run is enclosed with a solid wall or fence at least six feet high and no more than one animal is permitted in the run at any one time.
3. Animal Grooming
4. Animal Kennel, provided:
  1. The kennel is in a completely enclosed Building.
  2. The facility is no closer than 30 feet from any residential zone outside the 2008 USDP Area.
  3. The noise from the kennel does not exceed the ambient noise level as defined in Section 9-9-12 ROA 1994, when measured 30 feet from any exterior wall of the kennel.
5. Carnival or circus operation outdoor or in a tent provided:
  - a. The carnival or circus is located at least 300 feet from a residential zone outside of the 2008 USDP Area.
  - b. The carnival or circus is permitted at any one Premise for a period not to exceed ten days in any calendar year;
  - c. Hours of operation, including erection and dismantling of equipment are between 7:30 a.m. and 10:30 p.m.;
  - d. There is sufficient Parking available on the Premise. The Code Compliance Official shall approve a Site plan which shall demonstrate Adequate Parking and vehicle circulation;
  - e. There are public toilet facilities on the Premise;
  - f. City Fire Marshall or his authorized representative gives prior approval of any tent as meeting the requirements of Sections 14-2-1 et seq. ROA 1994;
  - f. No animals are displayed, offered for sale, worked, rented, exhibited or used in any manner.



6. Day Care Center, public or private.
7. Events with a Albuquerque Film Office Permit or a Special Events Permit such as Community Activities.
8. Garage or yard sales provided:
  - a. No more than two sales shall occur at a given Multi-Unit Premise in any 12-month period. The duration of the garage or yard sale shall not exceed three consecutive days. The Planning Director may grant additional garage or yard sales.
  - b. No items shall be purchased for a garage or yard sale for the purpose of resale; items shall be of the type normally accumulated by a household.
  - c. One non-illuminated sign not exceeding six square feet in area shall be permitted. The sign shall pertain to the garage or yard sale only and shall be located on the Premise. The sign shall only be permitted for the period of the sale.
9. Gasoline, oil and liquefied petroleum gas retailing, including outdoor sales, but not truck plazas, provided that the facility meets all Design Regulations in Chapter V. of the 2008 USDP.

**Exception:** Gasoline, oil and liquefied petroleum gas retailing, including outdoor sales, and truck plazas are Prohibited Uses in the SU-3 for MU- UPT Buffer Zone.
10. Helipad but only if the landing pad is a minimum of 60 feet above ground level.

**Exception:** A Helipad is a Prohibited Use in the SU-3 for MU-UPT Buffer Zone.
11. Hotels and motels that are full service, selective service or boutique hotels as defined by the Planning Director and so long as all guest rooms are accessed by an interior corridor.

**Exception:** after adoption of the 2008 USDP, any new hotel and/or motel of any type is a Prohibited Use in the SU-3 for MU-UPT Buffer.
12. Institutional Uses - public, private and governmental limited to the following:
  - a. Churches, chapels, places of worship including incidental recreational and educational facilities but not emergency shelters.
  - b. Community center
  - c. Cultural center
  - d. Libraries
  - e. Museums police substation
  - f. Schools, public or private.
13. Kiosks
14. Mortuaries

**Exception:** A mortuary is a Prohibited Use in the SU-3 for MU-UPT Buffer Zone.

15. Park-and-Ride Joint Use and Temporary facilities.
16. Parking Structures, Parking Lots and Parking Spaces, provided that all Parking is consistent with the Design Regulations in Chapter V. of this USDP.
17. Pedestrian Plazas, Parks and other outdoor public gathering places provided they meet the Design Regulations in Chapter V. of the 2008 USDP.
18. Performances, indoor or outdoor, by artists, Buskers and street performers.
19. Public Utility Structure, provided its location is in accordance with an adopted facility plan or an approved Site Development Plan for Building Permit. Public Utility Structures must comply with the regulations in Chapter V. of the 2008 USDP.
20. Radio or television studio or station, if using a visible antenna or dish, the antenna or dish must be architecturally integrated and approved by the Planning Director.
21. Recreational facilities, public and/or private, located in a Building or outdoors, provided fencing or other suitable devices are employed to ensure that balls are not hit out of the Premise and that noise does not exceed the noise level as defined in Section 9-9-12 ROA 1994. Recreational facilities include but are not limited to:
  - a. baseball batting cages
  - b. bowling alleys
  - c. golf driving range
  - d. miniature golf course
  - e. swimming pool
  - f. tennis club
22. Residential uses are allowed with no minimum or maximum dwelling units allowable or required per acre.
23. Restaurants
24. Retail and/or Wholesale of any consumer product and/or provision of any customer, personal or business service, including health and/or dental service, except as prohibited in the Prohibited Uses section, are permissible with the following qualification:
  - a. Building materials provided they are within a completely enclosed Building.
  - b. Dry cleaning, laundry, clothes pressing, provided that the process of dry cleaning shall not occur within the defined USDP Area.
  - c. Hospitals for human beings provided the main vehicular access to the Site is from Louisiana, Menaul, Indian School or San Pedro and the Site is a minimum distance of 500 feet from a residential zone, school or park located outside the 2008 USDP Area. Urgent Care facilities have no location restrictions.
  - d. Indoor vehicle sales, service and storage if completely enclosed within a Building or Parking Structure.

- any purpose including testing or experimentation.
  - f. Photography, except as an Adult Amusement Establishment.
  - g. Repair business provided that the activity occurs within a completely enclosed Building, does not generate noise heard outside the Building, has no outside storage or sales and provided that the repairs do not include painting or repainting.
  - h. Vehicle rentals if located completely on a hotel site or completely within a Parking Structure.
25. Retail business in which products may be manufactured, compounded, processed, assembled or treated, as an accessory use, including but not limited to: carpentry, upholstery, catering, baking, confectionery making, jewelry or curio making, provided:
- a. All activities are conducted within a completely enclosed Building.
  - b. Activities or products are not objectionable due to odor, dust, smoke, noise, vibration or other cause.
26. Signage as described in Chapter V. Section L.
27. Storage of household goods, office records, equipment or materials. All activities are conducted within a completely enclosed Building, the scale and style of which fits its location in addition to meeting all Design Regulations listed in Chapter V. of the 2008 USDPb. Individual storage cubicles, units or facilities are not each directly accessible from outside the enclosed Building.
28. Temporary Buildings or Trailers serving as a rental or sales office may be used until two weeks after the permanent leasing or sales office is built.
29. Temporary Buildings or Trailers serving as a temporary construction office during construction of a specific project on the Premise provided it is set up only after the Site Development Plan is approved and removed when the Final Certificate of Occupancy has been issued. If work on the project has been dormant for a period of six or more months the Temporary Buildings or Trailers must be removed unless an extension is granted by the Planning Director. The body of the temporary Building or Trailer shall be set back at least five feet from any lot line.
30. Temporary construction storage or Staging Yard for equipment, material or activity incidental to a specific construction project, provided it is set up only after the Site Development Plan is approved and removed when the Final Certificate of Occupancy has been issued. If work on the project has been dormant for a period of six or more months the construction storage or Staging Yard must be removed unless an extension is granted by the Planning Director.
31. Tents, uses or activities in a tent, if the uses or activities are permitted in the 2008 USDP, provided:
- a. a tent may not be erected for more than fifteen days at a time and may not be erected more than four times a year on a given Premise, unless being used as part of a movie production and then the time limit shall be per the Zoning

Enforcement Officer.

- b. There is adequate paved Parking available on the Premise. The Code Compliance Official shall approve the Site Plan for the tent, which shall demonstrate Adequate Parking and vehicle circulation, prior to erection of the tent.
  - c. There are toilet facilities on the Premise available to the users of the tent.
  - d. The City Fire Marshal or his authorized representative gives prior approval of the tent as meeting the requirements of Sections 14-2-1 et seq. ROA 1994.
32. Theater except as an Adult Amusement Establishment Exception: A Building housing any type of a theater is a Prohibited Use in the SU-3 for MU-UPT Buffer Zone.
33. Wireless Telecommunication Facility provided the WTFs are concealed facilities integrated into the building, face mounted or roof mounted, not freestanding and as required in the current zone code Section 14-16-3-17 ROA 1994.

### **C. Prohibited Uses**

The following uses are Prohibited in the SU-3 for MU-UPT Zone and the SU-3 for MU-UPT Buffer Zone:

1. Adult Amusement Establishments, adult bookstores, adult photo studios or adult theaters.
2. Agricultural animals
3. Automobile or other motorized vehicle painting, dismantling or tire recapping or tire re-treading, even if completely enclosed within a structure.
4. Cold storage plant
5. Crematorium
6. Drive-up service windows are not permitted except as part of a bank or pharmacy and shall not exceed three lanes.
7. Equestrian activities or facilities.
8. Firewood sales and related storage as a primary use.
9. Ground mounted antenna
10. Industrial - all uses listed in Section 14-16-2-20, M1, ROA 1994 and Section 14-16-2-21, M2, ROA 1994 are Prohibited unless specifically listed in the Permissive Uses section of the 2008 USDP.
11. Jails or correctional institutions including community residential corrections.

12. Mobile home development or mobile home sales.
13. Off-Premise Sign, except as provided for in the Design Regulations of the 2008 USDP and except for “sense of place”, Wayfinding, directional signs or Kiosks which are Permissive Uses.
14. Outdoor go-cart tracks.
15. Outdoor Parking of a recreational vehicle, boat, boat trailer, ATV or other trailer of any kind except when Parking at a hotel for an overnight stay or when temporarily parked for the purpose of shopping, dining or conducting business.
16. Outdoor sales, rental or display of automobiles, construction equipment, recreational vehicles, agricultural and farming equipment, snowmobiles, boats and other water craft, trailers, ATVs, landscape equipment, motorcycles, motorized scooters or bicycles unless they are an integral part of the design of the Building Façade. Design of a Building Façade which includes these elements must be approved by the Planning Director through an Administrative Amendment.
17. Outdoor storage of household items, Recreational Vehicles, boats, trailers, or ATVs, etc.
18. Parking of more than two semi tractor trailers on any one site for over two hours, except in designated truck docks or in designated truck loading zones.
19. Parking meters or Parking Kiosks on public Streets.
20. Pawn shop
21. Salvage Yard
22. Sanatorium
23. Sheet-metal working
24. Signage described as Prohibited in Chapter V. Section L.
25. Stadiums or Arenas with seating for more than 1,000 people, public or private.
26. Storage facilities not completely contained in a Building.
27. Parking, Parking Spaces, Parking Lots or publicly or public/private owned Parking Structures shall not charge for the rental of any Parking.
28. Taxidermy
29. Temporary Buildings or Trailers except as listed in Permissive Uses of the 2008 USDP.
30. Truck plaza, terminal, rest area, repair and semi-trailer refueling stations.

31. Vehicle service, repair and storage, unless completely enclosed within a Parking Structure or Building.

#### **D. Lot Size**

There is no specific limitation on lot size in the SU-3 for MU-UPT Zone or the SU-3 for MU-UPT Buffer Zone.

#### **E. Building Size**

The maximum square footage allowable for any one level of a Building for any single user or Establishment shall not exceed 90,000 square feet, unless the Building or Establishment is subject to an approved Site Development Plan which has:

1. a Floor Area Ratio of 0.5 or greater, and
2. at least 50% of the parking within a structure, which may include a freestanding parking structure, parking on the roof of a building, or parking below a building, and
3. primary vehicular access must be to and from a collector street, or a street having a greater capacity, and
4. for any Building or Establishment, any part of the occupiable area of which is within 1/4 mile of the centerline of Louisiana or Menaul Boulevard, one major facade and one major public entrance of the Building or Establishment shall be separated from either Louisiana Boulevard, Menaul Boulevard, or any other bounding arterial street only by landscaping (hard & soft), sidewalks and/or pedestrian plaza as described in this Plan.

One-level Buildings for a single user or Establishment in excess of 90,000 square feet are not permitted in the SU-3 for MU-UPT Buffer Zone. Applicants for a one-level building for any single user or establishment greater than 90,000 square feet shall, prior to making a Site Development Plan application, give notice of such proposed action in accordance with Section VII B(13) hereof. Site development Plans and site development plan amendments for a Building for any single-user or Establishment that exceeds 90,000 sf on a single level, shall be reviewed through the process described in Chapter VII of the USDP.

#### **F. Floor Area Ratio (FAR)**

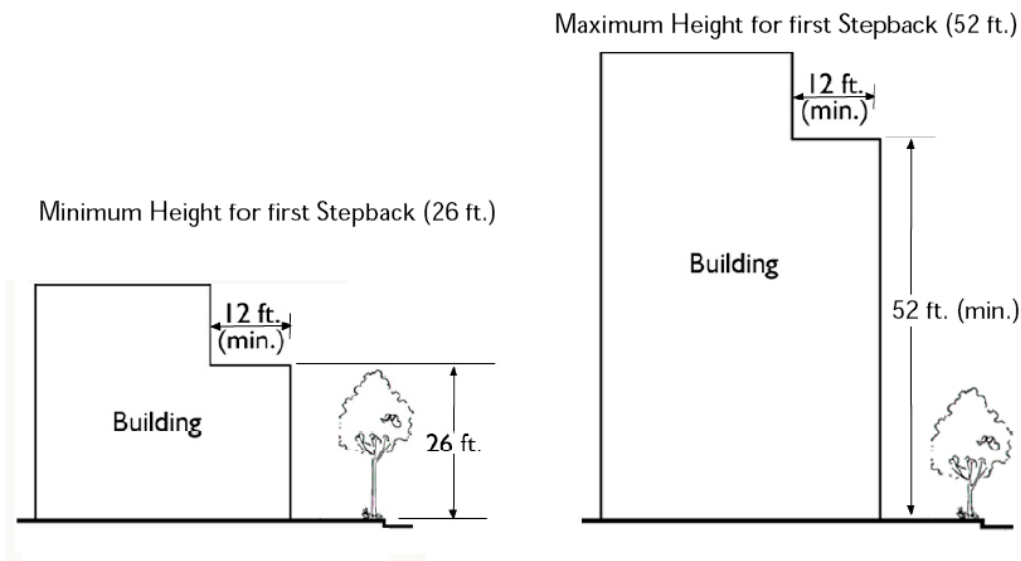
1. There is no maximum FAR in the Uptown Area.
2. For properties 7 acres in size or larger the minimum FAR shall be 0.3. If the owner/representative of any property of at least 7 acres in size puts forth a completed application to obtain a TIDD from the City of Albuquerque and/or Bernalillo County and/or the State of New Mexico and is turned down, that property is not subject to a minimum FAR. If the Tax Increment Allotment awarded is not sufficient to build the infrastructure as proposed and the owner/representative of the property rejects the Tax Increment Allotment that property is not subject to a minimum FAR.

3. Properties of less than 7 acres have no minimum FAR.
4. For sites that have a one-level building in excess of 90,000 sf for any single-user or establishment, the minimum FAR shall be 0.5.

## G. Height

1. SU-3 for MU-UPT: Any Building height is allowed in SU-3 for MU-UPT so long as it has the required Stepback. A Stepback may occur at a minimum of 26 feet above ground level but at least one Stepback must occur at or before 52 feet above ground level. Only one Stepback is required. The minimum depth of a Stepback is 12 feet. The Stepback requirement only applies to the Façade of a Building that contains the main or primary entrance of the Building. Arcades, Awnings, or other pedestrian overhead structures shall be provided for all other exterior entryways. Parking Structures are not required to have a Stepback.

