

ZONING

§ 14-16-3-11 SITE DEVELOPMENT PLAN APPROVAL AND SUBDIVISION REGULATIONS REQUIREMENTS.

(A) Site Development Plan approval for either subdivision or building purposes may include:

- (1) Imposition of relevant requirements contained within or authorized by the city's Subdivision Ordinance, including but not limited to dedication of rights of way and assurances for required infrastructure improvements both on site and off site.
- (2) Imposition of other requirements of other city ordinances.

(B) Site Development Plans, especially plans for unbuilt areas, are often changed so that developers can better respond to changing market conditions. Amendment of Site Development Plans does not require meeting the criteria which must be met to justify changing zones or changing written specifications imposed by Sector Development Plans or by terms of approval of a zone such as SU-1. Site Development Plans are expected to meet the requirements of adopted city policies and procedures.

(C) *Possible Termination of Site Development Plans for Sites Which Have Not Been Fully Developed.*

- (1) If less than one-half of the approved square footage of a Site Development Plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically when specified below unless extended as provided below:
 - (a) Seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the owners of the property shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. At an advertised public hearing the Planning Commission shall grant approval if it deems that the Site Development Plan remains appropriate and the owner intends to fully develop the site according to the plan concept. The Planning Commission shall be less likely to terminate a site plan if there is little flexibility in how the site can be developed or if there is a strong architectural or landscaping character on the site which should be preserved.
 - (b) Subsequently, upon similar requests, the Planning Commission may grant requests for additional five-year extensions of the plan, using the same criteria and process.
 - (c) If a Site Development Plan is approved for any additional five-year period by the Planning Commission, an updated Transportation Impact Study (TIS) shall be required to determine if there are off-site improvements needed that were not previously required.
- (2) For the purposes of this division (C):
 - (a) Hereafter, the Planning Director shall provide a copy of these Provisions for Plan Termination to the applicant at the time such an initial plan or a major plan amendment is approved;
 - (b) For Site Development Plans approved prior to the effective date of this division, the Planning Director shall as soon as possible provide a copy of these Provisions for Plan

Termination to the current owner(s) of a site covered by a Site Development Plan. For previously approved Site Development Plans, the time periods specified in this division (C) shall be deemed to run from the date this division becomes effective.

- (c) A major amendment of a Site Development Plan is an amendment adopted by the Planning Commission which is not a minor amendment as contemplated by § 14-16-2-22(A)(6) of this Zoning Code.
 - (d) If an approved Site Development Plan indicates phases of development, that is most often an adequate basis for city extension of the life of the Site Development Plan for the later phases. When the first phase has been built, extension of the plan for later phases may be granted by the Planning Director on behalf of the Planning Commission upon a finding that the plan as previously approved is likely to be built in the future. Appeal of a decision of the Planning Director is to the Planning Commission as provided in § 14-16-4-4 of this Zoning Code.
 - (e) If an approved Site Development Plan has been partially completed, the termination of the plan shall not adversely affect or impose additional requirements upon the developed parcels.
 - (f) Termination of all or part of a Site Development Plan under the terms of this division does not preclude approval of a similar plan at a later date.
 - (g) If a Site Development Plan is terminated, the city shall release the owner from any pending subdivision improvements agreements and financial guarantees for public infrastructure required to be constructed as a condition of approval of the Site Development Plan.
- (3) Fee. A filing fee of \$50 to cover reasonable expenses shall accompany each request for plan extension.

('74 Code, § 7-14-40K)

§ 14-16-2-22 SU-1 SPECIAL USE ZONE.

This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

(A) Procedure.

- (1) Development within the SU-1 zone may only occur in conformance with an approved Site Development Plan. An application for a change to SU-1 zoning shall state the proposed use and must be accompanied by a plan including, at a minimum, all the elements of a Site Development Plan for Subdivision Purposes. As part of the zone amendment action, a Site Development Plan may be approved; alternatively a plan may be approved later. If an approved Site Development Plan is a specified condition of zone change approval, such plan must be approved within the time period specified in § 14-16-4-1(C)(11) of this Zoning Code. No building permit shall be approved unless it is consistent with a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission or its designee; at the Planning Commission's discretion, approval of detailed plans may be required for the entire SU-1 zone area prior to issuing a building permit.
- (2) A decision implementing a change to the zone map to SU-1 zoning shall designate the specific use permitted, and a building permit shall be issued only for the specific use and in accordance with an approved Site Development Plan. The specific use shall be recorded on the zone map.
- (3) In approving an application, the Planning Commission may impose requirements as may be necessary to implement the purpose of this Zoning Code. However, for an adult amusement establishment or adult store on an SU-1 zoned site, no conditions may be imposed on the adult uses that would prevent them from existing on the site if the uses are allowed under the applicable Zoning Code distance requirements.
- (4) A certified copy of the Site Development Plan shall be kept in the Planning Department records so that it may be reviewed against an application for a building permit for any part or all of a special use.
- (5) The Planning Commission may review the application, plan, and progress of development at least every four years until it is fully implemented to determine if it should be amended.
- (6) The Planning Director may approve minor changes to an approved Site Development Plan or Landscaping Plan if it is consistent with the use and other written requirements approved by the Planning Commission, if the buildings are of the same general configuration, if the total building square footage is not greater than 10% than the approved plan, the vehicular circulation is similar in its effect on adjacent property and streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered plan. If the Planning Director believes there might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased more than 2%, he shall give mailed notice of the proposed change to owners of adjacent property and to neighborhood associations entitled to notice of zone change proposals there.
- (7) The Planning Director or a designee may approve site plans for temporary park-and-ride facilities.

(B) Special Uses.

- (1) Accessory use customarily associated with a use permitted in this zone, provided it is incidental to the major use. Signs as permitted and regulated by the Planning Commission.
- (2) Adult amusement establishment or adult store provided:
 - (a) The use is located at least 1,000 feet from any adult amusement establishment or adult store; and
 - (b) The use is located at least 500 feet from the nearest residential zone, or from any church or pre-elementary, elementary or secondary school. Signs as regulated in the C-2 zone.
- (3) Airport. Signs as permitted and regulated by the Planning Commission.
- (4) Antenna (commercial).
- (5) Amusement facility of a permanent character, including but not limited to kiddieland, baseball batting range, or golf driving range.
- (6) Automobile dismantling yard or similar use. Signs as regulated in the C-1 zone.
- (7) Bed and Breakfast Establishment. A Bed and Breakfast establishment with five to eight guest rooms shall abut a collector street, minor arterial street, or major arterial street, except a site of one acre or greater may abut a local street.
- (8) Campground, provided it meets the requirements of § 14-16-3-7 of this Zoning Code. Signs as regulated in the C-2 zone.
- (9) Cemetery, including columbarium, mausoleum, or crematory, provided the site contains at least 30 acres. Signs as regulated in the O-1 zone.
- (10) Church or other place of worship, including incidental recreational and educational uses; such an incidental use must be operated by the church rather than a business entity and must continue to be operated by the church, unless the resolution governing the SU-1 zone specifically allows operation of a specified incidental use by an entity other than the church itself. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code. Signs as permitted and regulated by the Planning Commission.
- (11) Park-and-Ride temporary facilities.
- (12) Drilling, production, or refining of petroleum gas or hydrocarbons. Signs as regulated in the O-1 zone.
- (13) Drive-in theater, provided:
 - (a) Reservoir off-street standing space or side service road space is provided at any entrance sufficient to accommodate at least 30% of the vehicular capacity of the theater.
 - (b) A screen less than 500 feet from an arterial street is so located or shielded that the picture surface cannot be seen from the arterial street.

