



## **2.0 Plan Authority**

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## CHAPTER II: REGULATIONS

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The Volcano Heights SDP (“The Plan” or “VHSDP”) is a Rank 3 plan that includes both regulations (i.e. law) and policies (i.e. guidance) as instruments to implement the goals, objectives, and policies of the Rank 1 Albuquerque/Bernalillo Comprehensive Plan, and more specifically the Rank 2 West Side Strategic Plan (WSSP).

#### 2.1. Rank Plans

The City of Albuquerque uses a system of ranked plans, starting with the Rank 1 Albuquerque/Bernalillo County Comprehensive Plan, which sets the vision, goals, and overall policies from a City-wide perspective. There are also lower-ranked plans that must comply with the intent, policies, and goals of higher-ranked plans. Rank 2 Plans, such as the WSSP or the Arroyos Facility Plan, are exclusively policy documents that provide more detail and give more direction about large but distinct areas or facilities within Albuquerque. Rank 3 Plans, including Sector Development Plans (SDPs) such as this Volcano Heights SDP, take the most detailed look at smaller areas and can include both policy and regulations.

This Rank 3 VHSDP is intended to further and comply with the policies and intents of the adopted plans in **Table 2.1**. Where other plans and procedures are silent, the regulations and standards of this Plan shall prevail.

**TABLE 2.1 – RELEVANT RANKED PLANS**

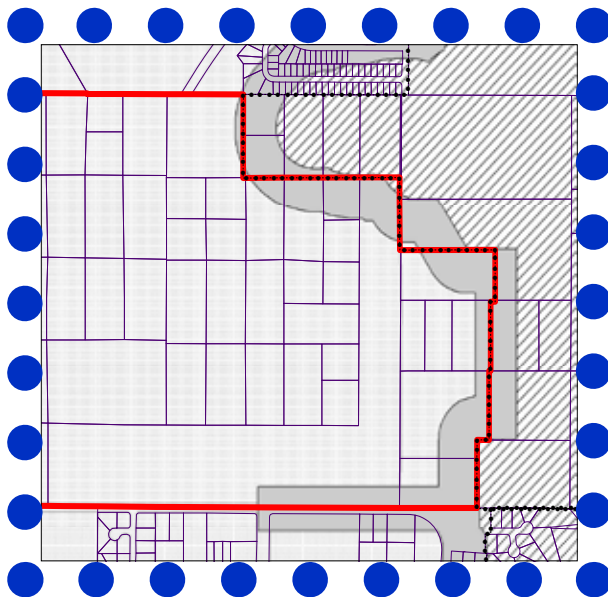
Relevant Ranked Plans	Area	Plan Type
<b>Rank 1:</b> Albuquerque / Bernalillo County Comprehensive Plan	Entire Albuquerque Area	Policy
<b>Rank 2: Area / Facility Plans</b> <ul style="list-style-type: none"><li>• West Side Strategic Plan</li><li>• Facility Plan for Arroyos</li><li>• CABQ Major Public Open Space Facility Plan</li><li>• Trails and Bikeways Facility Plan</li><li>• Facility Plan: Electric System Generation and Transmission (2010-2020)</li></ul>	Relevant Albuquerque Areas, including Volcano Mesa	Predominantly Policy
<b>Rank 3:</b> Northwest Mesa Escarpment Plan (NWMEP)	Specific Area	Policy & Regulation

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### 2.2. Northwest Mesa Escarpment Plan (NWMEP)

The Rank 3 NWMEP provides policy guidance and regulations for development within its boundaries. Adopted in 1988, it sets regulations and policies to control design, construction mitigation, view preservation, and drainage to protect sensitive lands in and around the Escarpment, parts of which became the Petroglyph National Monument.