Illustration: Stepback



2. SU-3 for MU-UPT/Buffer Zone: Structure height up to 36 feet, measured from the top of the curb of the abutting street, is permitted at any legal location subject to Buffer Setback regulations.

## H. Setbacks

1. SU-3 for MU-UPT
  - a. A zero foot setback is permissive as long as a 10 foot Walkway and a 4 foot landscaped Planting Strip shall be provided between the Building Façade and the back of curb.
  - b. There is no maximum setback.
  - c. Setbacks along Menaul Blvd. shall be a minimum of 15 feet or as directed by the

Menaul Blvd. Corridor Plan.

2. SU-3 for MU-UPT/ Buffer Zone:

- a. A Building where a lot is adjacent to a property zoned R-1 shall have a rear Setback of not less than 15 feet including the width of any existing alley.
- b. There shall be a minimum 30 foot Landscape Buffer on the western border of Espanola between Indian School and Cutler.
- c. There shall be a 30 foot Setback from the interior side of the required 10 foot Walkway on Pennsylvania for the lot at the southwest corner of Pennsylvania and Indian School. The area created by this Setback shall include a 15 foot Landscape Buffer adjacent to the back of the 10 foot wide Walkway that shall consist of at least a double row of approximately 25% Shade Trees, 25% Signature Trees and 50% Evergreen Trees. This Landscape Buffer shall be covered with 75% living vegetative materials. The remaining 15 feet of this Setback area may be any configuration of Walkway, plazas, patio, landscaping, Parking and/or drive aisles provided they conform to the Design Regulations in Chapter V. of the 2008 USDP. If the westerly 15 feet is used for Parking or drive aisles a 4 foot tall visual barrier consisting of a solid wall or continuous evergreen hedge shall be required between the 15 foot Landscape Buffer and the Parking or drive aisle. Additional Landscape Buffer regulations are in Chapter V. Section H.



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## **Chapter V. ZONING AND DESIGN REGULATIONS**

1. Upon adoption of the 2008 USDP, all existing Buildings which do not conform to the 2008 USDP are permitted as Legally Nonconforming as to the use of the Building and Legally Nonconforming as to the design of the Building.
2. All New Construction and/or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP and all other applicable City regulations and requirements except where specifically exempt.
3. If an existing Building, with a use that becomes Legally Nonconforming upon adoption of the 2008 USDP, is Razed voluntarily or involuntarily, the rebuilt Building can continue as a Legally Nonconforming Use, but must come into compliance with all other regulations and requirements in the 2008 USDP. For example, if a hotel in the SU-3 for MU-UPT Buffer Zone is destroyed or torn down it is allowed to rebuild as a Legally Nonconforming hotel, but the new Building must comply with all other regulations in the 2008 USDP including the required Building design, landscaping and Parking. Section 14-16-3-4 (A) (8) ROA 1994 of the zone code limits the amount of time in which the rebuild must begin and that regulation is incorporated into the 2008 USDP.
4. New Construction or Redevelopment shall be allowed to occur in multiple phases provided that the phasing is clearly delineated on an approved Site Development Plan and provided that each individual phase meets the regulations of the 2008 USDP as that phase is developed.
5. Interior modifications that do not change exterior walls are not affected by these regulations. The City of Albuquerque's building codes address interior modifications.
6. LEED and Green Building methods are strongly encouraged for building and environmental benefits. A combination of planning, design, materials, technology, and vegetation will obtain the greatest benefits for the surrounding environment and for the life of the Buildings.

### **A. Buildings**

1. Materials
  - a. Materials on Buildings shall support a high quality, diverse architectural character that provides variety, interest and vitality. To achieve design integrity, individual building elements shall be of excellent design and quality materials such as brick, slate, stone or tile.
  - b. The following external building materials shall be prohibited: Engineered wood paneling Vinyl siding Plastic Unfinished, solid faced, concrete masonry units Any other material designated as prohibited by the Planning Director.

## 2. Articulation Regulations:

- a. Vertical and horizontal articulation is required on all sides of a building.
- b. Articulation shall be required along no less than 50% of the unbroken length of a Building Façade and shall be distributed to avoid creating a blank wall greater than 25 feet in length.
- c. At least three of the following elements shall be used for Building Articulation up to 52 feet of Building height above grade. Above 52 feet only two articulation elements are required:
  - i. Arcades
  - ii. Awnings
  - iii. Balconies
  - iv. Brackets, projecting
  - v. Brick
  - vi. Canopies
  - vii. Cantilevers
  - vii. Cornices
  - ix. Eaves
  - x. Entrances, extending outward from a façade.
  - xi. Glazing or Windows, to be counted as one item.
  - xii. Lintels, projecting and exposed
  - xiii. Molding integrated into the Building.
  - xiv. Multiple finishes: i.e. stone, brick and stucco.
  - xv. Pitched roof forms
  - xvi. Planters that incorporate landscaped areas and can be used for seating.
  - xvii. Portals
  - xviii. Slate
  - xix. Tile
  - xx. Transoms
  - xxi. Trellises
  - xxii. Wall accenting: i.e. shading, engraved patterns, etc..
  - xxiii. Wing-walls that include landscaped areas and can be used for seating.
  - xxiv. Any other treatment that meets the approval of the Planning Director.

## B. Screening

1. Trash receptacles, mechanical equipment, loading docks and Public Utility Structures including ground-mounted transformers and utility pads, shall be screened from public Streets through the use of Solid walls, Solid fences, berms, dense evergreen foliage or other acceptable screening devices as determined by the Planning Director.
2. There is no height limit for Solid Fences or Solid Walls. Walls and fences shall be tall enough to function as intended when used for screening.
3. All screening devices shall be in compliance with the Clear Sight Triangle.

### **C. Fencing and Walls**

1. Walls including retaining walls and fences are permitted, but they must be shown and approved on the Site Development Plan.
2. There is no height limit for fencing and/or walls.
3. Acceptable materials include but are not limited to stucco over concrete masonry units (CMU), stabilized adobe, split face blocks, slump blocks, bricks, stone, glass blocks, curved interlock blocks, wood, tubular steel, wrought iron bars, other grill work, other structural materials or a combination of these materials. The finish of the walls shall be attractive and compatible with the building materials of adjacent Buildings on the Site.
4. All fencing and walls shall be in compliance with the Clear Sight Triangle.
5. The use of razor ribbon, razor wire, barbed wire, chain link fencing with or without slats, cyclone fencing or unfinished solid CMU is prohibited.

### **D. Open Space**

1. All Sites in the Uptown Area zoned SU-3 for MU-UPT and SU-3 for MU-UPT Buffer shall provide a minimum of 10% of their Site acreage as Open Space, with the exception of public utility structures.
2. Open Space Requirements for Residential Uses: In addition to the elements listed in subsection 14 of this Section, Open Space may include a park, Urban Park, plaza or other designated open space that is within 500 feet of the site, at least one third acre in size and is accessible to the residents involved. Pedestrian Plazas shall comply with Chapter V, Section E of the USDP. Open Space may also include, but is not limited to: balconies, patios, on-site landscaped areas except landscape strips for street trees, internal walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. The following elements shall not be included as Open Space for the purpose of meeting the Open Space requirement: drainage ponds, driveways, drive aisles internal streets, parking in any form, public sidewalks, Uptown Circulator and/or City Transit Stops, or all undeveloped areas such as dirt lots. Residential development is not required to comply with the Open Space Regulations in subsections 5-17 in this Section.
3. When phasing of a Site Development Plan is involved, each phase must meet the 10% of Site Open Space requirement when building that phase. If the Applicant is combining Open Space as allowable in Chapter V., Section D. #9 and/or #10, and the Open Space being combined is from more than one phase, the first phase built shall still meet the minimum 10% requirement at the time it is built. Subsequent phases shall not be built until the preceding phase's Open Space has been built. Under no circumstances shall the Applicant be allowed to defer providing and developing the required Open Space for each phase.

4. 40% of the required Open Space shall be Landscape Area.
5. Open Space shall be open and accessible to the general public. If the Open Space is not easily identifiable, as determined by the Planning Director, from the abutting Walkway, signage must be provided to direct the public to the Open Space. The exception to this requirement is the Landscaped Area on a traffic circle. For safety reasons, a landscaped traffic circle is not an appropriate place to be “open and accessible” to the public. However, the Landscaped Area on a traffic circle will count towards the “10% of Site” Open Space requirement because of the visual impact.
6. Open Space, required or excess, shall not be covered in asphalt. Asphalt shall not be used as a surface for Open Space.
7. Open Space shall be either Developed Open Space, as defined in the 2008 USDP or a completely Landscaped Area, as defined in the 2008 USDP, or a combination thereof.
8. Developed Open Space areas such as Pedestrian Plazas shall have a Landscaped Area equal to 40%. A minimum of 15% of all Developed Open Space must be shaded from the summer sun with landscaping including trees and/or permanent or temporary shade structures. Each Developed Open Space area must have landscaping and shade.
9. All Open Space areas shall be privately maintained or maintained through an UPTNA BID or other private funding method.
10. If a Site has multiple Buildings and/or multiple Lots within it, the required Open Space may be combined into larger areas rather than in separate smaller areas near each Building so long as it is approved on the Site Development Plan in that configuration.
11. Combined Open Space areas may be located across Internal Streets within a Site.
12. All Open Space areas shall connect to Walkways.
13. All Open Space areas that are not “Developed Open Space” and are 25 square feet in size or larger shall be built as a Landscape Area. The required 75% coverage will be calculated from the anticipated size of the plants at maturity. This Landscape Area may be included for the purpose of meeting the Open Space requirements of “10% of Site” and the landscape requirement of “40% of Open Space” and shall be included in the Landscape Plan.
14. The following elements **shall be** used to satisfy the “10% of Site” Open Space requirement. Open Space may include any combination or single use of the Open Space elements listed below:
  - a. All Landscape Area except as specifically excluded in # 15 below.
  - b. Gardens
  - c. Landscape Area of traffic circles.
  - d. Landscape Buffers as required in Chapter V., Section H.

- e. Parks
  - f. Pedestrian Plazas, patios, and/or courtyards.
  - g. Planting Strips – that portion wider than the required 4 or 6 feet.
  - h. Playgrounds
  - i. Recreational areas and landscaped trails.
  - j. Amphitheatre (Prohibited in SU-3 for MU-UPT Buffer Zone)
  - k. Walkways – any portion wider than the required 10 feet.
15. The following elements and/or items **shall not** be included as Open Space for the purpose of meeting the “10% of Site” Open Space requirement. Most of the elements and/or items on this list are required in other regulations.
- a. Drainage Ponds
  - b. Driveways, drive aisles.
  - c. Internal Streets, privately owned.
  - d. Parking in any form: Spaces, Lots, Structures.
  - e. Planting Strips; 4 or 6 feet wide Planting Strips required for Street Trees.
  - f. Planting Strips; 4 foot wide Planting Strips abutting Walkways.
  - g. Required Walkway Trees with or without Planting Strips.
  - h. Walkways except any portion of a Walkway that is wider than 10 feet.
  - i. Street Trees wherever they are planted, except for Street Trees planted in the required Landscape Buffers listed in Chapter V., Section H., which shall be counted toward Open Space.
  - j. Uptown Circulator and/or City Transit Stops.
  - k. All undeveloped areas such as dirt lots.
16. Open Space in excess of the “10% of Site” requirement shall:
- a. be subject to the Street Tree definition and requirements if applicable.
  - b. be required to provide shade over 15% of the excess Open Space.
  - c. shall contain at least one amenity from # 17 of this Section.
  - d. not be left as a dirt lot.
17. Developed Open Space areas shall include a minimum of two of the following amenities:
- a. Bicycle amenities such as bicycle racks or bicycle lockers.
  - b. Dog-friendly amenities
  - c. Drinking fountains
  - d. Low-water use fountain or water feature.
  - e. Playground equipment or other recreational amenity.
  - f. Sculpture or other artwork.
  - g. Seating
  - h. Any other amenities that meet the intent of this Section and the approval of the Planning Director.

## **E. Pedestrian Plazas and Playgrounds**

Pedestrian Plazas are strongly encouraged as a means of meeting the “10% of Site” Open Space requirement. Single Level, Single-User Retail Facilities Exceeding 90,000 sq. ft. are required to include a Pedestrian Plaza as specified below.

1. Pedestrian Plazas and playgrounds shall be easily accessible and open to the public. Ground level Pedestrian Plazas and playgrounds shall connect to Walkways. If a Pedestrian Plaza is not located at ground level, as would be the case with a roof garden, signage must be provided to direct the public from the closest Walkway to the Pedestrian Plaza. The public shall not walk through any private space in order to access a Pedestrian Plaza.
2. Pedestrian Plazas shall be constructed of ADA accessible materials other than asphalt.
3. Playgrounds shall be designed to be ADA accessible and provide play equipment that is appropriate for ages 2 years to 12 years.
4. Pedestrian Plazas and playgrounds shall provide seating on-site with benches, boulders, retaining walls, ledges, raised planters, grass berms, tables and chairs or other ways for people to sit and relax.
5. At least 15% of the Pedestrian Plaza and/or playground shall be shaded from the summer sun with landscaping including trees and/or shade structures that may be either permanent or temporary.
6. The use of Boulders is acceptable as important landscape elements in pedestrian plazas.
7. Pedestrian Plazas and playgrounds used to meet the “10% of Site” Open Space requirement must also provide a Landscape Area equal to a minimum of 40%.
8. Pedestrian Plazas may be used for Community Activities such as farmer’s markets or art shows.
9. Pedestrian Scale Lighting shall be provided for all Pedestrian Plazas and playgrounds.
10. Trash receptacles shall be provided on-site for Pedestrian Plazas and playgrounds.
11. Pedestrian Plazas and/or playgrounds shall be privately maintained or maintained through an UPTNA BID and/or other private funding method.
12. Pedestrian Plaza and playgrounds should be visible from the public Right- of-Way wherever possible for security.
13. If paved, Pedestrian Plazas shall use decorative paving patterns and include the adjacent Walkway border element.

14. Pedestrian Plazas shall include a minimum of two of the following amenities:

- a. Bicycle amenities such as bicycle racks or bicycle lockers.
- b. Dog-friendly amenities
- c. Drinking fountains
- d. Flower Garden
- e. Low-water use fountain or water feature.
- f. Playground equipment or other children's entertainment feature.
- g. Sculpture or other artwork.
- h. Any other amenities that meet the intent of this Section and the approval of the Planning Director.

## **F. Landscape**

Enhanced landscaping and trees are an integral part of upgrading and unifying the entire Uptown Area. The landscaping in the Uptown area should be designed as an offset to the intense built environment. Visitors and residents alike will benefit from the Oasis that the Uptown Area can become.