- (c) The theater is enclosed with a solid wall or fence at least six feet high.
- (14) Fire station. Signs as regulated in the O-1 zone.
- (15) Golf course. Signs as regulated in the O-1 zone.
- (16) Gravel, sand, or dirt removal activity, stockpiling, processing, or distribution and batching plant. Signs as regulated in the O-1 zone.
- (17) Helipad, other than a medical helipad or a law enforcement helipad, provided it complies with Federal, State and Local regulations including City noise regulations; and further provided that:
- (a) Helipads are a minimum of 650 feet from the nearest residential zone as measured from the edge of the helipad unless it is demonstrated the helipad will not be injurious to adjacent property, the neighborhood, or the community, but in no case shall a helipad be located less than 350 feet from the nearest residential zone, as measured from the edge of the helipad.
 - (b) The total number of helicopter operations (a landing and a takeoff is one operation) shall not exceed 3 on any day. The operations per day do not accumulate if not used.
 - (c) Helicopter landing and takeoff operations are prohibited between 10 P.M. and 7 A.M.
 - (d) Written documentation of helipad operations, including, but not limited to, flight path usage and the date and time of all landings and takeoffs, shall be maintained by the helipad owner and made available upon request for public inspection.
 - (e) Helipad operations that assist in medical emergencies, police emergencies, or search and rescue emergencies, when solicited by agencies which respond to such emergencies, shall not be limited to three operations per day nor to time of day limitations.
- (18) Hospital for human beings, including medical helipad, provided that the traffic generated, ambulance noise, nor medical helipad will have serious adverse effects on the neighborhood. Medical helipads shall be sited and buffered to minimize impacts on surrounding properties. Written documentation of medical helipad operations, including date and time of all landings and takeoffs, shall be maintained and made available upon request for public inspection. Signs as regulated in the C-1 zone.
- (19) Institution, correctional or mental. Signs as regulated in the O-1 zone.
- (20) Law Enforcement Helipad, provided that such helipads are sited and buffered to minimize impacts on surrounding properties. Written documentation of law enforcement helipad operations, including date and time of all landings and takeoffs, shall be maintained and made available upon request for public inspection.
- (21) Major public open space as defined and administered pursuant to Chapter 5, Article 8, ROA 1994 of this code of ordinances.
- (22) Open market. Signs as regulated in the C-1 zone.
- (23) Ore reduction, smelting. Signs as regulated in the O-1 zone.

- (24) Planned development area, including residential development and mobile home development, in which special use, height, area, setback, or other regulations should be imposed, provided the site contains at least three acres. Signs as permitted and regulated by the Planning Commission.
- (25) Planned Residential Development (PRD), provided:
- (a) Allowed uses include single-family houses, townhouses, apartments, associated accessory structures and home occupations as regulated by the R-1 zone. Residence/work spaces are allowed as approved by the Planning Commission. O-1 permissive and C-1 permissive uses may be allowed, up to 25% of the total gross floor area of the development, as approved by the Planning Commission.
 - (b) A Site Development Plan for Subdivision (§ 14-16-1-5(B)) is required for approval by the Planning Commission in conjunction with a zone map amendment and prior to building permit approval, with specific design requirements that include, but are not limited to: maximum and minimum number of dwelling units and/or density; maximum and minimum lot size(s); maximum building height; minimum building setbacks; architectural design standards, including but not limited to exterior wall materials and colors, roof materials and colors; placement of mechanical units; preliminary grading and drainage plan; landscape design standards; parking; site lighting; design of walls and fences visible from public rights-of-way; and pedestrian amenities.
 - (c) The PRD uses and development are compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities. The standards for compatibility shall include the design requirements in subsection (b).
 - (d) Upon approval of a Site Development Plan for Subdivision with design requirements by the Planning Commission, individual site plans for building permit may be submitted for building permit approved unless the Planning Commission specifies additional review.
 - (e) Signs as permitted and regulated by the Planning Commission.
- (26) Public utility structure. Signs as regulated by the Planning Commission.
- (27) Police Station. Signs as regulated in the O-1 zone.
- (28) Race track. Signs as regulated in the C-2 zone.
- (29) Stadium. Signs as regulated in the C-2 zone.
- (30) Swimming pool. Signs as regulated in the O-1 zone.
- (31) Transit facilities.
- (32) Truck plaza.
- (33) A concealed wireless tele-communications facility may be allowed in conjunction with an approved use, provided the requirements of § 14-16-3-17 are met.
- (34) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:

- (a) A concealed wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
 - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.
- (35) Use combinations not adequately allowed and controlled in other zones, relative to a specific site. Signs as permitted and regulated by the Planning Commission.
- (36) Hospital for treatment of substance abusers.
- (37) Form based zones (TOD-MAC, TOD-COM, MX, ID and PND), provided:
- (a) The form based zones shall comply with the standards of § 14-16-3-22 Form Based Zones. The provisions of § 14-16-3-22 shall control where inconsistent with § 14-16-2-22.
 - (b) A site development plan for a form based zone is required for approval by the Planning Commission in conjunction with a zone map amendment and prior to building permit approval, with specific submittal requirements that include, but are not limited to:
 - 1. An accurate site plan at a scale of at least 1 inch to 100 feet showing: building placement, parking location, street layout, lot layout, placement of mechanical equipment, lighting and signage, public amenities, walls, and required usable open space;
 - 2. A preliminary grading plan;
 - 3. A preliminary utility plan;
 - 4. A landscape plan showing landscape areas, plant material, water harvesting areas; and
 - 5. Building elevations demonstrating building types, frontage types, heights, fenestration, shading elements, articulation, ground story clear height.
 - (c) The form based zones shall meet the eligibility requirements set forth in § 14-16-3-22(B).
 - (d) Modifications to any of the standards of the (§ 14-16-3-22) Form Based Zones may be granted by the Environmental Planning Commission or other City Council designated approval body, as set forth in § 14-16-3-22(A)(6).
- (C) **Off-Street Parking.** Off-street parking shall be provided as required by the Planning Commission.
- (D) **Height.** The same regulations apply as in the R-2 zone unless modified by the Planning Commission.

- (E) **Open Space.** If the SU-1 zone is mapped in an area not designated by the master plan as Redeveloping or Established Urban, 2,400 or more square feet of open space per dwelling shall be preserved. Of the total 2,400 square feet, the following minimum amounts shall be usable open space on the lot with the dwelling: 200 square feet for each efficiency or one-bedroom dwelling, 250 square feet for each two-bedroom dwelling, and 300 square feet for each dwelling containing three or more bedrooms. The remaining requirement may be met by the alternatives listed in § 14-16-3-8(A) of this Zoning Code.
- (F) **Variations.** If the resolution approving SU-1 references the regulations of another ^{estab.} zone or if the adopted site development plan specifically incorporates such regulations, the referenced zone regulations shall apply unless a variance is approved.
- (G) Any special use that would allow the sale or dispensing of alcoholic drink for consumption off premises shall be subject to the restrictions set forth in the C-2 zone (§ 14-16-2-17 of this Zoning Code) for sales of alcoholic drink for consumption off premises except any retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994.
- (H) **Large Retail Facility Regulations.** Any site containing a large retail facility, as defined in § 14-16-1-5 of the Zoning Code, is subject to special development regulations. The large retail facility regulations are provided in § 14-16-3-2 of the Zoning Code.

('74 Code, § 7-14-30) (Ord. 80-1975; Am. Ord. 48-1976; Am. Ord. 6-1977; Am. Ord. 26-1977; Am. Ord. 38-1978; Am. Ord. 68-1979; Am. Ord. 40-1980; Am. Ord. 49-1980; Am. Ord. 42-1981; Am. Ord. 14-1984; Am. Ord. 77-1984; Am. Ord. 11-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 69-1990; Am. Ord. 45-1992; Am. Ord. 43-1994; Am. Ord. 8-1995; Am. Ord. 58-1995; Am. Ord. 17-1997; Am. Ord. 33-1997; Am. Ord. 9-1999; Am. Ord. 8-2000; Am. Ord. 35-2000; Am. Ord. 11-2002; Am. Ord. 50-2002; Am. Ord. 48-2003; Am. Ord. 16-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 30-2005; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 7-2008; Am. Ord. 9-2009; Am. Ord. 19-2010)

§ 14-16-2-15 O-1 OFFICE AND INSTITUTION ZONE.

This zone provides sites suitable for office, service, institutional, and dwelling uses.

(A) Permissive Uses.

- (1) Antenna, up to 65 feet in height.
- (2) Beauty shop, barber shop.
- (3) Church, or other place of worship, including the usual incidental facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
- (4) Club, provided there is no liquor license.
- (5) Community residential program except not either Community residential corrections program or Community residential program for substance abusers: up to 18 client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (6) Dwelling unit (house, townhouse, or apartment) constituting up to 25% of the gross floor area on the premises, provided usable open space is provided on-site in an amount equal to 400 square feet for each efficiency or one-bedroom dwelling unit, 500 square feet for each two-bedroom dwelling unit, and 600 square feet for each dwelling unit containing three or more bedrooms. If located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirement of the R-D or RA-1 zone, respectively, shall also be met.
- (7) Incidental uses within a building, most of which is occupied by offices and/or dwelling units, such as news, cigar or candy stand, restaurant, personal-service shop, and the like, provided the incidental uses comply with the following:
 - (a) The use is intended primarily for the use of the occupants of the structure.
 - (b) At least 10,000 square feet of floor area are contained in the structure.
 - (c) The use is limited to a maximum of 10% of the total floor area.
 - (d) The use is so situated within the structure that it is not directly accessible from a public right-of-way.
 - (e) A sign or window display relating to the use is not discernible from a public right-of-way, except that a portable sign shall be allowed per small business pursuant to the General Signage Regulations.
- (8) Institution, including library, museum, nursing or rest home, school, day care center, except not hospital for human beings, sanatorium, or disciplinary or mental institutions.
- (9) Medical supplies and services, such as drug prescription and supply shop, physical therapy office, or shop for fabricating and fitting prosthetic or correcting devices, or medical or dental laboratory.
- (10) Office.