The NWMEP designates three distinct areas and distinguishes regulations and policies accordingly: Conservation, Impact, and View. Volcano Heights is included in the NWMEP boundary and contains a small portion of Impact Area along the boundary of the Petroglyph National Monument to the east, while the rest of Volcano Heights is designated as View Area and subject to policies applicable to that designation. [See **Exhibit 2.1.**]



Detail : NWMEP Impact Area in Volcano Heights

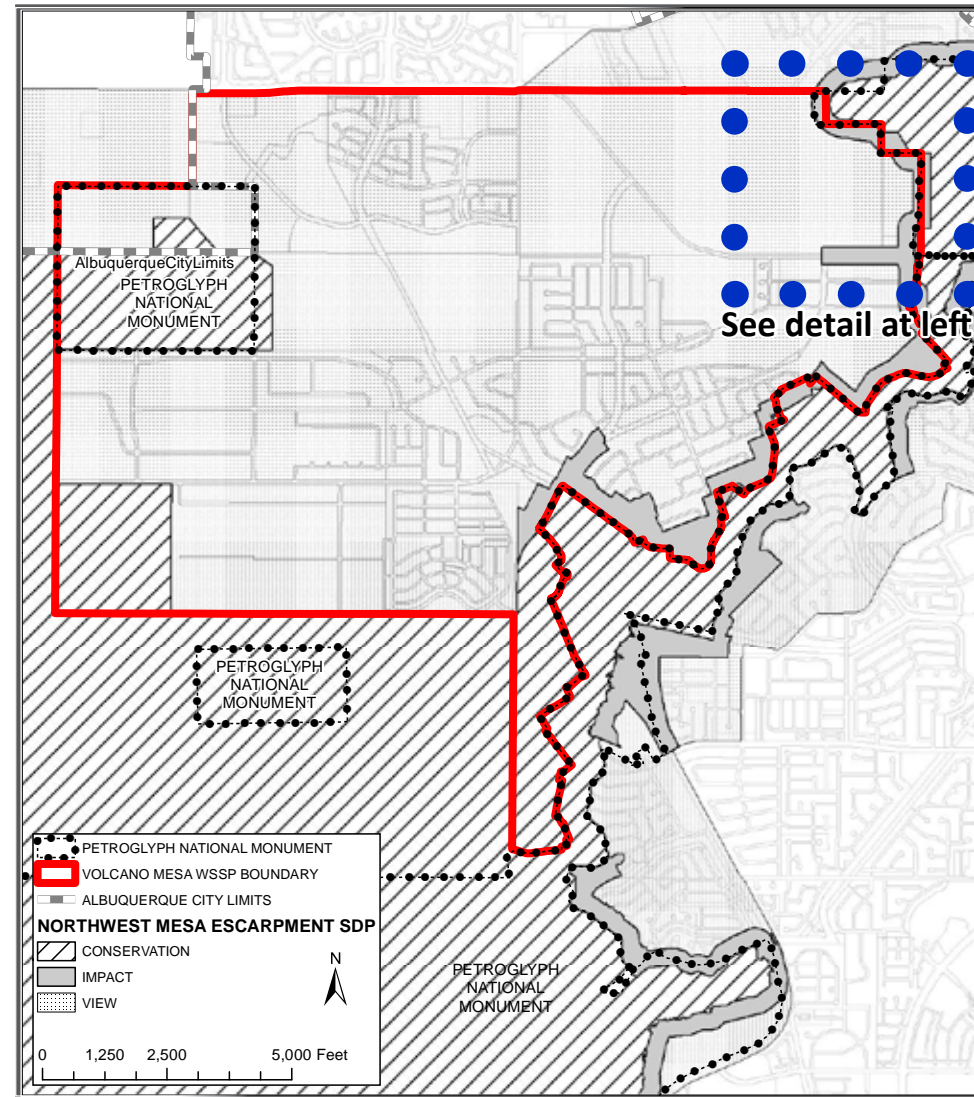


Exhibit 2.1 – NWMEP and WSSP Volcano Mesa Amendment Boundaries

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- 2.2.1. Because the VHSDP and the NWMEP are both Rank 3 plans with overlapping boundaries, where a policy or regulation conflicts, the VHSDP prevails, unless otherwise stated in this Plan. Where one plan is silent, the policies/regulations of the other plan prevail.
- 2.2.2. Maximum heights by right in Town Center, Regional Center, Mixed-Use, and Neighborhood Transition Zones in Volcano Heights comply with the 40-foot maximum height allowed in the NWMEP View area, although the NWMEP measures from natural grade, and this Plan measures from approved grade, which in some cases may include a minimum amount of fill necessary for construction or to connect to infrastructure. Within Volcano Heights, the approved grade is used to govern structure height.