New Construction and/or Redevelopment shall apply the following landscape regulations and requirements:

1. 40% of the "10% of Site" Open Space Requirement shall be Landscape Area. In addition, every Site shall have a minimum of a four (4) foot wide Planting Strip abutting a ten (10) foot wide Walkway.
2. A Landscape Plan shall be provided with the Site Development Plan for approval. Requirements for the Landscape Plan are listed in Chapter V. Section K.
3. All landscaping shall be planted as shown on the Landscape Plan.
4. All landscaping shall be planted no later than 30 days after the completion of construction and in no case later than the final inspection.
5. All landscaping should be planted in accordance with instructions provided in most recent city standards or nationally accepted standards by the nursery, landscape, irrigation, and arboriculture industries. See Appendix B.
6. The use of Soil Connections to adjoining landscaping or Permeable Pavement connections in the Walkways and Parking areas are encouraged. See Appendix B.
7. Irrigation is required for all plantings. Irrigation systems shall meet the differing needs of trees and other vegetation to ensure all plantings flourish.
8. Water Harvesting conservation techniques shall be utilized where possible and as approved by the City Hydrologist or City Engineer. Such techniques may include Water Harvesting, Graywater, Water Reuse Systems and Permeable Pavement.



9. Rainwater from roofs should be directed or stored and used to water trees and other landscaping whenever possible.
10. Mulch shall be provided in areas around the living plants to reduce heat and conserve moisture.
11. The use of river stones to be used as Mulch in areas of drainage and water runoff is allowed in landscape areas.
12. To provide the quality of landscaping envisioned in the Uptown Area, a minimum of ten (10%) percent of all Landscaped Area and Planting Strips shall contain flowering plants and flowering shrubs. These plants may be annuals or perennials but if annual plants are used, this requirement must be met each year with new plantings.
13. The minimum acceptable sizes of plants, trees or amounts of seed, at the time of planting, are as follows:
  - a. Deciduous trees must be two inches in caliper or larger. Coniferous trees shall be a minimum of six feet tall.
  - b. Shrubs, bushes and low-growing evergreens shall be at least one gallon in size.
  - c. Ground cover and turf must be adequate to provide 75% ground coverage within two growing seasons after planting.
14. Traffic Circles with Landscape Areas are encouraged at the intersections of Streets and/or interior driveways.
15. All landscaping shall be maintained in such a way as to keep plants and trees healthy. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after being made aware of the issue.
16. Forty (40%) percent of required Open Space shall be Landscaped Area.
  - a. Landscape Areas shall be covered with a minimum of seventy-five (75%) percent living, vegetative materials, such as trees, grasses, vines, flowers and/or bushes/shrubs. Coverage shall be calculated from the anticipated size of mature plants.
  - b. All Open Space areas that are not "Developed Open Space" and are 25 square feet in size or larger shall be planted as a Landscape Area.
  - c. Planter boxes or large planting pots may also be counted as the Landscape Area of Open Space provided they are not within Planting Strips and are shown on the Landscape Plan. The surface area of planter boxes and large planting pots are measured in order to calculate the amount of Landscape Area they equal.
  - d. Trees are strongly encouraged in Landscape Areas.
  - e. Required Planting Strips are not considered as Landscape Area for the purpose of meeting the 40% of the "10% of Site" requirement.

## 17. Planting Strips

- a. Planting Strips must be a minimum of 4 feet wide and be covered with living, vegetative materials, such as grasses, vines, flowers and/or bushes/shrubs over sixty (60%) percent of the Planting Strip if it is directly between Parking and a Walkway. If the Planting Strip is required for Street Trees it shall be covered with living, vegetative materials, such as grasses, vines, flowers and/or bushes/shrubs over seventy-five (75%) percent of the Planting Strip. Coverage shall be calculated from the anticipated size of the plants at maturity.
- b. In order to facilitate the transition between Parking Spaces and adjacent Walkways, decorative pavers may be used within the forty (40%) percent of the Planting Strip not required to contain living, vegetative materials.
- c. Planting strips are not contained within Walkways, they abut Walkways i.e. a four (4) foot wide Planting strip abuts a ten (10) foot wide Walkway.

## G. Trees

Trees have a significant impact on the environment as well as having a positive effect on people. In the Uptown Area trees serve an additional purpose as a visually unifying element. A list of permissive trees is found in Appendix A of this Plan. Similar trees, not on the list, may be approved by the Planning Director.

Tree regulations are as follows:

1. New Construction and/or Redevelopment or any person who paves a new Parking Lot is required to plant trees as described in this section. A new Parking Lot is a Parking Lot which was not previously a paved Parking Lot. See Appendix A for tree list.
2. People required to plant new trees shall start including Signature Trees. Signature Trees are not as large as Shade Trees but they have a noticeable flower bloom in the spring or summer. Every Lot over twenty (20) feet wide shall have at least one (1) Shade or one (1) Signature Tree. See Appendix A for tree list.
3. All new trees including Street Trees, Walkway Trees and Parking Lot Trees shall be planted in a proportion of approximately one-third (1/3) Signature Trees and two thirds (2/3) Shade Trees. If Shade Trees cannot be planted because the location is above an underground Parking Structure, Signature Trees in raised planters or large pots may be substituted. See Appendix A for tree list.
4. All required trees shall be planted no later than thirty (30) days after the completion of construction and in no case later than the final inspection.
5. Deciduous trees shall be a minimum of two (2) inches in caliper or larger at the time of planting. Coniferous trees shall be a minimum of six feet tall at the time of planting.
6. Trees shall be planted in Tree Wells or in Permeable Pavement to maximize the opportunity for the trees to thrive. The minimum size of a Tree Well or Permeable

Pavement shall be thirty-six (36) square feet. See Appendix B.

7. Trees shall be irrigated so as to encourage a deep and wide root system that will provide healthy growth and structural stability. Trees shall be on separate irrigation zones from other vegetation because trees require water over a larger area than other plants, deeper into the soil, and less frequently than other vegetation.
8. All trees shall be maintained to ensure that the trees stay healthy. Maintenance including trimming is the responsibility of the owner of the tree. In the case of Street Trees or other trees planted in the public Right-of-Way the owner of the lot adjacent and closest to the tree is responsible for the maintenance.
9. The replacement of dead trees is the responsibility of the owner of the tree. In the case of Street Trees or other trees planted in the public Right-of-Way the owner of the adjacent lot closest to the tree is responsible for replacing the dead tree. Dead trees shall be replaced with a tree of conforming species and location as expeditiously as possible, but in no case longer than sixty (60) days after being made aware of the issue. Signature Trees may be used to replace some Shade Trees in order to achieve the desired Signature/Shade Tree proportions.
10. To prevent planting new trees that will be removed within a few years of their being planted there is a consideration given. If a new Building or a Parking Structure identified on an approved Site Development Plan is proposed to be built on an existing Parking Lot, that part of that Parking Lot that will be replaced by the new Parking Structure or Building, is not required to upgrade to the Parking Lot Tree, Walkway and Walkway Tree requirements even though the amount of New Construction and/or Redevelopment would require it.
11. If the new Building or Parking Structure described in Chapter V., Section G. # 11 can only be built with Public/Private Partnership funding such as a TIDD and if the TIDD or other funding is not approved or if the Tax Increment Allotment is not sufficient to build the proposed Building or Parking Structure as determined by the owner/representative of the property then the Parking Lot Tree, Walkway and Walkway Tree requirements must be met within 6 months of the funding being denied or rejected. The Applicant shall amend the Site development Plan to show the required Parking Lot Trees, Walkways and Walkway Trees. Failure to comply to this regulation shall start enforcement action. If the new Building or a Parking Structure described in Chapter V., Section G. # 11 is not dependent on Public/Private funding but has not been built within four and one-half (4 ½) years of the date of Site Development Plan approval, the Parking Lot Tree, Walkway and Walkway Tree requirements must be met within five (5) years of the date of the Site Development Plan approval. The Applicant shall amend the Site Development Plan to show the required Parking Lot Trees, Walkways and Walkway Trees. Failure to comply to this regulation shall start enforcement action.
12. Street Trees are required on the following Streets:
  - a. Louisiana Blvd., Pennsylvania St., San Pedro Dr., south side of Menaul Blvd., Indian School Rd., Uptown Blvd., America's Pkwy and The Loop Rd. In order to

eventually line the Streets with trees, new Street Trees on these Streets shall have an approximate regular maximum spacing of thirty (30) feet on center and be planted in six (6) foot wide Planting Strips adjacent to the required ten (10) foot wide Walkways. The Planting Strip and the adjacent Walkway shall run the length of the property where they are located.

- b. The north side of Menaul Blvd. shall be planted at an approximate maximum regular spacing of thirty (30) feet on center but there is no requirement for a Planting Strip. These Street Trees shall be planted in thirty-six (36) square foot Tree Wells.
- c. Internal and Local Streets, other than those Streets listed in "a." and "b." above, shall have an average maximum spacing of thirty (30) feet on center. The same number of required trees may be clustered in groups of no more than three (3) trees, but they must be shown on the approved Site Development Plan. These Street Trees shall be planted in a minimum four (4) foot wide Planting Strip that is adjacent to the required ten (10) foot wide Walkway. The length of the Planting Strip and the abutting Walkway shall run the length of the property where they are located.
- d. See Appendix A for Tree List.

13. Parking Lot Trees are required as follows:

- a. Trees shall be planted at a rate of one (1) tree per eight (8) Parking Lot Spaces.
- b. Each row of parking shall have an end cap with at least one (1) tree.
- c. Trees shall be planted in thirty-six (36) square foot Tree Wells.
- d. No Parking Space shall be more than sixty (60) feet from a tree trunk.

14. Walkway Trees are required as follows:

- a. Walkway Trees shall be planted in Planting Strips when the Walkway abuts a Building and/or a Parking Space not contained in a Parking Lot, at a number equal to a maximum of twenty-five (25) feet on center.
- b. Walkway Trees planted in a Planting Strip may have regular or irregular spacing to accommodate the entrances of the corresponding Buildings provided that the total number of required trees are planted.
- c. Walkways Trees shall be planted along Walkways that do not abut Buildings and are not shaded by existing trees at a number equal to a maximum to twenty- five (25) feet on center. This requirement includes Walkways internal to Parking Lots where trees will be planted on alternating sides of the Walkway.
- d. Three or less Walkway Trees may be clustered if sufficient Rooting Volume is supplied and if the requirement to shade the Walkway is met.e. Walkway Trees are not required on the west side of San Pedro Dr. or the north side of Menaul Blvd..

15. To provide winter greenery, Evergreen Trees shall be required in the Landscape Buffers listed in Chapter V. Section I., and are encouraged in park areas and internal Walkways where possible. Evergreen trees shall not be planted close to Streets or anywhere that their dense foliage could cause a traffic hazard. An Evergreen Tree may be substituted for a required Shade or Signature Tree. See Appendix A for tree list.

16. In a situation where Street Trees, Parking Lot Trees and/or Walkway Trees could be required, the requirement enforced shall be for whichever regulation yields the most trees.

## **H. Walkways**

There is a lack of uniformity between the existing Walkway configurations, both in width and appearance throughout the Uptown Area. Walkway consistency is important to create a cohesive, recognizable and unique Uptown Area. All new Walkways will have a minimum six (6) inch decorative border as an additional unifying feature. See Appendix C for examples of borders.

1. New Construction and/or Redevelopment or any person who paves a new Parking Lot is required to build Walkways as described in this section.
2. For Redevelopment and/or Parking Lot paving, the Walkway immediately adjacent or the closest parallel Walkway to the changed Façade shall be upgraded and must connect to other Walkways.
3. All Walkways in the Uptown Area are required to be a minimum of ten (10) feet wide and shall include a minimum six (6) inch brick or other decorative, contrasting material as a border along both sides of the Walkway except for the following: See Appendix C for examples of borders.
  - a. No decorative border is required on the side of a Walkway that abuts a Building but there shall be a border on the outside edge of that Walkway.
  - b. Walkways not intended for public use such as Walkways to service areas or loading docks may be a minimum of six (6) feet wide and do not require a border or trees.
  - c. Walkways through Parking Lots shall be a minimum of eight (8) feet wide.
4. The ten (10) foot wide Walkways may accommodate occasional uses such as utility boxes, benches and/or trash receptacles which encroach upon the width of the Walkway but a minimum six (6) foot clear path shall be maintained within the Walkway at all times. These occasional uses shall not take up more than one-third (1/3) of the width of any Building's Walkway.
5. Walkways shall have pedestrian scale lighting and other pedestrian amenities such as benches, trash receptacles and water fountains that serve humans and animals.
6. If located within Parking Lots, Walkways shall be constructed of decorative paving patterns built from materials other than those used in the Parking areas or contain the minimum six inch border on both sides of the Walkway.
7. All Walkways must comply with the American National Standards Institute and Americans with Disabilities Act.

8. Walkways shall be provided along the entire length of a Building Façade if the Façade has a public entrance or if the Building Façade is adjacent to any Street.

**Alternative:** If the Building Façade does not have a public entrance and is adjacent to a Street, then a walkway along that Building Façade is not required, provided:

- a. A 4-foot-wide Planting Strip and a 10-foot-wide sidewalk are provided along the Street; and
  - b. There is a direct pedestrian connection from the Street-adjacent, ten (10) foot sidewalk to a Building Façade walkway.
9. Creative placement and design of Walkways are encouraged. Curving Walkways and Walkways built in locations other than parallel to Streets such as a diagonal Walkway between two points adds interest to the Uptown Area.
  10. In order to facilitate the transition between Parking Spaces and adjacent Walkways, decorative pavers may be used within the 40% of the Planting Strip not required to contain living, vegetative materials as stated in Chapter V. Section F. #16.
  11. All Site Development Plans shall demonstrate Walkway interconnectivity to other Sites in the Uptown Area. All Walkways should connect to other Walkways within the Site and to public Right of Ways abutting the Site to create logical interconnectivity for pedestrians that results in a safe route with minimal pedestrian/vehicle conflicts. The Planning Director, or his/her designee, and/or the DRB shall determine if redundant walkways can be eliminated.

## **I. Landscape Buffers**

1. Landscape Buffers are required in the following locations:
  - a. There shall be a minimum thirty (30) foot Landscape Buffer on the western side of Espanola St., between Indian School Rd. and Arvada Ave.
  - b. For the lot at the southwest corner of Pennsylvania St. and Indian School Rd. there shall be a thirty (30) foot Setback from the back of the required ten (10) foot Walkway on Pennsylvania. The area created by this Setback shall include a 15 foot Landscape Buffer adjacent to the back of the ten (10) foot wide Walkway. The remaining fifteen (15) feet of this Setback area may be any configuration of Walkway, plazas, patio, landscaping, Parking and/or drive aisles provided they conform to the Design Regulations in Chapter V. of the 2008 USDP. If the remaining fifteen (15) feet is used for parking or drive aisles a four (4) foot tall visual barrier consisting of a solid wall or continuous evergreen hedge shall be required between the fifteen (15) foot Landscape Buffer and the Parking or drive aisle.
  - c. There shall be a minimum fifteen (15) foot Landscape Buffer between the Winrock property and the residential units on Pennsylvania that are adjacent to the



- d. There shall be a minimum fifteen (15) foot Landscape Buffer along the Embudo Arroyo at the southeast corner of the Winrock property.
2. Landscape Buffers are required in specific locations to visually and physically separate one land use or piece of property from another.
3. Landscape Buffers are not required between the SU-3 for MU-UPT Buffer properties on San Pedro, Menaul, Espanola St. - north of Arvada Ave. and the R-1 properties outside the 2008 USDP boundaries because there is inadequate room. These SU-3 for MU-UPT Buffer properties are required to have a fifteen (15) foot rear Setback which include Alleys, see Chapter IV. Section H. Setbacks.
4. Landscape Buffers may be crossed by Walkways and Bikeways provided that the Walkways and Bikeways take up less than thirty (30%) percent of the Landscape Buffer.
5. No Parking is permitted within a Landscape Buffer.
6. Landscape Buffers should, if possible, have at least a double row of trees. These trees shall be at least eight (8) feet high at time of planting and capable of reaching a height at maturity of at least twenty-five (25) feet. Spacing of the trees shall be equal to seventy-five (75%) percent of the mature canopy diameter of the trees. At least one-half (1/2) of the trees planted in a Landscape Buffer shall be Evergreen Trees. The rest of the trees shall be a combination of Shade and Signature Trees.
7. In addition to trees the Landscape Buffer shall be covered with living, vegetative ground cover over seventy (70%) percent of the buffer.
8. Trees in Landscape Buffers shall not count as a required Parking Space.
9. Trees because they do not serve the same purpose.
10. Landscape Buffers may be built within the public Right-of-Way.