- (11) Park-and-ride temporary facilities.
- (12) Parking lot, providing it complies with the following:
 - (a) Paving, all of which shall be maintained level and serviceable.
 1. The lot must be graded and surfaced with one of the following:
 - a. Blacktop or equal: Two inches of asphalt concrete on a prime coat over a four inch compacted subgrade, or a surface of equal or superior performance characteristics.
 - b. For parking lots of 20 or fewer spaces, Gravel: A layer at least two inches thick of gravel sized from 3/8 minimum to one inch maximum diameter, at least 1/2 inch of which shall be maintained on the surface; gravel shall be kept off the right-of-way.
 2. If street curbs and gutters exist adjacent to the parking lot property on a side where lot egress is allowed, the surfacing shall be blacktop for the width of the egress drive(s) and shall extend inward from the property line a minimum of 25 feet along all normal lines of egress traffic flow from the lot.
 - (b) The lot shall have barriers which prevent vehicles from extending over the sidewalk or abutting lots, or beyond the sides of a parking structure.
 - (c) A solid wall or fence at least six feet high shall be erected on sides which abut land, other than public right-of-way land, in a residential zone. (See also § 14-16-3-10 of this Zoning Code.) However:
 1. Such wall or fence shall be three feet high in the area within 11 feet of a public sidewalk or planned public sidewalk location.
 2. If the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
 - (d) In a parking structure there shall be a six-foot solid wall on every parking level where the structure is within 19 feet of privately owned land in a residential zone.
 - (e) Ingress or egress shall be designed to discourage parking lot traffic from using local residential streets for more than 150 feet, unless no reasonable alternative is available.
 - (f) A parking lot hereafter developed shall include landscaping planted and maintained according to a Landscaping Plan approved by the Planning Director; however, the Planning Commission may waive this requirement where it is found not useful to achieving the intent of this Zoning Code.
- (13) Photocopy, photography studio, except adult photo studio.
- (14) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.

- (15) Radio or television studio.
- (16) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.
1. Only wall signs, canopy signs, and free-standing or projecting signs are permitted.
 2. A sign may not overhang into the public right-of-way, except a wall sign may protrude up to one foot into the public right-of-way. (See also § 14-16-3-5(B)(2) of this Zoning Code.)
 3. Projecting signs shall not project horizontally more than four feet.
- (b) Number.
1. No limit on number of wall signs.
 2. One canopy sign per entrance or exit shall be permitted.
 3. In the Established or Redeveloping Areas, one free-standing or projecting sign structure shall be permitted for each premises, or joint sign premises, providing the premises or joint sign premises is at least 100 feet wide.
 4. In the Developing or Semi- Urban Areas: *- sec C-1 zone - error there 100 + 100 1510*
 - a. Free-standing or projecting sign not permitted on premises of under five acres.
 - b. One free-standing or projecting sign on premises of five acres or more, provided the street frontage is at least 100 feet wide.
- (c) Size.
1. Size of Free-Standing or Projecting Signs. Sign area of a free-standing or projecting sign shall not exceed 75 square feet.
 2. Size of Building-Mounted Signs, Except Projecting Signs. Sign area of a building-mounted sign shall not exceed 15% of the area of the facade to which it is applied if there is no free-standing or projecting on-premise sign on the premises or joint sign premises, or 7.5% of the area of the facade if there is such a free-standing or projecting sign on the premises or joint sign premises.
- (d) Height. Sign height shall not exceed 26 feet or the height of the walls of the tallest building on the premises, whichever is lower.
- (e) Motion. Signs or sign parts shall not move; there shall be no wind devices. No sign shall automatically change its message unless it is a time or temperature sign.
- (f) Lettering. No lettering on a free-standing sign shall have any character exceeding nine inches in height.

- (17) Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed, or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.
- (18) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
- (a) A concealed wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
 - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.

See (B)(10)

(B) Conditional Uses.

- (1) Antenna, over 65 feet in height.
- (2) Community residential corrections program: up to 15 client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (3) Community residential program for substance abusers with up to 15 client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (4) Dwelling units constituting more than 25% of the gross floor area on a premises, provided:
 - (a) No more than 60% of the gross floor area of the structures on the site shall be developed as dwelling units, and
 - (b) Open space is provided as specified for permissive dwelling units in this zone.
 - (c) A dwelling unit constructed as a conditional use in an O-1 Zone shall permanently retain its status as an approved conditional use even if the use of the property as a dwelling unit ceases for a continuous period of more than one year. The provisions of § 14-16-4-2(D)(3) shall not apply to a conditional use approved for a dwelling unit in an O-1 Zone.
 - (d) A dwelling unit constructed as a conditional use or a permissive use in an O-1 Zone under any former ordinance shall not become a non-conforming use based on a failure to conform with (B)(4)(a).
 - (e) The request for approval of a conditional use under § 14-16-2-15(B)(4) shall be accompanied by at least one copy of an accurate site development plan for building including a proposed schedule for development. The failure to demonstrate that the non-residential uses will be developed concurrently with the residential uses is evidence that the proposal will be injurious to the neighborhood and the community.

- (5) Instruction in music, dance, fine arts, or crafts.
- (6) Public utility structure which is not permissive.
- (7) Office machines and equipment sales and repair.
- (8) Printing, copying, blueprinting incidental to office uses.
- (9) Retailing of food and drink, for consumption on premises or off, but not drive-in facility and provided that alcoholic drink is not dispensed for off-premise consumption in broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a designated Metropolitan Redevelopment Area (as defined in the State Metropolitan Redevelopment Code), a city owned park or city owned major public open space:
 - (a) distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
 - (b) beer, as defined in the New Mexico Liquor Control Act, in any single container labeled as containing 16 or fewer ounces; and
 - (c) fortified wines with a volume of alcohol of more than 13.5 percent, provided that retailing alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994.
- (10) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is placed, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.

(C) Height.

- (1) Structure height up to 26 feet is permitted at any legal location. The height and width of the structure over 26 feet shall fall within 45° angle planes drawn from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right-of-way centerline. To protect solar access, a structure over 26 feet may not exceed the northern boundary of these 45° planes, but may be sited in any other direction within planes drawn at a 60° angle from the same boundaries or centerline. Exceptions to the above are provided in § 14-16-3-3 of this Zoning Code, and for sign and antenna height, in division (A) of this section. Notwithstanding any of the above regulations, structures shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses.
- (2) Exceptions to division (1) above are provided in § 14-16-3-3 of this Zoning Code, and for sign and antenna height, in division (A) of this section.

(D) Lot Size. No requirements.

(E) Setback. The following regulations apply to structures other than signs except as provided in §§ 14-16-3-1 and 14-16-3-3 of this Zoning Code:

- (1) There shall be a front and a corner side yard setback of not less than five feet and a setback of 11 feet from the junction of a driveway or alley and a public sidewalk or planned public sidewalk location.

- (2) Near residential zones, the following greater setback requirements shall apply:
- (a) There shall be a front or corner side setback of not less than ten feet where the lot is across the street from the front lot line of a facing lot in a residential zone. This setback applies to on- and off-premise signs.
 - (b) There shall be a side or rear setback of not less than five feet where the site abuts the side of a lot in a residential zone.
 - (c) There shall be a side or rear setback of not less than 15 feet where the site abuts the rear of a lot in a residential zone.
- (3) The clear sight triangle shall not be infringed upon.

(F) Off-Street Parking. Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.

('74 Code, § 7-14-20) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 26-1977; Am. Ord. 38-1978; Am. Ord. 48-1980; Am. Ord. 61-1980; Am. Ord. 39-1983; Am. Ord. 40-1983; Am. Ord. 54-1983; Am. Ord. 11-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 11-2002; Am. Ord. 36-2002; Am. Ord. 4-2005; Am. Ord. 16-2005; Am. Ord. 5-2008; Am. Ord. 40-2008; Am. Ord. 6-2009; Am. Ord. 19-2010)

§ 14-16-2-17 C-2 COMMUNITY COMMERCIAL ZONE.