- (i) In order to balance the intent of respecting and protecting the fabric of unique cultural and geological features of this area with the intent of creating opportunities for a regional employment center and Major Activity Center, the VHSDP includes an optional bonus height system that allows **building height** above 40 feet for the Center and Mixed-Use Zones. Projects must meet additional criteria intended to provide commensurate benefits to both the natural and built environments as a trade-off for bonus height and density.
  - (ii) Portions of the Escarpment Transition Zone and Regional Center Zone that are also within the NWMEP Impact Area have **structure height** restrictions of 15 feet per the NWMEP, with the exception that heights shall be measured from approved grade. No variances or deviations shall be granted.
  - (iii) No bonus heights shall be granted within the Escarpment Transition or Neighborhood Transition Zones.
- 2.2.3. Color shall be regulated per this Plan. All structures and fences shall have exterior colors within a light reflective value of 20-50 percent. This restriction includes building walls and surfaces, roofs, mechanical equipment, and landscaping walls and fences [See **Section 7.5 starting on page 125** for building color restrictions. See **Section 9.7.3 starting on page 150** for walls and fences.] The intent is to minimize visibility for the purpose of views into the Plan area and maximize harmony with the natural environment within the Petroglyph National Monument, as the NWMEP intended.
- 2.3. **Unser Boulevard Design Overlay Zone (DOZ):** The Unser Boulevard Design Overlay Zone, adopted in 1992, sets design regulations regarding signs along the Unser Boulevard corridor between I-40 and the Sandoval County line. [See **Exhibit 2.2** and **Exhibit 8.1 on page 133.**]