## **J. Parking**

1. An applicant for approval of a Site Development Plan shall show all types of Parking - including disabled, motorcycle and bicycle and their locations on their plan.
2. The Landscape Plan submitted with the Site Development Plan shall include all the required landscaping for Parking Lots and Parking Structures.
3. All existing Parking Spaces, whether in sufficient number to make up a Parking Lot or not, throughout the Uptown Area at the time the 2008 USDP is adopted are allowed. These Parking Spaces may be reconfigured to accommodate new Site Development Plans and building reconfigurations as renovations occur as long as they conform to the zoning, design and landscaping regulations of the 2008 USDP.

4. Minimum Parking Space requirements for SU-3 for MU-UPT and SU-3 for MU-UPT Buffer are two Parking Spaces per 1,000 square feet of a Building's floor space. New Construction and/or Redevelopment must demonstrate on the Site Development Plan how the Applicant will meet the Parking needs of their Site either through dedicated Parking Spaces or Shared Parking Agreements. The applicant must also demonstrate on their Site Development Plan that Adequate Parking is provided to prevent over-flow Parking into residential neighborhoods not within the Uptown Area.
5. There shall be no maximum number of Parking Spaces.
6. On-street parking as per §14-16-3-1 (E) (6) (d), except allowable credit shall be one space per available, adjacent on-street parking space.
7. Privately, publicly or public/private owned Parking meters and/or Parking.
8. Kiosks that charge a fee to park are prohibited.
9. Commercial Surface Parking Lots and/or publicly or public/private owned.
10. Parking Structures which charge the public for the rental of Parking Spaces are prohibited.
11. Parking Spaces for automobiles and light trucks shall be at least 8.5 feet in width and 18 feet in length, that may be reduced to 16 feet in length where cars can overhang wheel stops. The Applicant must demonstrate access and circulation satisfactory to the Traffic Engineer.
12. Parking Spaces for vehicles with valid distinctive registration plates for the physically disabled shall be as provided by Section 66-3-16 NMSA 1978 and as required in Section 14-16-3-1 (F) (9) (a) (b) (c) ROA 1994.
13. Motorcycle Parking Space dimensions shall be at least four feet wide and eight feet long. Parking for motorcycles, mopeds, and motor scooters shall be provided on-site as required in Section 14-16-3-1 (c) ROA 1994.
14. Parking for bicycles shall be provided on-site or on a site within 300 feet of the use, measured along the shortest public Right-of-Way and as required in 14-16-3-1 (G) – (1) (2) (3) & (4) ROA 1994.
15. All Parking shall be paved. Paving, all of which shall be maintained level and serviceable, shall be blacktop or equal: Two inches of asphaltic concrete on a prime coat over a four inch compacted sub grade, or a surface of equal or superior performance characteristics.
16. Parking shall have barriers such as wheel stops, concrete bumpers or curbs to prevent vehicles from extending over any Walkway or adjacent property line, to prevent damage to adjacent walls or fences, and to prevent vehicle overhang from reducing minimum required widths of Walkways and Landscape Areas.



17. Parking ingress or egress shall be designed to discourage Parking Lot traffic from using local residential Streets.
18. Parking shall be allowed only in appropriately marked parking areas.
19. Where shopping carts are offered to customers, shopping cart corrals or similar shopping cart storage facilities shall be provided intermittently throughout the Parking. Such shopping cart facilities shall not be provided in lieu of required Parking and shall be indicated on all Site Development Plans.
20. Parking that abuts infiltration basins or vegetated storm water controls should be bordered by Permeable Paving. Grasses and other ground vegetation should be near edges to help filter and slow runoff as it enters the Site. See Appendix B.
21. New Parking may be built so long as it complies with the zoning, landscaping and design regulations of the 2008 USDP and including:
  - a. Parking Lots shall be visually and functionally segmented into smaller sub areas separated by landscaping and pedestrian Walkways. No single sub area shall exceed ninety (90) Parking Spaces.
  - b. Parking sub areas shall be linked to the main pedestrian Walkway leading to the main entrance of the building by means of Walkways.
  - c. The Walkways within Parking Lots may be eight (8) feet wide.
  - d. Parking Lot Walkways shall be shaded by means of trees spaced approximately twenty-five (25) feet on center, a trellis or similar structure or a combination thereof. Tree Wells, planters or supports for shading devices may encroach on the Walkway up to two (2) feet. In no case shall the Walkway be diminished to less than six (6) feet in width at any point.
  - e. Every third double row of Parking shall have a minimum eight (8) foot wide continuous Walkway dividing that row. The Walkway shall either contain the unifying Uptown border or be patterned or colored material other than asphalt and may be at finished grade level.
  - f. The regulations listed in this Section 4 - a. through f. do not apply to Parking Structures.
  - g. Parking Structures shall employ the principles of Crime Prevention Through Environmental Design (CPTED) so as to deter crime and to facilitate security measures.
  - h. Approximately three-hundred-fifty (350) square feet shall be provided for an Uptown Circulator Stop and/or a City Transit Stop. Seating and shade must be provided at every Circulator/City Transit Stop. The space does not need to be built until there is Uptown Circulator or increased City Transit service but the space must be set aside.
  - i. Articulation shall be required along no less than fifty (50%) percent of the unbroken length of a Building Façade and shall be distributed to avoid creating a blank wall greater than twenty-five (25) feet in length. The first twenty-six (26) feet from ground level of the visible Façades of a Parking Structure shall be enhanced with at least two of the following articulation elements:

- i. Arcades
- ii. Awnings
- iii. Balconies
- iv. Brackets,
- v. Projecting
- vi. Brick
- vii. Canopies
- viii. Cantilevers
- ix. Cornices
- x. Eaves
- xi. Entrances, extending outward from a façade
- xii. Glazing
- xiii. Lintels, projecting and exposed
- xiv. Molding integrated into the Building
- xv. Multiple finishes: i.e. stone, brick and stucco
- xvi. Pitched roof forms
- xvii. Planters that incorporate landscaped areas and can be used for seating
- xviii. Portals Slate Tile
- xix. Transoms
- xx. Trellises
- xxi. Wall accenting i.e. shading, engraved patterns, etc.
- xxii. Windows or patterns of openings similar to windows, count as 1 item
- xxiii. Wing-walls that include landscaped areas and can be used for seating
- xxvi. Any other treatment that is appropriate for a Parking Structure and meets the approval of the Planning Director.

## **K. Landscape Plan**

A Landscape Plan must be submitted for approval along with every Site Development Plan for New Construction or Redevelopment and must be included in the Notification packet to the Neighborhood Association Representatives. The Landscape Plan shall include the following:

1. A statement describing how the proposed landscaping meets all the landscape requirements.
2. In the 2008 USDP including but not limited to:
  - a. the minimum of forty (40%) percent of required Open Space being Landscape Area.
  - b. the minimum of seventy-five (75%) percent of Landscape Area and sixty (60%) percent or seventy-five (75%) percent of Planting Strips being covered with living, vegetative materials, such as trees, grasses, vines, flowers and/or bushes/shrubs
  - c. the minimum of ten (10%) percent of the required Landscape Area and Planting Strips being filled with flowers or flowering plants. This is not in addition to the

required seventy-five (75%) percent, it is contained within the seventy-five (75%) percent.

3. Topography in the form of finished contour lines.
4. The common and botanical names of the plants to be used.
5. The location and description of all trees including Street Trees.
6. The method used to plant and maximize the health of the trees, Tree Wells etc..
7. Drawings shall be detailed enough for the neighborhoods to understand what the proposed landscaping will look like.
8. The square footage for each separate area of landscaping, a total for all landscaping on the Site, dimensions of each area of landscaping along with the quantities of trees, flowers and shrubs including their mature height and spread.
9. Clear delineation of all non-living ground cover.
10. Irrigation information including the type and description of the watering/irrigation system proposed, approximate location and type of back flow prevention device and the quantity of water delivered to trees and other plantings from the proposed system.
11. All water and planting conservation techniques and programs including any LEED Certified measures.
12. Verification and notation of all underground and overhead utility lines including water, sewer, traffic signal, fire alarm, gas, telephone, electric and cable television.
13. The Landscape Plan submitted with the Site Development Plan shall include all the required landscaping for Parking Spaces, Parking Lots and Parking Structures.

## **L. Signage**

The following regulations apply to both the SU-3 for MU-UPT Zone and the SU-3 for MU- UPT Buffer Zone unless otherwise noted. Signage marked with an asterisk \* requires City sign permits.

1. Upon adoption of the 2008 USDP, all existing signs which do not conform to the 2008 USDP are permitted as Legally Nonconforming. The Legally Nonconforming signs are allowed to remain at their existing height, location and size so long as they are refurbished with materials to match adjacent Buildings. These Legally Nonconforming signs may be changed with regards to the message, logo and/or text of the sign but they shall not be rebuilt. A rebuilt or Legally Nonconforming sign must be removed within thirty (30) days of notification from the Code Compliance Official.

2. A Signage Plan shall be submitted along with a Site Development Plan indicating the size, location, colors, lighting and materials of all proposed signs. Elevation drawings of the signs shall be included on the Sign Plan.
3. Signs shall be contained within the property lines of the Premise upon which the sign is located and no sign shall project over any vehicular traffic area.
4. All supports, frames and posts shall be painted, covered with masonry, stucco, decorative building materials or otherwise finished.
5. Signs with missing letters, including approved signs with movable letters, or signs which are in a state of disrepair shall be repaired within forty-five (45) days.
6. Freestanding Signs\* including Monument Signs
  - a. Number of Signs:
    - i. A Premise shall be permitted one (1) Freestanding Sign along each Street and an additional one (1) Freestanding Sign for every one-hundred-fifty (150) feet of Street frontage along a single Street.
    - ii. A joint sign Premise
      - a) A joint sign Premise agreement may be created by two or more owners of abutting Premises. This agreement shall allow the owners to combine the Street frontages of their properties in order to meet the one-hundred-fifty (150) feet of Street frontage required for one (1) additional Freestanding Sign.
      - b) Such owners shall sign an appropriate form provided by the Code Compliance Official.
      - c) If the owner of one or more cooperating Premises legally withdraws from such an agreement, the additional Freestanding Sign shall be removed within thirty (30) days.
  - b. Sign Area- Square Footage
    - i. Freestanding Signs may have two or more sides, but only the largest side of the Freestanding Sign shall be used in calculating the square footage of the sign.
    - ii. A Premise within the SU-3 for MU-UPT Zone shall be permitted two-hundred (200) square feet of Sign Area for each sign, and an additional twenty (20) square feet of Sign Area for every one-hundred-twenty-five (125) feet of Street frontage along a single Street. In no case shall Sign Area shall exceed two-hundred-sixty (260) square feet.
    - iii. A Premise within the SU-3 for MU-UPT Buffer Zone shall not exceed the following signage square footages:
      - a) Seventy-five (75) square feet if the most important street abutting the lot is Arizona St., Cardenas Dr., Chama St., Dakota St., Espanola St., Jicarilla Pl., Mesilla St., Prospect Pl., Phoenix Ave., Taylor Ave., Valencia Dr. and/or Claremont Ave..
      - b) One-hundred (100) square feet if the most important street abutting the lot is America's Pkwy., Arvada Ave., Cutler Ave., Uptown Blvd.,

Uptown Loop and/or Pennsylvania.

- c) Two-hundred-fifty (250) square feet if the most important street abutting the lot is Interstate-40, Louisiana Blvd., Menaul Blvd., San Pedro Dr., and/or Indian School Rd..

c. Height and Length

- i. Freestanding Signs\* shall not exceed twenty-six (26) feet in height, except
- ii. If the Freestanding Sign\* is within one-hundred-fifty (150) feet of a moving lane of Interstate-40, including interchange ramps, the sign shall not exceed forty (40) feet in height, measured from grade or twenty-six (26) feet measured from the elevation of Interstate-40 at its closest point, whichever is lower.
- iii. The length of any individual Freestanding Sign\* shall not exceed eighty (80) feet.

- d. Freestanding signs with overhead writing to supply electrical power are prohibited.

7. Building – Mounted Signs including Wall, Marquee, Projecting and Canopy Signs

a. Wall Signs\* shall adhere to the following regulations:

- i. Number of signs: Every storefront, business or Building Façade is allowed to have Wall Signs\* on Façades facing Streets excluding alleys. There is no limit on the number of Wall Signs provided the signs do not exceed the percentage of Façade Sign Area regulations listed below in Chapter V., Section L., # 8, a, ii.
- ii. Sign Area: The maximum allowable Sign Area of a storefront, business or Building Façade is based on the following percentages:
  - a) Twenty-five percent (25%) of the storefront, business or Building Façade to which it is applied, if the sign area is wholly visible from any abutting Street other than Louisiana, San Pedro, Indian School, Menaul and/or Interstate-40.
  - b) Thirty percent (30%) of the storefront, business or Building Façade to which it is applied, if the sign area is wholly visible from and abutting Louisiana, San Pedro, Indian School, Menaul and /or Interstate-40.
- iii. Height, length and/or width: Wall Signs\* may be any shape or size provided that they do not exceed the Sign allowances in Chapter V., Section L., # 8, ii. above.
- iv. Wall Signs\* may extend above the height of the Façade it is mounted on provided:
  - a) the Wall Sign\* is a continuation of the plane of the Facade where it is mounted.
  - b) that no more than twenty-five percent (25%) of the Wall Sign height extends above the height of the Façade where it is mounted.
  - c) that Wall Signs extending above the roof shall have sign supports covered in a manner which integrates the sign with the building design. Angle irons or similar supports shall not be visible from public

Right-of-Way.