This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

- (A) **Permissive Uses.** Permissive uses, provided there is no outdoor storage except parking and as specifically allowed below:
- (1) Antenna, up to 65 feet in height.
 - (2) Clinic.
 - (3) Copying, blueprinting.
 - (4) Institution:
 - (a) Club.
 - (b) Day Care Center.
 - (c) Library.
 - (d) Museum.
 - (e) School, including caretaker's mobile home.
 - (5) Office.
 - (6) Park-and-ride temporary facilities.
 - (7) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
 - (8) Residential uses permissive in the R-3 Zone with the following exceptions:
 - (a) Houses are not allowed.
 - (b) No less than 20% and no more than 60% of the gross floor area of the structures on the site shall be developed with residential uses.
 - (c) Residential uses shall be part of a vertical mix of uses (e.g. residential over commercial or residential over office).
 - (d) Where residential uses are proposed, the following regulations shall apply:
 1. Area: Minimum of 5 acres.
 2. Height: Pursuant to the R-3 Zone.
 3. Density: The total square footage of all buildings shall achieve a minimum floor area ratio of 0.3.



4. Usable open space: Pursuant to the R-3 Zone. At least 50% of the required open space shall be provided in the form of shared or aggregate open space.
 5. Shared parking: As provided in § 14-16-3-1(E)(6)(b) except that parking for residential uses is eligible for a shared parking exception.
 6. Approval process: Site development plan approval by the Environmental Planning Commission.
- (9) Sign, off-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.
 1. Only wall signs and free-standing signs are permitted in the Established or Redeveloping Areas.
 2. Only wall signs are permitted in the Developing or Semi-Urban Areas except that free-standing signs designated to be read from the Interstate Highway and with at least one edge within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, are also permitted.
 3. Separation.
 - a. No sign shall be nearer than 300 feet to any other off-premise sign.
 - b. No sign within 660 feet of the nearest edge of the public right-of-way of an Interstate Highway shall be nearer than 1,000 feet to any other off-premise sign.
 - c. But divisions a. and b. above shall not apply as to the distance between two signs separated by a building or other obstruction where the face of only one sign is visible from any point on the public right-of-way.
 - d. But divisions a. and b. above shall not apply to signs which are at some point within five feet of each other and only one of the sign faces is designed to be read from any given lane of traffic.
 4. No free-standing sign erected after January 1, 1976, shall be nearer than 100 feet to any preexisting on-premise sign.
 5. Setback
 - a. No sign shall be nearer than seven feet to any public street right-of-way, except a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
 - b. No sign shall overhang a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
 6. No free-standing sign shall be nearer than 150 feet to any conforming residential property.
 - (b) Size.

1. Free-standing sign area of any one sign shall not exceed 300 square feet plus an additional add-on sign area of 18 square feet, except that within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the area of any one sign designed to be read from the Interstate Highway may be up to but shall not exceed 672 square feet plus an additional add-on sign area of 34 square feet. Free-standing sign length shall not exceed 60 feet.
2. Wall sign area shall be controlled by the provisions of division (9)(c)2. of this division (A).

(c) Height.

1. Sign height shall not exceed 26 feet, except:
 - a. As provided in division 2. below; and
 - b. the height of an add-on sign may be up to but shall not exceed 31 feet.
2. Within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the height of the highest point of the sign shall not exceed 29 feet, measured either from grade or from the elevation of the Interstate Highway at its closest point, except the height of an add-on sign may be up to but shall not exceed 34 feet, measured in the same way.

(d) Illumination, Motion: No regulations, apart from the general sign regulations.

(10) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:

(a) Location.

1. Building-mounted signs extending above the height of the building shall be permitted only if they are:
 - a. A continuation of the plane of a projecting sign or of the nearest facade; or
 - b. Counted and controlled by all number, size, and height regulations for free-standing signs, including division (c)2.b. below.
2. A sign shall not overhang into the public right-of-way more than five feet.
3. Projecting signs shall not project horizontally more than five feet, except marquee signs are permitted to project ten feet.

(b) Number.

1. In the Established or Redeveloped Areas. One free-standing or projecting sign shall be permitted for each street frontage of each premises or joint sign premises which has at least 100 feet of street frontage, or one per 300 feet of total street frontage (e.g., up to two signs allowed if 630 feet of frontage), whichever is more permissive. A portable sign may also be permitted pursuant to the General Signage Regulations.
2. In the Developing, Semi- Urban, or Rural and Open Areas.

- a. No free-standing signs on sites of under five acres except a portable sign may also be permitted pursuant to the General Signage Regulations.
 - b. One free-standing sign per street frontage shall be permitted on premises of five acres or more, provided the street frontage is at least 100 feet wide.
 - c. One free-standing sign shall be permitted on a premises with 250 feet or more of street frontage but an area under five acres, provided the maximum sign area for each of one or two faces shall not exceed 35 square feet per face.
3. One canopy sign per entrance or exit shall be permitted.
 4. No limit on number of wall signs.

(c) Size.

1. Size of Free-Standing and Projecting Signs. Sign area for a free-standing or projecting sign shall not exceed the following area:
 - a. Seventy-five square feet if the most important street abutting the lot is a local street.
 - b. One hundred square feet if the most important street abutting the lot is a collector street.
 - c. Two hundred and fifty square feet if the most important street abutting the lot is an arterial street or freeway (if division d. below does not apply).
 - d. Three hundred square feet if the sign is within 200 feet of a moving lane of a freeway and is visible from the freeway; in addition to the regular limits on numbers of signs, there shall be no more than one sign this large per business.
2. Size, Building-Mounted Signs, Except Projecting Signs.
 - a. A building-mounted sign on premises or joint sign premises where there is no free-standing on- or off-premise sign shall not exceed the following:
 - i. Twenty percent of the area of the facade to which it is applied, if the sign area is not wholly visible from an abutting collector street, arterial street, or freeway;
 - ii. Twenty-five percent of the area to which it is applied, if the sign area is wholly visible from an abutting collector street; or
 - iii. Thirty percent of the area of the facade to which it is applied, if the sign area is wholly visible from an abutting arterial street or freeway.
 - b. A building-mounted sign on premises or joint sign premises where there is a free-standing or projecting on- or off-premise sign shall not exceed one-half the percentage of facade area listed in division a. above.

- c. An off-premise wall sign may be substituted for the area which otherwise would be permitted for an on-premise sign; such sign shall be regulated by height regulations for off-premise signs.

(d) Height.

1. Height of a free-standing sign shall not exceed 26 feet, except a sign which is within 200 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, may be up to but shall not exceed 26 feet above the freeway at its closest point.
2. Height of a building-mounted sign shall not exceed five feet above the height of the building, or it shall not exceed 30 feet, whichever is lower.
3. However, height of either a non-illuminated wall sign or an illuminated wall sign for a hotel or motel may be over 30 feet.

(e) Illumination, Motion, Lettering. No regulations, apart from general sign regulations.

(f) Exceptions.

1. Permitted building-mounted sign area from the front and sides of the principal building of the business may be transferred from the building to a customer service area of the same business on the same premises, provided the height of such signs shall not exceed 15 feet and setback shall be at least ten feet; such signing shall not be considered free-standing.
2. Any exceptions allowed for shopping centers, in order to provide adequate signing in special situations, shall be as provided in § 14-16-3-2 of this Zoning Code. Such a sign exception must be specifically defined in the Planning Commission resolution. Shopping centers approved prior to the effective date of this Zoning Code shall comply with sign regulations in this article unless an exception is specifically defined in a Planning Commission resolution.

(11) Radio or television studio or station.

(12) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.

(13) Retailing of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments and adult stores, hospitals for human beings and transit facilities, provided it is not listed as a conditional use in this zone, or as a permissive or conditional use listed for the first time in the C-3 zone, and with the following limitation:

2-17-09
Drinking cups
permitted
in this zone

- (a) Alcoholic drink sales for consumption off premises; except the sale of alcoholic drink within 500 feet of a community residential program or hospital for treatment of substance abusers is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994:
 1. are limited to building area which is not within 500 feet of a residential zone; and
 2. shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a designated Metropolitan Redevelopment Area (as

defined in the State Metropolitan Redevelopment Code), a city owned park or city owned major public open space:

- A. distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
 - B. beer, as defined in the New Mexico Liquor Control Act, in any single container labeled as containing 16 or fewer ounces; and
 - C. fortified wines with a volume of alcohol of more than 13.5 percent.
- (b) Vehicle sales, rental, service, repair, and storage, both indoor and outdoor, provided:
1. Outdoor activity areas (display and storage of stock in trade) meet all the specifications for a parking lot, as regulated in the O-1 zone.
 2. Outdoor storage of inoperative vehicles is limited to two vehicles at any time, and a given inoperative vehicle shall not be parked outdoors over two weeks in any 12-month period.
 3. Painting and major automotive repair is conducted within a completely enclosed building at least 20 feet from any residential zone.
 4. A truck terminal is not permitted.
 5. Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not a permissive use.
- (c) Banking, loaning money, including pawn. Drive-in facilities included on the condition the vehicle movement plan is approved by the Traffic Engineer.
- (d) Building materials, provided they are in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high which must be solid when it faces or is contiguous to land not zoned C-2, C-3, M-1 or M-2.
- (e) Circus or Carnival operation outdoor or in a tent provided:
1. The use is located at least 300 feet from a dwelling in a residential zone;
 2. The use is permitted at one location for a period not to exceed seven days in any calendar year;
 3. Hours of operation, including erection and dismantling of equipment are:
 - a. If the use is located between 300 feet and 500 feet from a dwelling, between 7:30 a.m. and 10:30 p.m.;
 - b. If the use is located 500 feet or more from a dwelling, between 6:00 a.m. and 11:30 p.m.;
 4. There is sufficient off-street parking available on the premises to meet parking requirements for all the uses on the premises. The Zoning Enforcement Officer shall approve a site plan which shall demonstrate adequate parking and vehicle circulations;