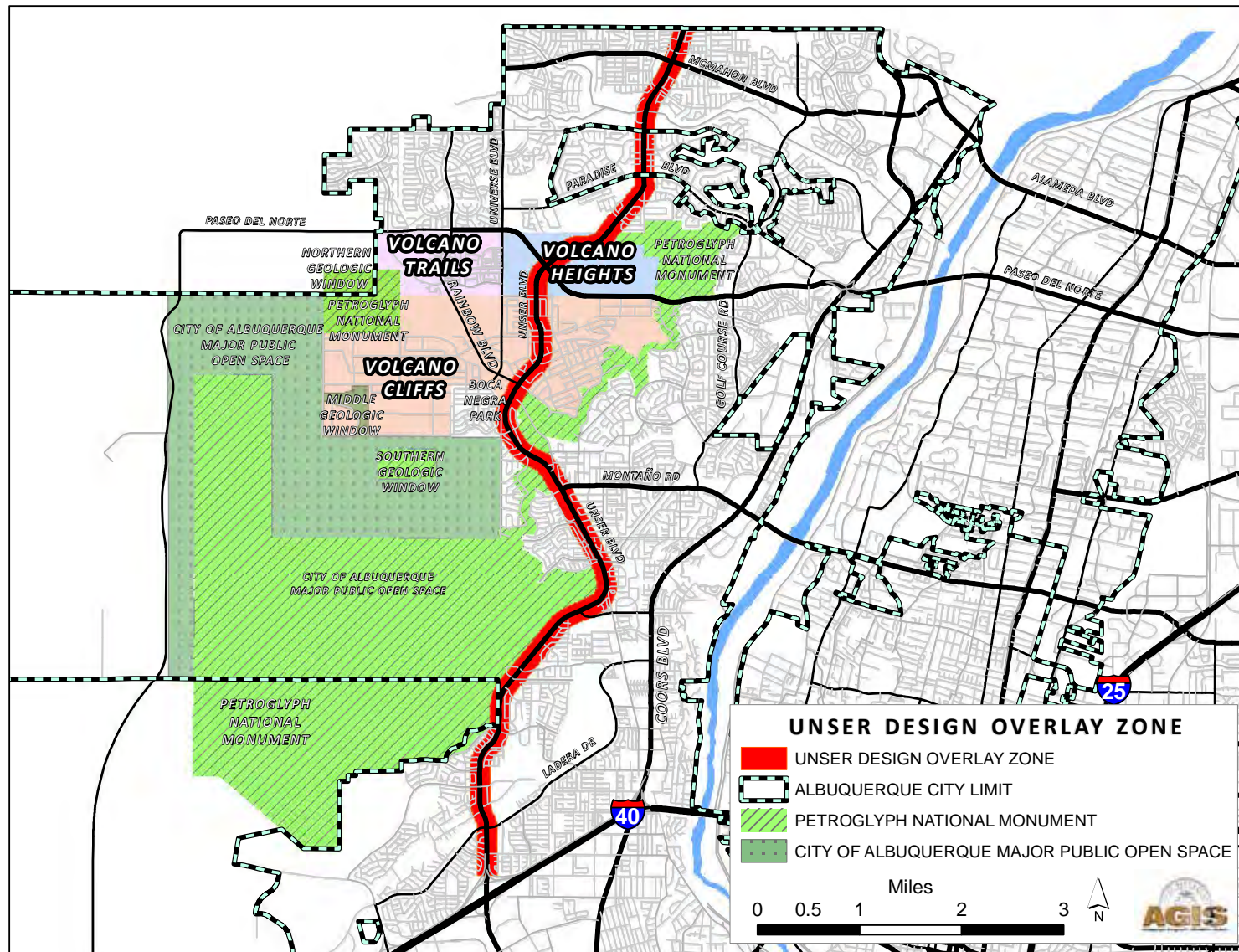


Exhibit 2.2 – Unser Boulevard Design Overlay Zone Boundary

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Enacted to preserve views of the Rio Grande Valley, the Sandia Mountains and the West Mesa Escarpment, it affects an area extending 500 feet on either side of the centerline of the roadway. The **DOZ** prohibits off-premise signs, portable signs, and signs that flash, move, or rotate. On-premise signs within the **DOZ** boundaries are generally limited to one wall or permanent free-standing sign per façade per business, the height and size of which are regulated based on façade area. For additional details and regulations, please consult the Unser Boulevard **DOZ**, available on the Planning Department's publications webpage: <http://www.cabq.gov/planning/publications/>

Because the VHSDP and the Unser Boulevard DOZ have overlapping boundaries, where a policy or regulation conflicts, the more restrictive prevails, except as noted in **Section 8.1.2 starting on page 132**. Where one plan is silent, the policies/regulations of the other plan prevail.

- 2.4. City Zoning Code:** Development standards not addressed in this Plan shall be governed by the City Zoning Code to the extent they are not in conflict with the intent or provisions of this Plan. Where in conflict with this Plan, the development standards under City Zoning Code §14-16-3-18 General Building and Site Design Regulations for Non-Residential Uses, as amended, shall not apply to property within Volcano Heights.

- 2.5. City Subdivision Ordinance:** Development projects shall be subject to the City Subdivision Ordinance with the following exception: Right-of-way widths identified in **Section 10.6 starting on page 171** in this Plan shall prevail over those in the Subdivision Ordinance, where conflicting. Where the Subdivision Ordinance is silent in regard to street or streetscape standards in this Plan, the standards in this Plan apply.

- 2.6. Development Process Manual (DPM):** Development projects shall be subject to the City DPM. Where the DPM is silent in regard to street or streetscape standards in this Plan, the standards in this Plan apply.

- 2.7. Other City Regulations:** In order to meet the intent of development in this unique area, the provisions of this Plan, when in conflict, shall take precedence over those of other City codes, ordinances, regulations, and standards as amended except for the New Mexico Electrical Code, the New Mexico Electrical Safety Code and as noted elsewhere in this Plan. Where this Plan is silent, relevant City of Albuquerque codes, ordinances, regulations, and standards shall apply.