- v. Wall Signs\* shall not extend more than six (6) inches from the wall on which they are displayed.
- b. Marquee Signs\* shall adhere to the following regulations:
  - i. Number of Signs and Sign Area are governed by the same regulations as Wall Signs and shall be included in the total Wall Sign square footage authorized for each storefront, business or Building Façade.
  - ii. Marquee Signs\* are allowed to project out a maximum of ten (10) feet from the building where they are mounted.
  - iii. Marquee Signs\* shall be mounted at least twelve (12) feet above grade level as measured from the bottom of the sign.
- c. Projecting Signs\* not including Marquee Signs\*, shall adhere to the following regulations:
  - i. Projecting Signs\* shall be mounted at least twelve (12) feet above grade level as measured from the bottom of the sign.
  - ii. Projecting Signs\* shall not extend above the ridgeline or the parapet wall of the Building by more than an additional ten percent (10%) of the height of the Projecting Sign measured from bottom of the sign to the ridgeline or parapet wall.
  - iii. If there is only one (1) Projecting Sign on a storefront, business, or Building Façade, that sign shall not extend or project more than six (6) feet out
    - iv. From the storefront, business or Building Façade where it is mounted. If there are two (2) or more Projecting Signs on a storefront, business or Building Façade, no two (2) or more Projecting Signs shall extend or project more than four (4) feet out from the mounting wall.
  - v. The front surface or the surface parallel to the Façade may be no wider than two (2) feet or it will be considered a Wall Sign and shall be included in the total Wall Sign square footage authorized for the storefront, business or Building Façade where it is mounted.
- d. Canopy\* or Awning Signs\* shall adhere to the following regulations:
  - i. Canopies and Awnings are encouraged as articulation elements therefore, there is no limit to the number of Canopies or Awnings that may have signage printed directly on the Canopy or Awning.
  - ii. Separate signage mounted under and/or supported by a Canopy or an Awning located at ground level is discouraged and limited to one such sign per Façade. The bottom of such sign shall be at least seven (7) feet above grade.
  - iii. Separate signage mounted under and/or supported by an Awning or a Canopy extending from a window on any level is prohibited.
- 8. Additional Permanent signs, as follows, are allowed on private property but do not count towards any sign allowances with regard to number of signs or Sign Area as specified in this Chapter V. Section L. Other limitations on these signs are listed individually below.
  - a. Wayfinding
    - “Sense of Place” and Informational Kiosks “Sense of Place”, Wayfinding,



- informational Kiosks and directional signs are allowed on private or public property but shall have no references to specific businesses or products.
- b. Religious Signs  
On-Premise signs consisting only of religious symbols of a religious group operating an institution or place of worship may be as high as fifteen (15) feet above the roof top of the principal building on the lot, regardless of whether the sign is illuminated.
  - c. Flags  
Official national, state, city flags and flags containing logos or emblems may fly for any period of time.
  - d. Indoor Signs  
Signs inside a building or structure, provided the sign is not so located as to be conspicuously visible and readable, without intentional effort, from outside the building or structure.
  - e. Private Traffic Signs  
Private traffic direction signs which are necessary for and function only to direct traffic movement onto, off of, or within a Premise shall be allowed without limit as to number. The maximum size shall not exceed six (6) square feet. These signs shall not contain commercial advertising. Standard traffic signal light devices may be used if needed and approved by the Traffic Engineer. Horizontal directional signs on and flush with paved areas are exempt from limitations.
  - f. Public Utility Signs  
Signs placed by a public utility for the safety, welfare, or convenience of the public are allowed, such as signs identifying high voltage, public telephones, or under ground cable, etc..
  - g. Non-illuminated names of Buildings, dates of erection, monuments, citations, and commemorative tablets are allowed when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of an approved structure, or made flush to the ground (but not obstructing the view of traffic).
9. Temporary signs, as follows, are permitted on private property in the USDP area but do not count towards any sign allowances with regard to number of signs or Sign Area as specified in this Chapter V. Section L. Other limitations on temporary signs are listed individually below.
- a. Construction Signs  
One (1) sign shall be permitted for all building contractors, one (1) for all professional firms, and one (1) for all lending institutions on Premises under construction. Each sign's area not to exceed 32 square feet with not more than a total of three (3) such signs permitted on one Premise. Such signs shall be confined to the Site of the construction, construction shed, or trailer and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
  - b. Real Estate Signs  
One temporary real estate sign located on the property it refers to shall be allowed for each Street frontage and one additional sign for each four-hundred (400) feet of Street frontage, spaced accordingly. Real estate signs shall not exceed twenty-four (24) square feet in Sign Area and shall not exceed six (6) feet in height as measured from grade, finished or natural, depending on the condition

where the sign is to be located. Signs shall be removed within fourteen (14) days of sale or complete leasing.

c. Non-Commercial Signs

Signs advertising community or civic events, flags or emblems of civic, philanthropic, educational, or religious organizations shall not be displayed in excess of one month.

d. Street Banners\*

Street banners advertising public entertainment or events shall be specifically approved in designated locations by the Planning Director and/or the Traffic Engineer. Street banners shall be displayed no more than fourteen (14) days prior to and seven (7) days after the public entertainment or event.

e. Decorations

Holiday, special event, or market festival decorations and lighting, including those put up by the Uptown Business Improvement District, but excluding advertising signs for specific businesses.

g. Political Signs

Political signs shall be permitted up to a total Sign Area of six (6) square feet on each Premise in the SU-3 for MU-UPT Buffer Zone and up to thirty-two (32) square feet for each sign in the SU-3 for MU-UPT Zone. Political signs may be erected no earlier than sixty (60) days prior to the election to which the sign pertain and shall be removed within ten (10) days after that election or after the termination of the candidacy, whichever occurs first.

10. Creative Signage

Creative Signage is encouraged and incentivized within the Uptown Area. All illuminated signs and signs with moving elements require sign permits.

a. Illumination

- i. Any Illumination shall follow the New Mexico "Night Skies" statute.
- ii. Any Freestanding Sign\* (Chapter V. Section L. # 7) or Building Mounted Sign\* (Chapter V. Section L. # 8) may be illuminated and/or dynamic except for any restrictions or prohibitions listed in the 2008 USDP.
- iii. Lighted signs\* including those that move, flash, rotate or use revolving lights, pulsating or oscillating beacons or spotlights, shall be at least fifty (50) feet away from any R-1 residential zone that is not within the USDP boundaries.
- iv. Lighted signs\* including those that move, flash, rotate or use revolving lights, pulsating or oscillating beacons or spotlights, shall not be wholly visible from any R-1 residence that is not within the USDP boundaries.
- v. Any illuminated sign\*, or any illuminated element of any sign, may turn on or off, or change its brightness, provided that no sign or any part of any sign move or rotate at a rate more often than once each ten seconds, or change its message or picture at a rate more often than once each five seconds. The motion of wind devices are not restricted.
- vi. LED displays and holographic signs\* are allowed with moving text and images provided the signs meet the requirements and allowances for either Freestanding Signs or Building Mounted Signs.
- vii. Any Freestanding Sign\* or Building Mounted Sign\* may have



b. New Technologies and/or Sign Materials

- i. The technology and materials for signs are constantly changing. Since these rules may predate new technologies that may be attractive and effective signs for the Uptown Area, an applicant may submit a Signage Plan indicating the use of such technologies and/or materials to the Planning Director for administrative approval.

c. Iconic Signs

11. Transportation

Transit shelter and/or Uptown Circulator signage are signs which are attached to, or part of, the structure of a transit or circulator shelter.

- a. Transit Shelter and/or Uptown Circulator signs shall mirror the style of Uptown "Sense of Place" and Wayfinding signs.
- b. Transit shelter signs and/or Uptown Circulator signs shall not exceed twenty-four (24) square feet of Sign Area.
- c. A transit shelter sign and/or Uptown Circulator sign may be on the public Right-of-Way or on private property abutting the public Right-of-Way.
- d. Illumination shall be in accordance with Chapter V., Section L. # 10.
- e. A transit shelter sign and/or Uptown Circulator sign shall not encroach upon the Clear Sight Triangle.

12. Signs Advertising Alcoholic Beverages.

- a. Freestanding and/or Building-Mounted signs that advertise alcoholic beverages are prohibited.
- b. Signs that advertise alcoholic beverages shall be permitted if they are located inside a business that has a valid liquor license but the advertising signs shall not be visible from outside the building.
- c. Signs that serve to identify businesses that sell alcohol are allowable but these business signs shall not include the name, logo or slogan of any alcoholic beverages.

13. Prohibited Signage

In addition to any other signs prohibited in the 2008 USDP, Chapter V., Section L., the following signs are prohibited in the SU-3 for MU-UPT Zone and SU-3 for MU-UPT Buffer Zone.

- a. Private signs on the public Right-of-Way, except for address signs, numbers only.
- b. Off-Premise Signs which advertise an activity, business, product, or service not located on, or no longer produced or conducted on the Premise upon which the sign is located unless the sign can meet the requirements for a new cap and replace Off- Premise sign.
- c. Signs that contribute to the confusion of traffic control such as signs resembling traffic control lighting, unauthorized traffic signs, signals, markings or devices which purport to be or are imitations of official traffic control devices.

- d. Signs which hide or interfere with the effectiveness of any official traffic control device.
- e. Signs with high intensity electronic discharge strobe lights.
- f. Mobile signs or wheel/trailer mounted signs.
- g. Signs that violate the Clear Sight Triangle
- h. Signs with audible devices.

14. The Sign Permit process is as stated in 14-16-3-5 (A) ROA 1994. This includes “permits required”, “permit applications”, “permit fees”, “seal of compliance” and “nullification”. All signs requiring sign permits are mark with an asterisks \*.

### **M. Wireless Telecommunication Facilities (WTFs)**

Wireless Telecommunication Facility shall be concealed facilities integrated into the building, face mounted or roof mounted, not freestanding and as required in the current zone code Section 14-16-3-17 ROA 1994.

### **N. Single-Level, Single-User Retail Facilities (SLSURFs)**

Single-Level, Single-User Retail Facilities (SLSURFs) Exceeding 90,000 sq. ft. in Uptown. Single-Level, Single-User Retail Facilities exceeding 90,000 sq. ft. are only allowed in the SU-3 for MU-UPT zoned area. SLSURFs exceeding 90,000 sq. ft. in Uptown are subject to the following, additional regulations specific to Uptown:

1. Loading docks and facilities shall be screened from public view and, where parking is provided beneath a building, shall be integrated with the parking structure.
2. Maintenance Agreement for Vacant or Abandoned Site. SLSURFs exceeding 90,000 sq. ft. shall be maintained during periods of abandonment or vacancies at the same level as when occupied. The owner of a site shall sign a maintenance agreement with the City that ensures the site will be maintained when vacant to the following minimal standards, among others deemed appropriate by the Planning Director. This maintenance agreement shall be provided upon application and address the following:
  - a. The landscaping shall be watered, pruned and weeded.
  - b. The parking areas shall be cleaned of dirt and litter.
  - c. The building facades shall be kept in good repair, cracked windows shall be replaced and graffiti removed.
  - d. Outdoor security lighting shall be maintained and operated.
  - e. Hydrology systems shall be kept in good working order.

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## **Chapter VI. PUBLIC CONNECTIVITY INFRASTRUCTURE**

Public Connectivity Infrastructure is new infrastructure for the Uptown Area designed to foster and facilitate the redevelopment of the Uptown Area. In order to accomplish the successful redevelopment of the whole Uptown Area it is necessary to visually and physically unite all the properties within the Area by creating a safe, cohesive, dynamic, exciting “place to be” identity. New public infrastructure is necessary if the Uptown Area is to realize its potential and not become a blighted area.

Recently, the general public has begun demanding more than just “shopping centers.” All across the country “Lifestyle Centers” are being built which offer more than just retail. They have become corporate centers, the places people want to work because of the amenities close at hand. These Lifestyle Centers are full of parks, artwork and numerous possibilities for recreation and entertainment. These Centers have also become popular places to live as an alternative for people who don’t want the responsibilities that come with owning a traditional home. The Uptown Area has an opportunity to become one of the most successful Lifestyle Centers in the country. This Area will have the ability to attract new businesses that will bring new job opportunities.

The new improved Uptown will also attract the “neighbors”. Uptown will provide entertainment for the people who live in Albuquerque, especially those in the northeast heights who can just walk there, bring the kids, bring the dogs. The Uptown Area will provide more opportunities for chamber music concerts, art shows, farmers markets and other events that people might not want to drive downtown to enjoy.

Some of the enhancements listed here are currently required on a smaller scale in the Chapter V. of the 2008 USDP. However, in order to finance all of the much needed new infrastructure it is necessary to create Public/Private Partnerships between the City of Albuquerque, Bernalillo County, the State of New Mexico and the landowners in the Uptown Area. The 2008 USDP recognizes that without a Public/Private Partnership the level of public infrastructure described in this chapter probably cannot be achieved or required and redevelopment efforts could be stifled.

Because the Uptown Area has so many owners and stakeholders it is imperative that all new infrastructure be planned and executed in a coordinated manner. This Chapter of the 2008 USDP is just a framework. The Public Connectivity Infrastructure, used as a guiding document, sets out the various elements necessary to accomplish the creation of a safe, cohesive, dynamic, exciting “place to be” identity for Uptown. Specific goals and regulations will be written later as part of any development agreement that involves Public/Private funding. This chapter is intended to give the public an idea of what is envisioned for Uptown and what Uptown’s potential truly is. If TIDD funding is approved the Public Connectivity Infrastructure will be included in the TIDD Development Agreement. The Public Connectivity Infrastructure includes but is not limited to the following elements:

### **A. The Pedestrian Circulation System (PCS)**

The Pedestrian Circulation System is designed to make walking in Uptown a safer, more enjoyable experience. This infrastructure creates a park-like experience in and around the built environment of Uptown. The PCS provides pedestrians with easy access to the whole Uptown

Area; offices, businesses, restaurants, entertainment venues, the Uptown Circulator, City bus stops, Parking Lots and eventually Parking Structures.

The Public Connectivity Infrastructure calls for additional 10 foot wide Walkways to be built that create an Uptown Walkabout, new Walkways that are not always parallel to the Streets in Uptown but are located in the places people want to walk. All Walkways should be properly shaded in the summer, lighted with Pedestrian-Scale Lighting, include the unifying border and display Wayfinding signage for everyone's convenience. The Pedestrian Circulation System will establish Uptown as a destination for walkers and joggers. Mile markers and exercise stations are added amenities.

Scattered throughout Uptown, accessible from the Walkways, will be the Pedestrian Plazas. Pedestrian Plazas are Open Space areas where people can sit in the shade, take a break from work, meet with friends, and have a picnic. The Plazas, large or small, will bring a community feeling to the Uptown Area.

Open Space, which may be used for Pedestrian Plazas, is required on all New Construction and/or Redevelopment. The Pedestrian Circulation System including Pedestrian Plazas needs to be an amenity that connects all of Uptown not just the new or redeveloped properties.

It is important to the Pedestrian Circulation System to have improved Street crossings with timed signalization, raised or colored Walkways for Street crossings and serious research into alternative ways for pedestrians to cross the wide boulevards in the Uptown Area.

## **B. The Bicycle Circulation System (BCS)**

The Bicycle Circulation System is designed and implemented to enhance and connect bicycle lanes, routes and trails in order to increase bicycle travel and make it safer and more enjoyable. Bicycle lanes, routes and trails should all be clearly marked and striped or re-striped when necessary. All Bikeways should display ample Wayfinding signage.

Parking for bicycles should be provided inside Parking Structures which have connectivity to Bikeways. Bicycle rentals should be encouraged and facilitated.

## **C. Parking Structures**

Parking Structures are connected not only to the Streets in Uptown but to the Pedestrian Circulation System (PCS) and Bicycle Circulation System (BCS). Both directional and informational Wayfinding signage should be located at each Parking Structure entrance.