5. There are toilet facilities on the premises; and
 6. The City Fire Marshall or his authorized representative gives prior approval of any tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (f) Drive-in restaurant, provided a solid wall or fence at least six feet high shall be erected on sides which abut land, other than public right-of-way land, in a residential zone. However, if the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
- (g) Dry cleaning, laundry, clothes pressing, provided:
1. Only cleaning fluid which is not flammable at temperatures below 138.5° Fahrenheit may be used;
 2. The number of persons engaged in operating a laundry or dry cleaning establishment is limited to five, excluding pressers, office, clerical, or delivery personnel;
 3. That portion of the structure in which any cleaning process is done is at least 50 feet from any residential zone.
- (h) Flowers and plants, including out-door sales.
- (i) Gasoline, oil, and liquified petroleum gas retailing, including outdoor sales, but not truck plazas.
- (j) Golf driving range, miniature golf course, baseball batting range, located in a building or outdoors, provided fencing or other suitable device is employed to insure that balls are not hit out of premises.
- (k) Hospital for animals, provided it has no outside pens. One outside exercise run is permitted, provided it 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.
- (l) One mobile home for a watchman or caretaker on the same lot with commercial uses, permissive or conditional in this zone, which do not have or normally require a permanent structure, including but not limited to used car sales lot; mobile home or recreational vehicles sales or rental lot; and circus, carnival, or similar enterprise. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (m) Parking lot, as regulated in the O-1 zone.
- (n) Pets, as regulated in the C-1 zone.
- (o) Restaurant with outdoor seating.
- (p) Sample dwelling unit used to sell such units, including incidental sales office activity.
- (q) Secondhand store, including outside storage in the side or rear yard and if enclosed by a solid wall or fence at least six feet high.

- (r) Stand or vehicle selling fruit, vegetables, or nursery stock, provided it is limited to a period of 90 days in any calendar year. However, one renewal for an additional 90 days may be permitted by the Planning Director.
 - (s) Not permissive as retailing or services are uses listed as conditional use in this section and uses that are in substantial part industrial or manufacturing activities, e.g., automobile dismantling, sheet metal working, or tire recapping and retreading.
- (14) Storage structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.
- (15) Wholesaling of jewelry.
- (16) Uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:
- (a) The tent may not be erected for more than seven days at a time and may not be erected more than two times a year on a given premises;
 - (b) There is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
 - (c) There are toilet facilities on the premises available to the users of the tent; and
 - (d) The City Fire Marshall or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (17) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
- (a) A concealed wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
 - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.

(B) Conditional Uses.

- (1) Antenna, over 65 feet in height.
- (2) Cold storage plant.

- (3) Church or other place of worship, including incidental recreational and educational facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
- (4) Community residential program, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (5) Drive-in theater.
- (6) Emergency shelter, provided the standards of § 14-16-3-13 of this Zoning Code are met.
- (7) Fire wood sales and related storage, provided the wood is not visible from land not zoned C-2, C-3, M-1, or M-2.
- (8) Kennel.
- (9) Mobile home development, provided the development contains at least three acres. Approval of a site development plan and landscaping plan is required prior to development.
- (10) One mobile home for a watchman or caretaker on the same premises with a commercial use other than one of those uses enumerated in division (A)(12)(I) of this section. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (11) Outdoor storage or activity, except as specifically listed as a permissive or conditional use in this section, and as further provided below:
 - (a) No outdoor storage or activity specified as a principal special use in § 14-16-2-22(B) of the Zoning Code, the SU-1 zone, may be a conditional use considered under this division (B).
 - (b) Combinations of uses, some or all of which are outdoor uses, which interact to create a more intense use, operating as one coordinated enterprise or attraction are not normally appropriate for approval as conditional uses under this division (B), being more properly controlled as SU-1 zone special uses.
 - (c) Outdoor uses which would impact their environs with appearance, light, noise, odor, or similar environmental problems likely to be unpleasant to neighboring premises and uses shall not be approved.
 - (d) Outdoor conditional uses often justify special requirements to keep the appearance or other aspects of the outdoor storage or activity from negatively impacting adjacent land.
 - (e) Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not appropriate if it will be significantly visible from adjacent streets or nearby residential, office, or commercial uses: if approved, this type of storage requires special buffering.
- (12) Parking of more than two truck tractors and two semitrailers for over two hours.

- (13) Park-and-ride joint-use facilities, if it is determined that under the conditions imposed there will not be a shortage of on-site parking for the activities on the site; in such situations, no parking variance is required.
- (14) Pony riding without stables, provided it is located at least 300 feet from a dwelling which is a conforming use.
- (15) Retail sale of alcoholic drink for consumption off premises, where the portion of the building used for such business is within 500 feet of a residential zone, provided such sales shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a city owned park or city owned major public open space except the retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994 and further provided that such sales shall not include:
 - (a) distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
 - (b) beer, as defined in the New Mexico Liquor Control Act, in any single container; and
 - (c) fortified wines with a volume of alcohol of more than 13.5 percent.
- (16) Public utility structure which is not permissive.
- (17) Retail business in which products may be manufactured, compounded, processed, assembled, or treated, as an accessory use, including carpentry, plumbing, sheet-metal working, upholstery, sign painting, making of metal stamps, catering, baking, confectionery making, or jewelry or curio making, provided:
 - (a) All activities are conducted within a completely enclosed building.
 - (b) The number of persons engaged in the manufacturing, processing, assembling, or treating of products is limited to ten, excluding office, clerical or delivery personnel.
 - (c) Activities or products are not objectionable due to odor, dust, smoke, noise, vibration, or other cause.
- (18) Tire recapping or retreading, provided:
 - (a) The activity is incidental to the major use and is conducted within a completely enclosed building.
 - (b) Outdoor storage of tires is enclosed by a solid wall or fence at least six feet high.
 - (c) Tires stored outdoors may not be stacked above the plane established by the top of the required surrounding wall.
- (19) Transfer or storage of household goods, provided:
 - (a) Parking and maneuvering of trucks is permitted only off the street in an off-street parking area as regulated by this article.

- (b) Servicing of trucks is permitted only within a building or an area completely enclosed by a solid wall or fence at least eight feet high.
- (20) Uses or activities in a tent, if the uses or activities are listed elsewhere in this section, provided there is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent, and provided that the Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] or his designated representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (21) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is placed, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.
- (C) **Height.** Height shall be as provided in the O-1 zone, except sign and antenna height shall be as provided in division (A) of this section.
- (D) **Lot Size.** No requirements.
- (E) **Setback.** Setback shall be as provided in the O-1 zone.
- (F) **Off-Street Parking.** Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.
- (G) **Shopping Center Regulations.** Any site in this zone classified as a Shopping Center site, as defined in § 14-16-1-5 of this Zoning Code, is subject to special site development regulations. The Shopping Center Regulations are provided in § 14-16-3-2 of this Zoning Code.

('74 Code, § 7-14-22) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 57-1976; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 74-1977; Am. Ord. 38-1978; Am. Ord. 55-1978; Am. Ord. 74-1980; Am. Ord. 42-1981; Am. Ord. 40-1983; Am. Ord. 54-1983; Am. Ord. 74-1985; Am. Ord. 11-1986; Am. Ord. 80-1986; Am. Ord. 41-1987; Am. Ord. 62-1988; Am. Ord. 3-1990; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 63-1990; Am. Ord. 69-1990; Am. Ord. 43-1991; Am. Ord. 39-1992; Am. Ord. 50-1992; Am. Ord. 13-1993; Am. Ord. 2-1994; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 11-2002; Am. Ord. 10-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 16-2005; Am. Ord. 43-2005; Am. Ord. 7-2006; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 6-2009; Am. Ord. 19-2010)

§ 14-16-3-2 SHOPPING CENTER REGULATIONS.

See D for Large Retail Facility Regulations.

This section controls the development of shopping center sites.

(A) General.

- (1) No structure shall be erected on a shopping center site except in conformance with a duly approved site development plan. Once approved, such a plan or subsequent amended plan is binding on the entire area of the original site development plan. Sales of all or part of the premises do not alter the effect of the plan. Platting of lots or creation of smaller premises do not alter the effect of the plan. Subsequent to execution of the site development plan, use of the site entirely for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing for a period of over one year does change the status of the site as a shopping center and suspends the legal effect of the site development plan for so long as the uses remain.
- (2) The rights and duties of the city and of the applicant which result from the approval of an application under this section run with the land and are binding upon successors in interest of the applicant. When an application is approved, a copy of the approved Site Development Plan and Landscaping Plan or record of exemption shall be kept in the office of the Planning Director. A building permit for a shopping center site shall be issued only upon presentation of working plans and specifications drawn in close conformity with an approved Site Development Plan.
- (3) The Planning Director shall designate shopping center sites on the official zone map by the symbol "SC."
- (4) The Planning Commission may modify the boundaries of or eliminate an existing Shopping Center designation for any site, upon application by the property owner, if the Planning Commission finds no public benefit in continued application of the shopping center regulations because most of the site has been allowed to develop without the guidance of a site development plan.

(B) Shopping Center Requirements. The following regulations apply to an application for a building permit for construction on a shopping center site, except applications covering on-site parking expansion:

- (1) An applicant shall submit a Site Development Plan and Landscaping Plan for the shopping center site.
- (2)
 - (a) Access to the shopping center site is limited to approaches designed according to accepted traffic engineering practice, so laid out as to be an integral part of the parking area and loading facilities.
 - (b) Pickup points shall be so designed that vehicles do not create congestion on an abutting public way. No loading and unloading is to be conducted on a public way.
- (3) Landscaping of shopping center sites must comply with the regulations of § 14-16-3-10 of this Zoning Code. The Planning Commission may require additional buffer landscaping if it finds it necessary due to demonstrably unusual circumstances.
- (4) Free-standing signs on shopping center sites shall be limited to one on-premise sign per 300 feet of street frontage on arterial and collector streets. Maximum signable area shall be 150

square feet per sign face and maximum sign height shall be 26 feet. Off-premise signs shall not be permitted on shopping center sites.

- (5) Upon approval, the applicant is responsible for payment of the cost for the necessary traffic control devices and channelization to shelter vehicular turning movements into the shopping center or shopping center site, channelization to be designed according to accepted advanced geometric design technique. These responsibilities must be outlined and agreed upon between the applicant and the city at the time of approval of the Site Development Plan.
- (6) The site division regulations established in § 14-16-3-2(D)(3) ROA 1994, apply to all retail facilities with over 90,001 aggregate square feet of gross leasable space.

(C) Procedure.

- (1) Approval and revision of plans is the same procedure as for SU-1 plans.
 - (2) The Planning Commission may review the plan and progress of development at least every four years until it is fully implemented to determine if it should be amended.
- (go through EPC, but no discretion for vans such as banking + height, (PB 7/02))*

(D) Large Retail Facility Regulations.

(1) Applicability.

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

- 1. New construction of a large retail facility;
- 2. Change of use from a non- large retail facility to a large retail facility as defined in § 14-16-1-5;
- 3. Building expansion of more than 50% of the existing square footage.

(b) Building expansion of 10% to 50% of the existing square footage of an existing large retail facility shall be subject to the following requirements:

- 1. Pre-application discussion with the Planning Review Team (PRT).
- 2. Compliance with the large retail facilities design regulations as determined by the EPC. The EPC before issuing final design regulations shall request input from neighborhood associations with boundaries that are within 200 feet of the proposed project.

(c) Building expansion up to 10% of the existing square footage and building renovation of an existing large retail facility shall comply with the design regulations in this section to the extent possible as determined by the Planning Director.

(2) Location and Access of Large Retail Facility. The following regulations manage the location and design of large retail facilities. These regulations are necessary for the proper functioning and enjoyment of the community. They protect the quality of life within surrounding residential areas, support efficient traffic flows, and provide consistent regulations for such facilities. Large retail facilities shall be located to secure adequate street capacity to transport pedestrians and vehicles to and from large retail facilities, and

discourage traffic from cutting through residential neighborhoods. The regulations result in efficient and safe access for both vehicles and pedestrians from roadways in the Metropolitan Transportation Plan to neighborhoods in the vicinity of large retail facilities. The Planning Director, after initial review of a large retail facilities proposal, may require the site to comply with the next level of large retail facilities regulations.

- (a) Large retail facilities containing 75,000 to 90,000 sq. ft. net leasable area are:
1. Permitted in C-2, C-3, M-1, M-2, IP, SU-1 and the SU-2 Zones for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
 2. Permitted in C-1 zones if the project site or site plan reviewed for subdivision is greater than seven acres.
 3. Required to be located adjacent to and have primary and full access to a street designated as at least a collector in the Mid-Region Council of Governments' Metropolitan Transportation Plan and having at least two through traffic lanes.
- (b) Large retail facilities containing 90,001 to 124,999 sq. ft. net leasable area are:
1. Permitted in C-2, C-3, M-1, M-2, and IP zones and SU-1 and SU-2 zones for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
 2. Required to be located adjacent to and have primary and full access to a street designated as at least a collector in the Mid-Region Council of Governments' Metropolitan Transportation Plan and having at least four through traffic lanes.
- (c) Large retail facilities containing 125,000 square feet or greater of net leasable area are:
1. Permitted in the C-2, C-3, M-1, M-2, IP, SU-1 and SU-2 for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
 2. Required to be located within 700 feet of the intersection of two roadways, both of which are designated as at least a collector street in the Mid-Region Council of Governments' Metropolitan Transportation Plan and shall have full access to these roadways. One of the adjacent roadways shall have at least four through traffic lanes and the other adjacent roadway shall have at least six through traffic lanes or is designated a limited access principal arterial in the Mid-Region Council of Governments' Metropolitan Transportation Plan and have a minimum of four lanes.
 3. If an arterial or collector street has yet to be built to its full cross-section and does not have the required number of lanes, the large retail facility may have access onto the roadway if the roadway is identified on the Metropolitan Transportation Plan as having the required number of lanes at full build-out.
 4. If access control policies prohibit access onto one of the adjacent roadways, a local road may be used as access if it has direct access to at least two roadways that are identified on the Long Metropolitan Transportation Plan, does not pass directly through a residential subdivision and at least one of the intersections is signalized.
 5. If access to a location fulfills the criteria of this section but control policies outside the city jurisdiction prohibit access onto one of the adjacent arterial or

collector streets, the remaining arterial or collector street may serve as the sole access if it has direct access to two intersections with an arterial and the intersections are signalized.

6. If warrants are met, the intersection of the primary driveway and the arterial street shall be signalized, unless prohibited by the City Traffic Engineer for safety reasons, at the expense of the applicant. The applicant may place the name of the development on the mast-arm of the signal.
- (3) Site division. These regulations create block sizes for large retail facility that are walkable and support land use changes over time. The site plans for subdivision in Phase One and the Final Phase, if proposed, shall subdivide or plan the site as follows:
- (a) The entire site shall be planned or platted into maximum 360 foot by 360 foot blocks except as provided in Items (c) and (d) of this division (D)(3).
 - (b) Primary and secondary driveways (or platted roadways) that separate the blocks shall be between 60 feet and 85 feet wide and shall include the following:
 1. Two ten-foot travel lanes;
 2. Two parallel or angle parking rows or a combination of such on both sides of the driveway rights of way are permitted but not required;
 3. Two six-foot landscaped buffers with shade trees spaced approximately 30 feet on center;
 4. Two eight-foot pedestrian walkways constructed of material other than asphalt;
 5. Pedestrian scale lighting that provides at least an illumination of 1.2 to 2.5 foot candles or the equivalent foot lamberts; and
 6. Standup curb.
 - (c) One block can be expanded to approximately 790 feet by 360 feet if a main structure (including retail suite liners) covers more than 80% of the gross square footage of a block.
 - (d) If the site dimensions result in irregular block sizes, blocks of different dimensions are allowed provided:
 1. The block sizes achieve the intent of this section;
 2. Approval is granted by the EPC;
 3. The narrow side of the block abuts the adjacent street that provides the primary access; and
 4. The center of the long side has a major entrance, including a forecourt.
- (4) Development Phasing and Mixed-Use Component. The large retail facility regulations address the build-out of a large site over time in order to guide the transition from more vehicle-oriented "big box" type retail development with large surface parking fields to finer-scaled, pedestrian oriented, mixed-use development, replacing surface parking with some

parking structures, producing a village center that is integrated into the surrounding neighborhoods. This transition reflects actual trends in development and creates a better, more marketable, and higher use development.