Below and above ground Parking Structures are encouraged in order to maximize land use, emphasize environmentally responsible "Park Once" behavior and to lessen the need for large areas of Surface Parking. As Uptown redevelops, hopefully, the existing Surface Parking will transition more towards Parking Structures but that is not likely to happen without Public/Private Partnership funding. Public Connectivity Infrastructure establishes Parking Basins in order to ensure logical placement of Parking Structures. Coordination between Site owners in each

Parking Basin is encouraged in order to help choose the best location for each Parking Structure. Parking Structures should be located within each Basin in such a manner to reduce vehicle miles traveled but should also be located in places that the public will be inclined to use the Structures.

#### **D. The Wayfinding System**

The Wayfinding System is a system of directional signage, informational Kiosks and other tools to guide drivers, pedestrians and bicyclists around the Uptown Area. The use of creative, consistent Wayfinding tools will give the Uptown Area a unique, enhanced and memorable identity by creating a strong “sense of place”. The Uptown Progress Team Neighborhood Association is encouraged to create community branding for the Uptown Area, including a Logo, and to find funding for the Wayfinding System, possibly through the use of a BID, PID or a TIDD.

The Uptown Progress Team, with participation from the City, shall develop an Uptown Wayfinding System of signage and graphics that communicates clear and concise functional directional information to visitors and residents unfamiliar with Uptown. The Wayfinding program will help guide pedestrians, bicyclists, and motorists throughout Uptown. The program will provide signage regarding access to and location of transit, bicycle, and pedestrian facilities and direct visitors and residents to Uptown Area destinations. The program will also provide directional signage to Parking, restaurants, retail shops, etc. within Uptown. It will help create a memorable and easily recognizable image that promotes the Uptown Area as the “**place to be**”.

#### **E. Circulator**

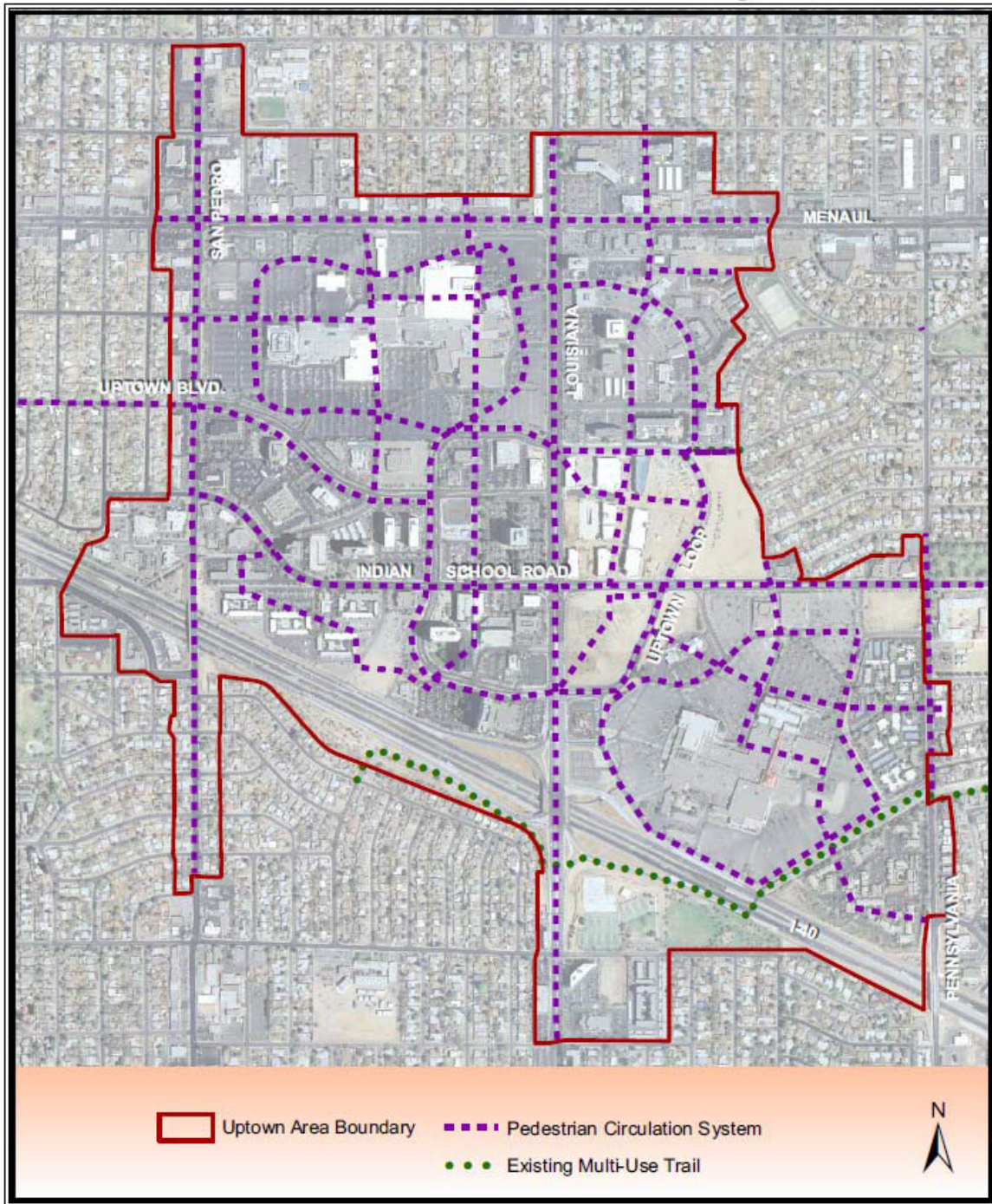
A Circulator is a localized transportation system such as an Uptown trolley, sky shuttle, tram or a City Transit Circulator that will connect all of the Uptown Area. Successful localized transportation in the Uptown Area is essential in getting people to use the Parking Structures and Walkways. It is possible for a TIDD to pay for the capital expenses of an Uptown Circulator but daily operations of such a system would require a different funding source such as an Uptown Progress Team BID.

#### **F. The Basics – Infrastructure**

Infrastructure such as Streets, curb and gutter also need to be built. There is basic infrastructure in place in the Uptown Area, but it is not sufficient to redevelop the larger properties with configurations different from those that exist now. While not as glamorous as new Walkways and Bikeways it is necessary. The City is responsible for keeping infrastructure adequate and up to date. Through the use of Public/Private Partnerships this burden no longer rests solely on the City.

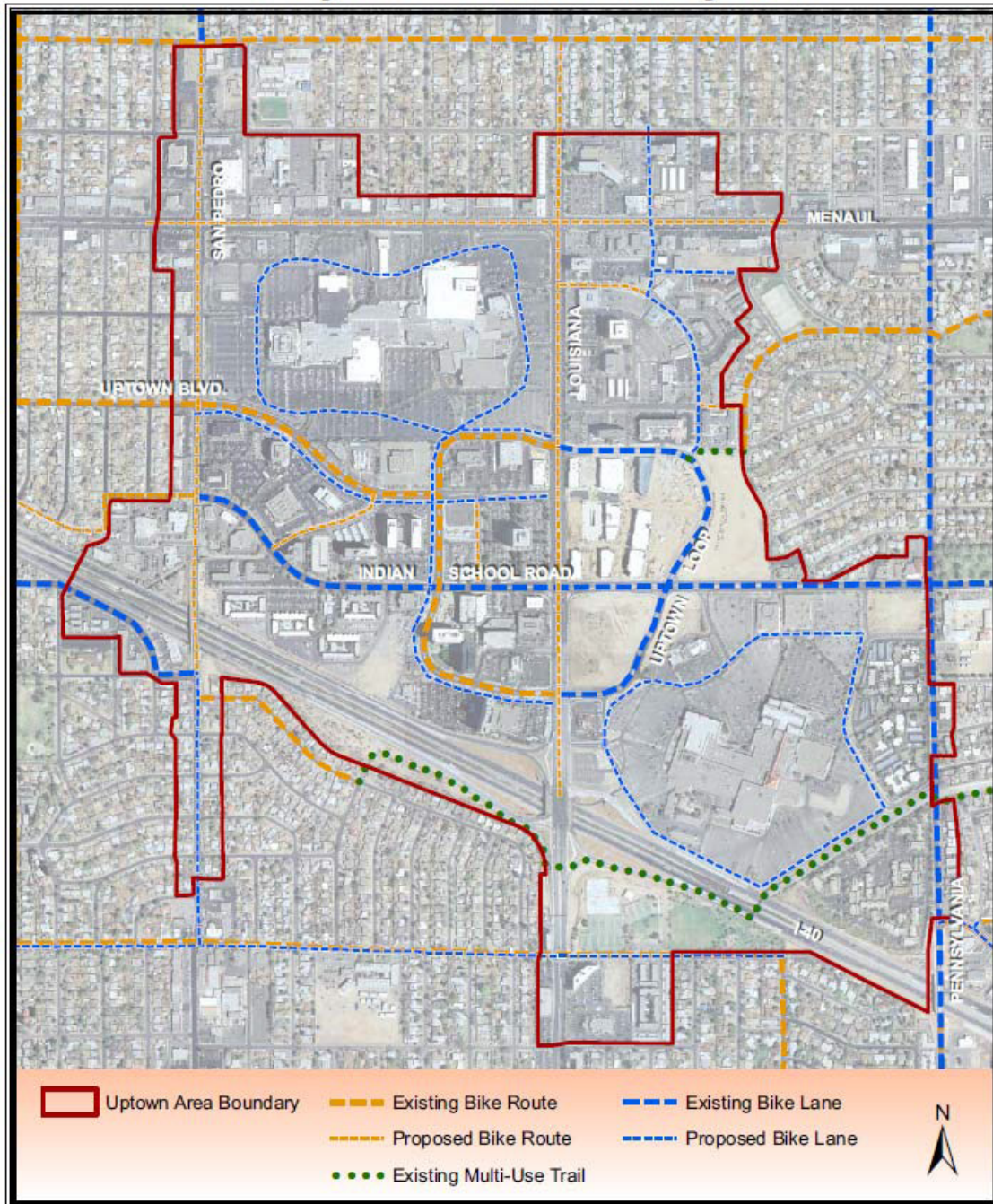


# Pedestrian Circulation System



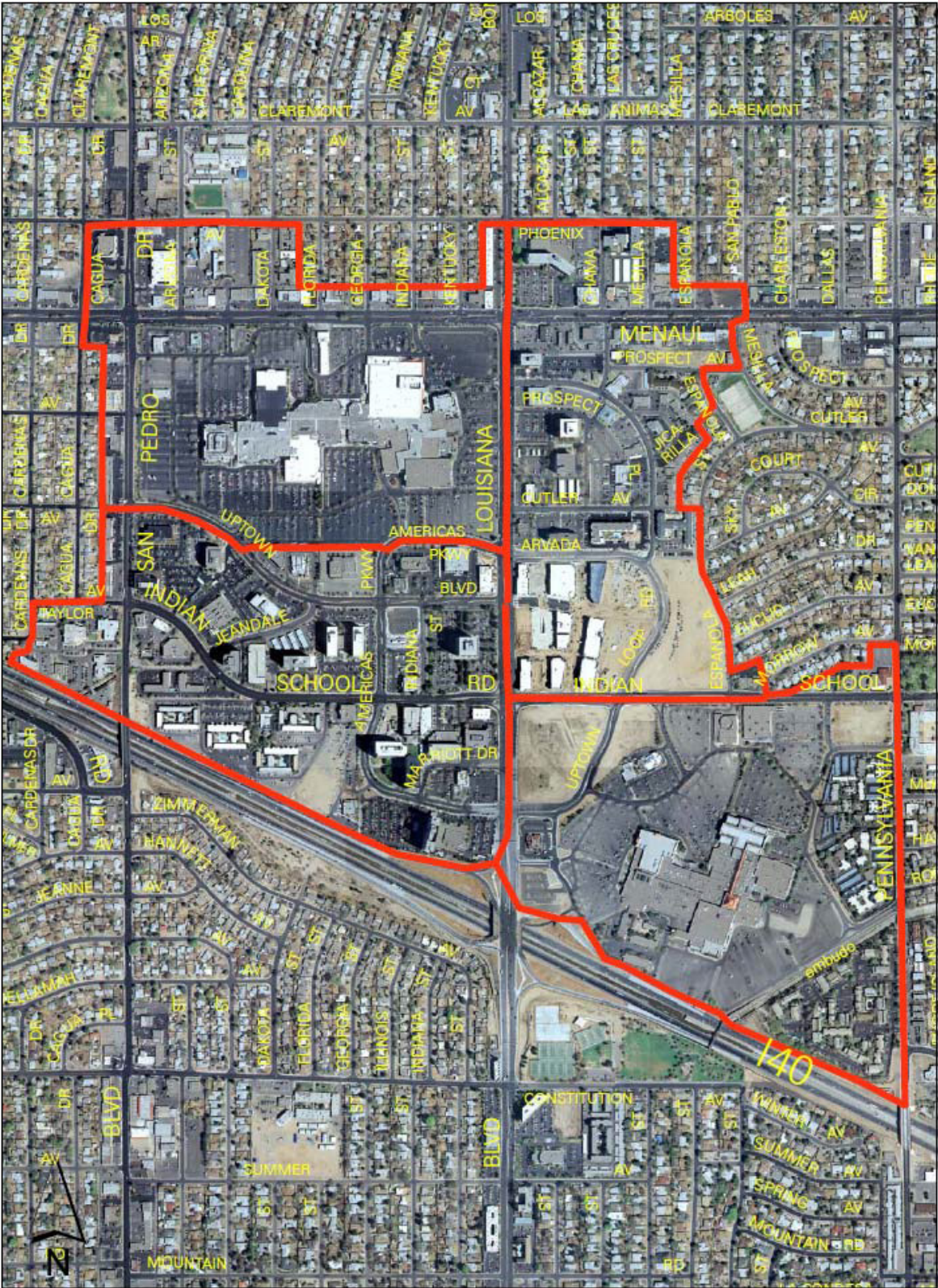


# Bicycle Circulation System





# Uptown Parking Basins



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## **Chapter VII. REVIEW AND APPROVAL PROCESS**

**A. Site Development Plans For Building Permit** shall be processed through the Review and Approval Process described in Chapter VII of the 2008 USDP.