- (a) Site development plans for Phase One shall be submitted to the EPC for approval. If future and/or final phases are proposed on the site, site development plans containing a level of detail appropriate for the phasing of the development shall also be submitted to the EPC for approval.
 - (b) Mixed Use Component. Mixed use development is strongly encouraged in both Phase One and the Final Phase of the site plans for all large retail facilities.
- (5) Site Design. These regulations are intended to create pedestrian connections throughout the site by linking structures, make pedestrian connections to external neighborhoods and other uses, and to provide landscaping compatible with the site's scale for pedestrian shade and aesthetic beauty. The regulations will result in an active pedestrian street life, replace large off-street parking fields with parking structures and transit options, conserve energy and water, and meet the goals of the Albuquerque/ Bernalillo County Comprehensive Plan and the Planned Growth Strategy. The following subsections (a) through (n) apply to all large retail facility sites:
- (a) Context: The design of structures shall be sensitive to and complement the aesthetically desirable context of the built environment, e.g., massing, height, materials, articulation, colors, and proportional relationships.
 - (b) Off-Street Parking Standards:
 1. If a structure or structures, including retail suite liners, occupies more than 80% of a planned or platted block, the off street parking shall be placed on another block.
 2. Parking shall be distributed on the site to minimize visual impact from the adjoining street. Parking shall be placed on at least two sides of a building and shall not dominate the building or street frontage. Parking areas may front onto roadways identified as limited access in the Mid-Region Council of Governments' Metropolitan Transportation Plan, provided that they are adequately screened with landscape walls and plantings. If a project has multiple phases the final phase site plan, if proposed, shall show the elimination of surface parking areas but may include parking structures.
 3. If the site is planned into 360 foot by 360 foot lots as called for in these regulations, parking requirements may be met by spaces located on a block immediately adjacent to the structure creating the parking demand.
 4. Every third double row of parking shall have a minimum ten foot wide continuous walkway dividing that row. The walkway shall be either patterned or color material other than asphalt and may be at-grade. The walkway shall be shaded by means of trees, a trellis or similar structure, or a combination thereof. Tree wells, planters or supports for shading devices may encroach on the walkway up to three feet. In no case shall the walkway be diminished to less than five feet width at any point.
 5. Parking requirements for a large retail facility with a mixed use component may use "best practice" standards for shared parking such as Driving Urban

Environments: Smart Growth Parking Best Practices, a publication of the Governor's Office of Smart Growth, State of Maryland. Refer to § 14-16-3-1 for shared parking requirements.

(c) On-Street Parking Standards:

1. Arterial or collector roadways abutting a large retail facility with a posted speed limit of 35 miles or less per hour shall have on-street parking utilizing a parking/queuing lane under the following standards and if approved by the Traffic Engineer:
 - a. On-street parking may use the existing adjacent outside lanes on an arterial or collector.
 - b. The parking/queuing lane may be provided by moving the curb lines within the property line and dedicating the parking/queuing lane to the city. The existing through lanes shall not be used as the parking/queuing lane unless a traffic analysis indicates that this will not result in unacceptable degradation of traffic flow, though existing can be restriped in a narrower configuration to provide space for the parking/queuing lane.
 - c. The parking/queuing lane has a maximum width of 16'.
 - d. Curb extensions/bump-outs shall be constructed at the ends of each block and shall include landscaping to be maintained by the property owner pursuant to a maintenance agreement with the city.
 - e. Street trees shall be planted pursuant to the Street Tree Ordinance, Chapter 6, Article 6, ROA 1994.
2. The regulations for parking credits and reductions set forth in § 14-16-3-1(E)(6) shall apply to this subsection except that 100% of the on-street parking shall be credited towards the project's parking requirements.

(d) Signage.

1. Signage shall comply with the shopping center regulations for signage, § 14-16-3-2(B).
 2. All signage shall be designed to be consistent with and complement the materials, color and architectural style of the building(s).
 3. All free-standing signs shall be monument style.
 4. The maximum height of any monument sign shall be 15 feet.
 5. Building-mounted signage that faces residential zoning shall not be illuminated.
 6. Building-mounted signs shall consist of individual channel letters. Illuminated plastic panel signs are prohibited.
- (e) Drive-up windows must be located on or adjacent to the side or rear walls of service or retail structures and the window shall not face a public right of way.

(f) Petroleum Products Retail Facility.

1. Facilities shall be located at a street or driveway intersection.
2. The frontage of the principal structure shall face and line the two streets and follow the set-back and glazing standards for retail suite liner.
3. Fuel pumps, service facilities, ATMs, storage areas, and repair bays are to be screened from the major street by the principal structure.
4. If the structure between the street and the fueling island is not at least the length of the canopy that is over the fueling island, or if there is no service facility structure, the perimeter of the facility shall be screened by either a landscaped berm three feet in height or a wall at least three feet in height.

(g) Truck Bays.

1. Truck bays adjacent to residential lots must be separated from the adjacent lot by a minimum of 40 feet. A minimum 15 foot wide landscape buffer and a six-foot high solid masonry wall shall be provided along the property line. The landscape buffer shall contain evergreen trees or trellises with climbing vines to provide year round screening and buffering from noise. Dock and truck well facilities must also be screened with a masonry wall that extends vertically eight feet above the finish floor level and horizontally 100 feet from the face of the dock. Screen walls shall be designed to blend with the architecture of the building. Trucks may not be moved or left idling between the hours of 10:00 p.m. and 6:30 a.m. if the truck bays are located within 300 feet of a residential structure unless negotiated with adjacent property owners and approved by the EPC.
2. Truck bays not adjacent to residential lots must be screened with a masonry wall extending vertically eight feet above the finish floor level and horizontally 100 feet from the face of the dock to screen the truck. Screen walls shall be designed to blend with the architecture of the building.

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

1. Landscaped traffic circles are encouraged at the intersection of interior driveways or platted streets.
2. One shade tree is required per eight parking spaces. Shade trees may be located at the center of a group of four to eight parking spaces, clustered in parking row end caps, or located along internal pedestrian ways. Shade trees lining a pedestrian way internal to a parking area may count as a canopy tree of a parking space. Trees in landscape buffer areas shall not count as parking space trees.
3. Shade trees along pedestrian walkways shall be spaced approximately 25 feet on center.
4. Water conservation techniques shall be utilized where possible and as approved by the City Hydrologist or City Engineer. Such techniques may include water harvesting and permeable paving. Water from roof runoff should be directed or stored and used to assist all trees and landscaping. Parking spaces that meet 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.

- (i) Pedestrian walkways. Internal pedestrian walkways shall be planned and organized to accommodate the inter-related movement of vehicles, bicycles, and pedestrians safely and conveniently, both within the proposed development and to and from the street, transit stops, and the surrounding areas. Pedestrian walkways shall contribute to the attractiveness of the development and shall be a minimum of eight feet in width and constructed of materials other than asphalt. Pedestrian walkways along internal driveways or streets internal to the site shall also be lined with shade trees and pedestrian scale lighting. Pedestrian crosswalks shall be constructed of patterned concrete or a material other than asphalt and may be at grade.
- (j) A pedestrian plaza or plazas shall be required of all large retail facility development as follows:
 1. Large retail facility sites that include a main structure less than 125,000 square feet in size shall provide public space pursuant to § 14-16-3-18(C)(4) of the Zoning Code.
 2. Large retail facility sites that include a main structure 125,000 square feet or greater shall provide pedestrian plaza space in the amount of 400 square feet for every 20,000 square feet of building space. A minimum of 50% of the required public space shall be provided in the form of aggregate space that encourages its use and that serves as the focal point for the development. The aggregate space required shall:
 - a. Be linked to the main entrance of the principal structure and the public sidewalk or internal driveway;
 - b. Include adequate seating areas. Benches, steps, and planter ledges can be counted for seating space;
 - c. Have a portion (generally at least 40%) of the square footage of the plaza area landscaped with plant materials, including trees;
 - d. Be designed for security and be visible from the public right of way as much as possible;
 - e. Have pedestrian scale lighting and pedestrian amenities such as trash receptacles, kiosks, etc.
- (k) Lighting.
 1. Ornamental poles and luminaries, a maximum of 16 feet in height, shall be used as pedestrian scale lighting.
 2. The maximum height of a light pole, other than those along pedestrian walkways, shall be 20 feet, measured from the finished grade to the top of the pole.
 3. All on-site lighting fixtures shall be fully shielded to prevent fugitive light from encroaching into adjacent properties and/or right-of-way.