### **B. Review and Approval Process**

1. The Applicant for a Site Development Plan Approval shall call the Planning Department to request a Project Review Meeting with the Uptown Review Team (URT) prior to submitting an Application for Site Development Plan Approval.
2. The Planning Director shall schedule and convene a meeting between the URT and the Applicant within fourteen (14) days of the Applicant's request.
3. The URT shall consist of representatives from Planning, Zoning, the Office of Neighborhood Coordination, Transportation and the City Forester. Other City departments, such as Transit and Environmental Health shall also participate as deemed appropriate by the Planning Director, on a case by case basis.
4. At the Project Review Meeting the Applicant and the URT shall discuss the Applicant's ideas for a Site Development Plan and how the proposal will meet the general requirements and regulations of the City and the 2008 Uptown Sector Development Plan. It is not a requirement that the Applicant presents a completed Site Development Plan at this meeting, but it is an option that could expedite the Review and Approval Process. Sufficient information shall be provided to allow for adequate feedback and guidance from the URT.
5. At the Project Review meeting, the Planning Director shall assign a planner to track the Applicant's Site Development Plan and to provide a detailed review with written comments on the submitted Site Development Plan. This review will have an emphasis on compliance with the 2008 USDP. The Assigned Case Planner will communicate any issues of non-compliance to the Applicant and the DRB and will stay involved until there is an Approval or a Denial of the Site Development Plan.
6. After the Project Review Meeting, the Applicant, when ready, shall submit at least ten (10) copies of the proposed Site Development Plan, including the Landscape and Signage Plans and one set of 8-1/2" x 11" reductions to the Planning Director for the purpose of distributing the Site Development Plan to the members of the URT and the Assigned Case Planner.
7. After the Applicant submits the copies of the Site Development Plan, the URT members shall provide written comments regarding the compliance or non-compliance of the Site Development Plan to the Assigned Case Planner within two weeks of the Planning Director's receipt of the Site Development Plans. The Assigned Case Planner shall compile all the URT written comments and any issues regarding the 2008 USDP he has identified into a report for the Applicant. That report shall be available to the Applicant no later than one (1) week from the Assigned Case Planner's receipt of the URTs written

comments. In no case shall it take longer than a total of three (3) weeks from the Applicant's submittal of Site Plans to the Planning Director and the Assigned Case Planner's compilation of written comments being made available to the Applicant.

8. After the Applicant has received the written comments on issues of compliance and/or non-compliance and is ready to demonstrate how the Site Development Plan meets all 2008 USDP regulations and requirements, the Applicant may request a DRB Hearing. If the Applicant wishes he may request another Project Review Meeting for additional clarification instead of requesting a DRB Hearing.
9. Upon the Applicant's request of a DRB Hearing, if the Site Development Plan still has numerous areas of non-compliance, the Planning Director may call another Project Review Meeting between the URT, the Assigned Case Planner and the Applicant.
10. If the URT and the Assigned Case Planner find that the Site Development Plan is in compliance or very close to compliance with the 2008 USDP, the Applicant may make an Application for Site Development Plan Approval and schedule a Hearing with the Development Review Board (DRB). An Applicant may apply for a Deviation as described in Section F of this chapter in order to achieve compliance with the 2008 USDP. Compliance with the URT and/or Assigned Case Planner's list of issues does not create or imply any vested rights or Entitlements until the proposed Site Development Plan is signed-off on and dated as Approved by the DRB.
11. The Applicant's request for a DRB Hearing shall be scheduled for the next available DRB Hearing which allows adequate time for required Notification from both the Applicant and the Planning Department.
12. Upon scheduling the DRB Hearing, the Applicant and the Planning Department shall meet the Notification requirements set forth in Chapter VII, B, #13 and #14.
13. The Applicant shall give written Notification of the Application for Site Development Plan Approval to any recognized Neighborhood Association, non-recognized neighborhood organization and/or homeowner association which covers, abuts, or is across the public Right of Way from the subject Site and any interested parties in the area that have registered with the Office of Neighborhood Coordination (ONC) to receive notice. The ONC shall provide the Applicant with a complete list of the names and addresses for all the people who require Notification. The Applicant shall not be held responsible for notifying people who are not on the list provided by the ONC. Notification shall include a reduced version of the proposed Site Development Plan including the Landscape Plan; the date, time and location for the DRB Hearing; contact information for the Applicant and the name, e-mail and phone number of the Assigned Case Planner. The Notification packet shall be mailed by certified mail, return receipt requested and post marked at least ten (10) days in advance of the DRB Hearing for the Site Development Plan. The Applicant shall give copies of the ONC Notification list and proof of all Notification mailings to the DRB for the Hearing record. Failure by an Applicant to show proof of Notification shall be grounds for a deferral of the Applicant's proposal at the DRB Hearing until proper proof of Notification is provided by the Applicant.

14. For projects located within the SU-3 for MU-UPT Buffer Zone, the Planning Department shall provide mailed Notification to property owners within one-hundred (100) feet of the boundaries of the proposed Site Development Plan Site, excluding public Right of Ways. Notification shall be postmarked ten (10) days prior to the DRB 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.
15. The Applicant and the Assigned Case Planner shall attend the Development Review Board (DRB) Hearing regarding the Application for Site Development Plan Approval. The Assigned Case Planner shall state to the DRB whether or not the Site Development Plan meets the requirements of the 2008 USDP and shall provide written comments on any issues of non-compliance and/or other concerns. The Applicant must correct all issues of non-compliance before receiving an Approval of the Site Development Plan from the DRB.
16. The public will be given an opportunity to comment on the Site Development Plan at the DRB Hearing. The public comments will become part of the written record compiled on the Application for Site Development Plan Approval. The DRB shall not approve the Site Development Plan until it is in compliance with the 2008 USDP and all other applicable City regulations and requirements.
17. If the DRB finds that the Site Development Plan is in compliance with the 2008 USDP, all applicable City regulations and that the DRB has heard public comments, if any, the DRB shall approve the Application for Site Development Plan. All members of the DRB shall sign and date the Site Development Plan as Approved. Site Development Plan Approvals are valid for seven (7) years from the date of Approval.
18. If the DRB Site Development Plan Approval is appealed, within fifteen (15) days of the DRB Hearing, pursuant to the Appeal Process, and the Applicant chooses to proceed to Building Permit during the appeal, the Applicant does so at his own risk. If there is an adverse final decision on appeal the Applicant may be required to discontinue construction and/or remove improvements installed after obtaining the Building Permit. The Applicant shall sign an agreement with the City acknowledging this risk and hold the City harmless in all regards.
19. If the DRB finds that the Site Development Plan is not in compliance with the 2008 USDP and/or City requirements and regulations, but does not issue a Denial, the DRB shall provide the Applicant with a written list including the areas of non-compliance and reasons for delaying the Approval. A Deviation may be approved per Section F. of this chapter. The Applicant must bring the Site Development regulations before he can request a second or subsequent DRB Hearing. Compliance with the DRB list of issues does not create or imply any vested rights or Entitlements until the Application for Site Development Plan Approval has been signed-off on and dated as Approved by the DRB.

### **C. Site Development Plan Denial**

If the DRB finds that the submitted Site Development Plan is not in compliance with the 2008 USDP and/or applicable City regulations and requirements, and the Applicant is

unwilling and/or unable to revise it accordingly, the DRB may issue a Denial of the Site Development Plan. The Applicant may not re-submit the Site Development Plan again within twelve (12) months of the Denial if the Site Development Plan is not substantially different from the Site Development Plan that was denied. This limitation shall not apply to applications brought forth by a representative of the City or to a Site Development Plan that has been substantially changed according to the Planning Director. A Denial may be appealed as per Section D., below.

#### **D. Appeal Process**

1. Appeals of a DRB decision on a Site Development Plan shall be pursuant to the Appeals Process set forth in Section 14-16-4-4 ROA 1994.
2. The appellant shall file an appeal within 15 days from the date the DRB signed the Site Development Plan as either Approved or Denied.
3. The appeal is to the City Council through the Land Use Hearing Officer (LUHO).

#### **E. Administrative Amendment**

1. An Applicant with an Approved Site Development Plan within the Uptown Area may request an Administrative Amendment if all the following applicable criteria are met:
  - a. Uses are consistent with those listed on the Site Development Plan that was Approved by the DRB; and
  - b. Buildings are of the same general configuration as depicted on the Site Development Plan that was Approved by the DRB; and
  - c. Total Building square footage is not greater than 10% above the square footage as shown on the Site Development Plan that was Approved by the DRB. However, under no circumstances shall the square footage for any level of a Building be allowed by Administrative Amendment to exceed the 90,000 square foot, one level, size limitation as stated in Chapter IV, Section E. of the 2008 USDP; and
  - d. Vehicular circulation is similar in its effect on adjacent property and Streets; and
  - e. Pedestrian access and circulation is similar or better than as on the Site Development Plan Approved by the DRB; and
  - f. The amended Site Development Plan is in compliance with the 2008 USDP and all other applicable City regulations and requirements. Requests for building additions, building renovations and/or site rehabilitations shall comply with the 2008 USDP for those parts of the site or building undergoing construction
  - g. The Planning Director finds that neither the City nor any person will be substantially aggrieved by the altered plan; and
  - h. Significant City infrastructure and Financial Guarantees are not required.
2. Neighborhood and property owner Notification is not required for Administrative Amendment requests that meet the above criteria.

3. Site Development Plan Administrative Amendments that do not meet the above criteria must proceed through the Review and Approval Process outlined in Chapter VII.

## **F. Deviation Process**

The Deviation process allows review by the Planning Director, or his/her designee, or the EPC, limited to the requested deviation only.

1. The Planning Director, or his/her designee, may approved deviations from any dimensional standard that is less than or equal to 25%, except deviations pertaining to building height shall not be permitted for parcels zoned SU-3 for MU-UPT Buffer Zone that directly abut parcels zoned R-1 that are in use as single-family residences. Notification may be required at the discretion of the Planning Director. Any deviations pertaining to building height in the MU-UPT Buffer Zone and not prohibited by the above exception will require notification.
2. Any Deviation greater than 25% and up to 50% from any dimensional standard shall be reviewed by the EPC, except deviations pertaining to building height shall not be permitted for parcels zoned SU-3 for MU-UPT Buffer Zone that directly abut parcels zoned R-1 that are in use as single-family residences . Notification and advertisement shall be by the normal EPC process. Deviations greater than 50% shall not be approved.
3. Any non-dimensional Deviation from the USDP shall be considered on a case-by-case basis. An example of a non-dimensional deviation may be non-listed building articulation elements.
4. In order for the Planning Director or the EPC to grant a Deviation, the applicant must demonstrate that the applicable intent, goals and policies of the Uptown Sector Development Plan are still met and that the project is of a comparable quality and design, as otherwise required by the USDP, and will enhance the area. In addition, the applicant must also demonstrate at least one of the following:
  - a. The site is unique in terms of physical characteristics and requires the Deviation in order to be developed.
  - b. The site/project will serve as a catalyst to redevelopment or further development in the USDP area.
  - c. The site/project provides a needed service for the community, as identified in the USDP, CIP proposals, community survey or other similar source.
  - d. The project will preserve an historic building or structure or an archeological site.
5. Documentation of the approval of the Deviation must accompany a site development plan for approval by the DRB.



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## **Chapter VIII. APPENDIXES**

**Appendix A**      Tree List for Shade, Signature and Evergreen

**Appendix B**      Planting Guides

**Appendix C**      Border Design

## Appendix A

### **“Signature Trees”** – Flowering trees

Keep 6 feet or more from sidewalk / street / parking.

- Desert Willow “Art’s Seedless”
- Western Redbud
- Mimosa – Silk Tree
- Crape Myrtle – 15’ or taller cultivar
- Cockspur Hawthorn inermis
- Purple Robe Locust

Can be pruned for near pedestrian/vehicles.

- Apple – fruit size less than 1” and persistent only
- Japanese Tree Lilac
- Mountain Ash – will not tolerate high salinity
- Golden Rain Tree

### **“Shade Trees”** – Trees whose primary purpose is to provide shade.

Can be pruned for near pedestrian and vehicles.

- Chinese Pistache
- Gambel Oak
- Bigtooth maple – in landscape not planters
- Littleleaf Linden
- Arizona Sycamore
- Zelkova
- Chinquapin Oak
- Lacebark Elm
- Bur Oak

### **“Evergreen Trees”**

- Southwestern White Pine
- Japanese Black Pine
- Pinon Pine
- ‘Green Giant’ Arborvitae
- ‘Spearmint’, ‘Hollywood’, ‘Spartan’, and ‘Blue Point’ or other female junipers

## Appendix B

### **Sidewalk and Parking Lot Rooting Volume**

- Small tree wells, compacted and poor soil, and no consideration for future growth have made trees incompatible with infrastructure and routine building practices. A tree planned for correctly can easily outlive whatever is constructed on-site. If the usable lifespan of a major building element exceeds all others... that should be the goal for all other elements to strive towards.
- All recommended numbers and methods are proven through research and actual practice in urban locations.
- At minimum, a tree should have 1 cubic feet of soil per one square foot of canopy coverage. Twice this amount is ideal but many xeric and urban capable trees and plants can tolerate lower soil volumes.
  - For example, a shade tree intended to reach a canopy size (not total height) of 30' wide and 30' tall would be 900 square feet of canopy coverage. So, the tree rooting volume should exceed 900 cubic feet by being a 17.5' square to a depth of three feet.
  - This means trees need that much underground space but above ground space varies by species, location, and site use.
- Tree and plant rooting volume needs to be desirable soil (not construction debris or subsoil) and a method should be available to apply water over entire root zone.
- Many methods are available to reach the rooting volume goal during construction.

**Connections to adjoining landscaped areas** – These are all methods that provide rooting access to a larger soil volume or used when building area restricts above ground options for space.

- Reinforced concrete
  - Rebar or smaller wire mesh material.
- Engineered soil
  - Soil designed with rock, soil, and organic amendments to be capable of loading \ needs for stated site use.
- Soil Tunnels
  - Pipe or underground channel filled with soil connecting tree wells or surrounding areas.
- Bridging
  - Same as used over stormwater channels in sidewalks but leaves uncompacted and usable soil underneath.

### **Site design options**

- Tree well size increase
  - Provide rooting volume as space is available.
- Cluster Planting
  - One larger planting site is more productive than single sites.
- Site Layout
  - Consider saving and protecting space for trees during planning not at end of construction. Low impact design methods use every available space for

intended site use to provide / protect environmental services.

- **Stormwater management**

Curb cuts, swaled planters, bio-filters, and other water harvesting methods also reduce peak and sustained loading on stormwater infrastructure while cleaning water as its used by the plants or filtering it as it passes by reaching the river.

**Pervious hardscape** – These materials provide a reduction in heat island effects, allow for stormwater infiltration as encouraged by the US EPA, and increase tree health and longevity.