- (l) **Outdoor Storage.** Outdoor storage as part of a mixed use development or within a C-1 or C-2 zoned site is not allowed. Outdoor uses such as retail display shall not interfere with pedestrian movement. Where the zoning permits and where outdoor storage is proposed, it shall be screened with the same materials as the building.
- (m) **Transit stops.** If transit stops exist or are planned adjacent to a large retail facility, they shall include a covered shelter with seating provided at the developer's expense. Either the interior of the structures shall be lighted or the area surrounding the structures shall be lighted to the same standards as pedestrian walkways. If the transit stop is within the public right-of-way, the city shall assume ownership of the shelter and responsibility for maintenance.
- (n) **Storm Water Facilities and Structures.** The following regulations apply to site hydrology:
 - 1. Impervious surfaces shall be limited by installing permeable paving surfaces, such as bricks and concrete lattice or such devices that are approved by the City Hydrologist, where possible.
 - 2. Where possible, transport runoff to basins by using channels with landscaped pervious surfaces. Landscaped strips may be converted into vegetative storm-water canals but must be shallow to avoid defensive fencing.
 - 3. Ponds, retention and detention areas shall be shallow to prevent the need for defensive/security fencing yet have the capacity to manage storm waters in a 100 year event.
 - 4. Trees, shrubs, and groundcover shall be included in storm water basins.
 - 5. Bare patches shall be re-vegetated as soon as possible to avoid erosion, according to a landscaping and maintenance plan.
- (o) **Energy efficient techniques** shall be utilized to reduce energy and water consumption where possible and as approved by the City Hydrologist or City Engineer.
- (6) **Main Structure Design.** The following subsections (a) through (d) apply to main structures:
 - (a) **Setback.**
 - 1. Main structures shall be screened from the adjacent street by means of smaller buildings, retail suite liners, or 20 foot wide landscape buffers with a double row of trees.
 - 2. Where the front facade of a retail suite liner is adjacent to a street, the maximum front setback shall be ten feet for private drives and 25 feet for public roadways.
 - 3. Main structures abutting residentially zoned land shall be set back from the property line at least 60 feet.
 - (b) **Articulation.**
 - 1. Facades that contain a primary customer entrance and facades adjacent to a public street or plaza or an internal driveway shall contain retail suite liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a

combination of all three, along 50% of the length of the façade. Where patios are provided, at least one of the recessed walls shall contain a window for ease of surveillance and the patio shall contain shading and seating. Where retail suite liners are provided, they shall be accessible to the public from the outside.

2. Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass with different expressions. The varied building masses shall have a change in visible roof plane or parapet height. Massing and articulation are required to be developed so that no more than 100 feet of a wall may occur without an offset vertically of at least 24 inches.
3. For the retail suite liner, the vertical offset shall be a visible change (minimum 6 inches), a change in material may be used for articulation at the same interval and the visible change in roof plane or parapet height shall be a minimum of 18 inches.
4. Facades adjacent to a public right-of-way or internal driveway and facades that contain a primary customer entrance shall contain features that provide shade along at least 40% of the length of the façade for the benefit of pedestrians.

(c) Materials.

1. Engineered wood panels, cyclone, chain-link, and razor-wire fencing are prohibited.
2. Design of the external walls and the principal entrance must include three of the below listed options:
 - a. Multiple finishes (i.e. stone and stucco);
 - b. Projecting cornices and brackets;
 - c. Projecting and exposed lintels;
 - d. Pitched roof forms;
 - e. Planters or wing-walls that incorporate landscaped areas and can be used for sitting;
 - f. Slate or tile work and molding integrated into the building;
 - g. Transoms;
 - h. Trellises;
 - i. Wall accenting (shading, engraved patterns, etc.);
 - j. Any other treatment that meets the approval of the EPC.

(d) Landscaping.

1. The buffer for main structures across the street from residentially-zoned land shall be at least 23 feet wide and include two rows of street trees. The trees shall be located pursuant to the guidelines set forth in Crime Prevention Through

Environmental Design Recommendations. The landscaping of the berm shall provide year-round screening.

2. The public sidewalk adjacent to the main structure may be located within the berm and between the rows of trees. The sidewalk must be a minimum of seven feet behind the curb.
- (7) Mixed-Use Component. The following subsections (a) through (g) apply to Mixed Use Development:
- (a) Uses and building forms. The mixed use component may include a mix of the following building forms and uses:
 1. Apartments or condominiums.
 2. Apartments or condominiums over storefronts.
 3. Courtyard housing.
 4. Live-work.
 5. Townhouses.
 6. Lofts.
 7. Lofts over flex.
 8. Senior housing.
 9. Mixed income housing including a minimum of 20% affordable at 80% or less of Area Median Income (AMI) for fee simple unit and 60% or less of AMI for rental units. If rental units are multiple sizes, only a maximum of 50% of the rental units set aside for 60% or less of AMI shall be the size of the smallest size category of rental unit in the project.
 10. Office building.
 11. Office over storefronts.
 12. Civic, cultural, and community buildings.
 13. Parking structures with commercial or housing liners.
 14. Schools, both traditional and technical vocational.
 - (b) Density.
 1. Minimum density: 12 dwelling units per acre.
 2. Minimum FAR: .30.
 3. Maximum density: As determined by the EPC.

- (c) **Building Heights.** Heights within the mixed use portion of the large retail facility site may vary depending on location. Structures adjacent to residentially zoned parcels shall be subject to the height requirements of the O-1 Zone and shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses. The heights of buildings along the central driveway or street and adjacent to a major arterial or freeway may exceed four stories so long as the average building height of all structures in the mixed use site does not exceed the maximum of four stories and no individual structure exceeds a height of seven stories.
- (d) **Building Setbacks.**

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

Note 1: Features that may encroach into a pedestrian way up to the maximum specified: eaves (4' max.), awnings (8' max.), and minor ornamental features (2' max). Over pedestrian ways, projections must be more than 8 feet above finished grade.

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

- (e) **Street Frontage.** All street frontages in the mixed-use component shall be:
1. Lined by buildings with windows and primary entries, not garage doors; parking areas shall be located to the rear or side of the building.
 2. Building facades shall occupy at least 50% of the street frontage.
- (f) **Articulation.** Mixed-use structures shall have a change in visible roof plane or parapet height for every 50 feet in length, however each distinct roof length does not have to

equal 50 feet in length. Massing and articulation are required to be developed so that no more than 50 feet of wall may occur within a six foot minimum change in the visible vertical offset, or at the same interval a change in material may be used for articulation and the visible change in roof plane or parapet height shall be a minimum of 18 feet.

- (g) Entrances and Glazing. Each ground floor use shall have one entrance minimum for each 50' or less of building frontage length.
- (h) Materials. The materials standards for the mixed use component are as follows:
 - 1. Engineered wood panels, cyclone, chain-link, and razor-wire fencing are prohibited.
 - 2. Arcades, awnings, cantilevers, portals and shed roofs may be made of metal, fabric, concrete tile, clay tile, or slate (equivalent synthetic or better).
 - 3. A mixed-use component shall include at least four of the following design features:
 - a. Balconies.
 - b. Projecting cornices and brackets.
 - c. Eaves.
 - d. Exposed lintels.
 - e. Multiple veneers (i.e. stone and stucco).
 - f. Pitched roof forms.
 - g. Planter boxes.
 - h. Slate or tile work and molding integrated into the building.
 - i. Transoms.
 - j. Trellises.
 - k. Wall accenting (shading, engraved patterns, etc.).
 - l. Any other treatment that meets the intent of this section and that receives the approval of the EPC.
- (i) On-Premise Signage.
 - 1. Appropriate signage includes blade signs, awning signs, and wall-mounted or hanging metal panel signs. Internally illuminated box signs, billboards, roof-mounted, free-standing, any kind of animation, and painted window signs, and signs painted on the exterior walls of buildings are not allowed. No flashing, traveling, animated, or intermittent lighting shall be on or visible from (i.e. through windows) the exterior of any building.

2. Wall signs are permitted within the area between the second story floor line and the first floor ceiling within a horizontal band not to exceed two feet in height. Letters shall not exceed 18 inches in height or width and three feet in relief. Company logos or names may be placed within this horizontal band or placed or painted within ground floor or second story office windows and shall not be larger than a rectangle of eight square feet. Projecting signs may not be more than 24 inches by 48 inches and a minimum ten feet clear height above the sidewalk and may be hung below the third story level. Signs may not project more than 36 inches perpendicular to the right-of-way beyond the façade. Lettering on awnings is limited to nine inches in height.
- (8) Maintenance Agreement for Vacant or Abandoned Site. Large retail facilities sometimes are vacated due to changing conditions in the retail market. To maintain a quality built environment, large retail facilities shall be maintained during periods of abandonment or vacancies at the same standard as when occupied. The owner of a site shall sign a maintenance agreement with the city that the site will be maintained when vacant to the following minimal standards, among others as deemed appropriate by the Planning Director:
- (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.

('74 Code, § 7-14-40B) (Am. Ord. 23-2007)