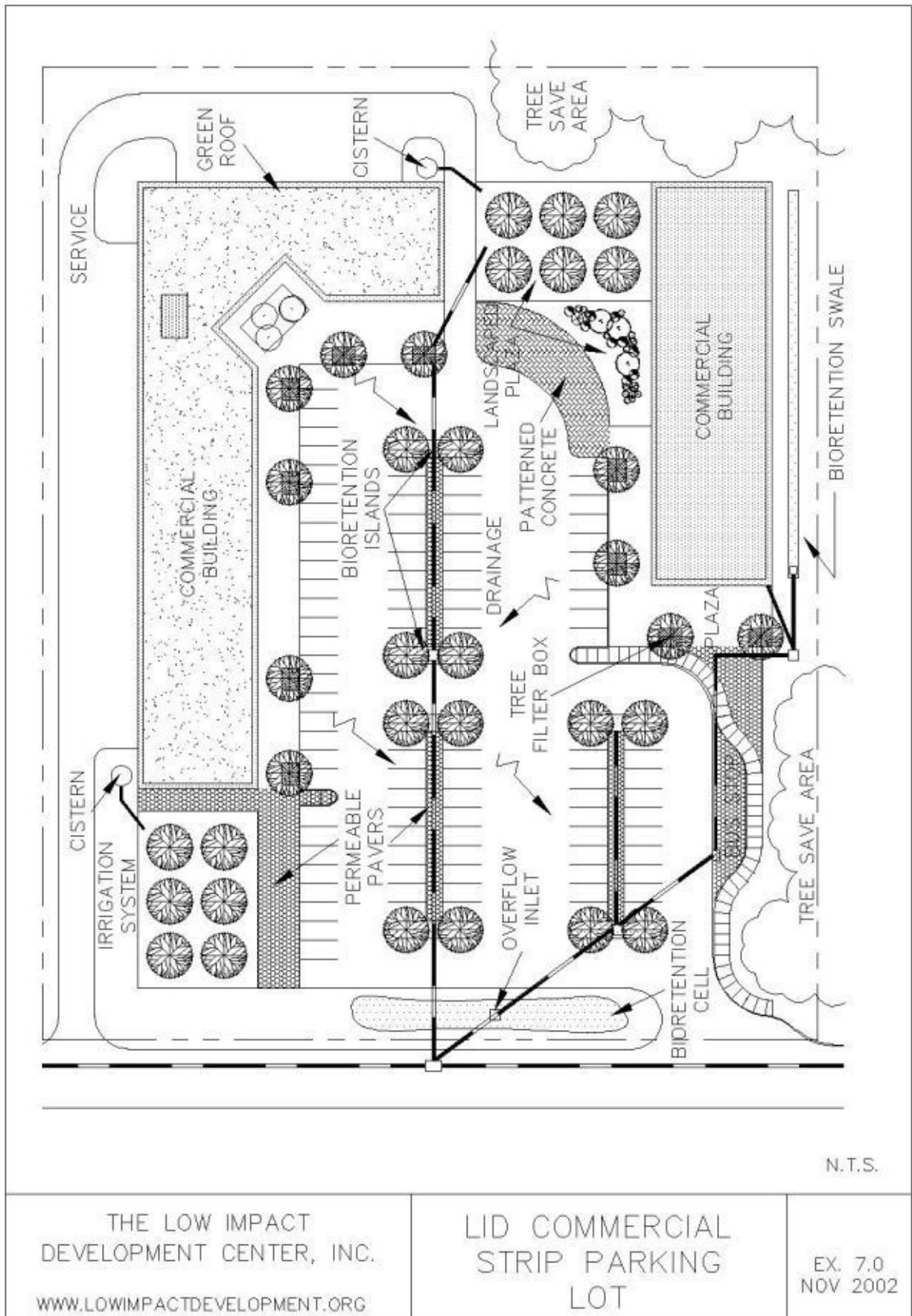
- Concrete or Asphalt
- Interlocking Pavers over sand or gravel.

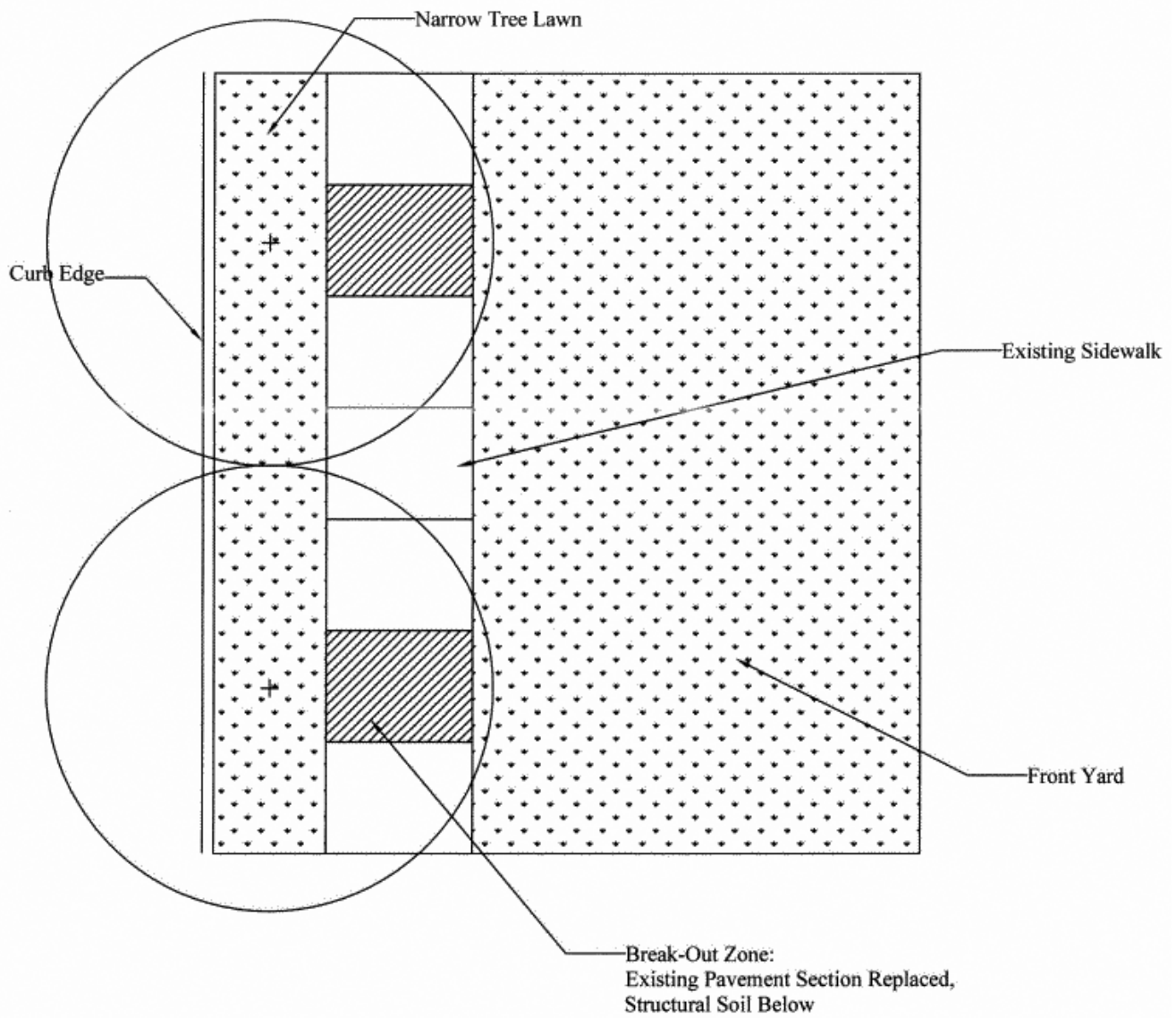
**Infrastructure protection**

- Alternative sub-base materials – Reduces root growth directly under hardscape
  - Clean gravel
  - Styrofoam
- Root Barriers – Directs root growth away from protected infrastructure.
- Recycled rubber panels – Alternative sidewalk paving material that prevents root damage and is removable and replaceable.

**\*\*REFER TO ATTACHMENTS FOR PICTURES AND DETAILS EXPLAINING THESE FURTHER**

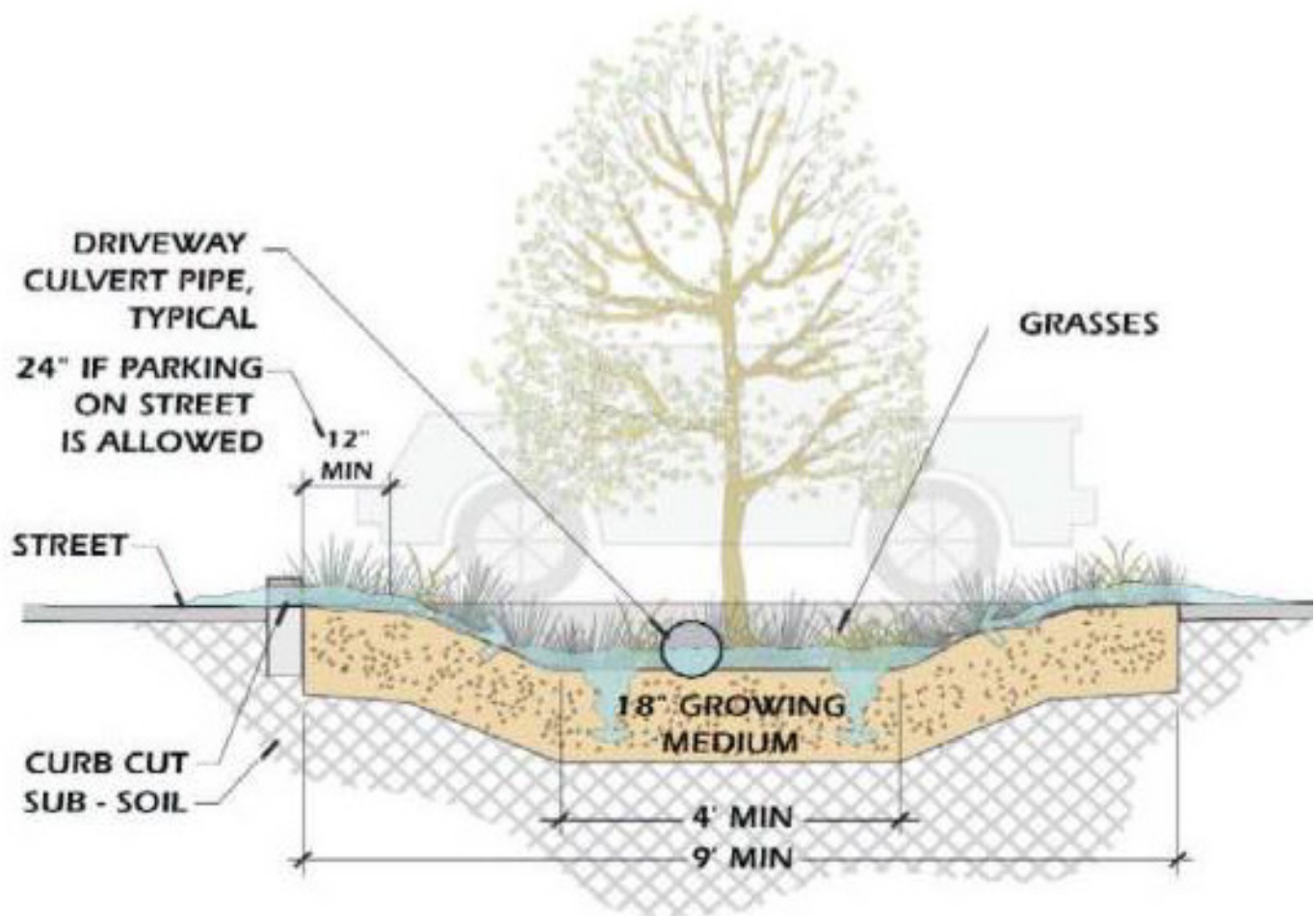
- **Commerical parking lot** shows sample design of site.
- **Breakout area** shows small use of alternative soil material to connect rooting areas.
- **Continuous tree well** shows a method of enlarging rooting volume under sidewalk.
- **Parking lot design** shows several methods of site layout for environmental benefits.
- **Planting revised** is the specification that the city should use that includes instructions.
- **Swale** is a cross section of what can be done along sidewalks and in parking lots.
- **Grate directs water** is a sidewalk sample of water harvesting.
- **Sidewalk grate as bridge** is a city accepted method for stormwater that can be adapted for tree health.
- **Permeable 1** is a picture of pervious interlocking pavers.





PLAN VIEW OF RETROFITTED STRUCTURAL SOIL BREAKOUT AREA





## SIMPLIFIED APPROACH DESIGN CRITERIA

### Side Swale - Cross Section

7/8/02

Step 1: Find root collar on tree and prepare hole to that depth

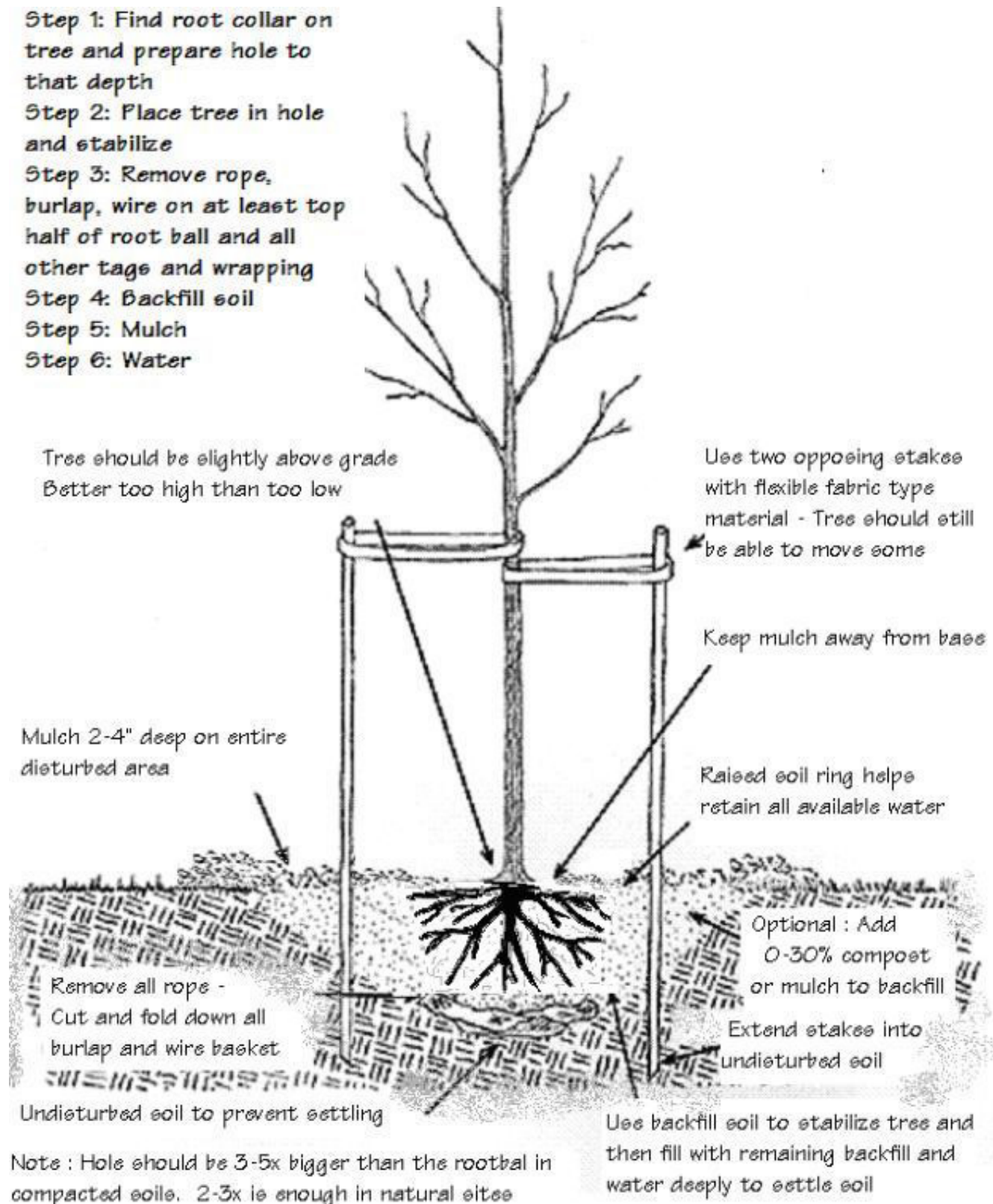
Step 2: Place tree in hole and stabilize

Step 3: Remove rope, burlap, wire on at least top half of root ball and all other tags and wrapping

Step 4: Backfill soil

Step 5: Mulch

Step 6: Water



## Appendix C

