

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. F/S O-11-66

ENACTMENT NO. 0.2012.021

SPONSORED BY: Trudy E. Jones and Isaac Benton

ORDINANCE

AMENDING CHAPTER 14, ARTICLE 16, SECTION 2, PART 16 OF ROA 1994, A PORTION THE ZONING CODE REGARDING THE C-1 NEIGHBORHOOD COMMERCIAL ZONE, TO ADD LOCATION, BUFFERING AND SITE DESIGN REGULATIONS AND SETTING A LIMITATION ON THE NUMBER OF FUELING STATIONS AS A PERMISSIVE USE FOR THE SALE OF GASOLINE, OIL AND LIQUEFIED PETROLEUM GAS.

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

SECTION 1. INTENT: This amendment revises the Comprehensive City Zoning Code to add location, buffering and site design regulations for the sale of gasoline, oil and liquefied petroleum gas in the C-1 Neighborhood Commercial Zone.

The purpose of this amendment is to reduce the impacts of increased traffic created by the construction of new service stations on neighboring residential properties, pedestrian activity and abutting streets.

Service stations already in existence in C-1 zones, or for which building permits have been received prior to adoption of this ordinance, are not affected.

SECTION 2. Section 14-16-2-16 (A) (8) is amended to read:

"(8) Retail sales of the following goods, plus incidental retailing of related goods and incidental service or repair:

- (a) Arts and crafts objects, supplies, plus their incidental creation provided there is little or no reproduction of substantially identical objects.
- (b) Auto parts and supply.

1 (c) Books, magazines, newspapers, stationery, provided that no such
2 material is advertised to be forbidden to be sold to minors.

3 (d) Christmas trees, including outside sales, provided the use is limited
4 to 45 days in one calendar year.

5 (e) Clothing, shoes, dry goods.

6 (f) Cosmetics, notions, hobby supplies.

7 (g) Drugs, medical supplies.

8 (h) Flowers and plants, including minor and incidental outdoor sales.

9 (i) Food and drink for consumption on premises, provided:

10 1. There shall be no drive-in restaurant, and

11 2. Alcoholic drink may be sold only under a restaurant license for
12 sale of beer and wine, as provided by Section 60-6A-4 NMSA 1978. The sale of
13 beer and wine under a restaurant license, however, is prohibited within 500
14 feet of a community residential program or hospital for treatment of substance
15 abusers pursuant to § 14-16-3-12(A)(11) ROA 1994.

16 (j) Furniture, household furnishings, and appliances.

17 (k) Gasoline, oil, liquefied petroleum gas, including outside sales,
18 provided:

19 1. Location: the site shall be located on a collector or higher-
20 ranking street.

21 2. Site Design

22 a. Number of Fueling Positions: The permissive number of
23 above-ground fuel dispenser units shall be limited to four, with up to eight
24 vehicle fueling positions (one per side), provided the on-site vehicle stacking
25 requirements of § 14-16-2-16 (A)(8)(k)(2)(d) are met.

26 b. Vehicle Access Points: Vehicle access points shall
27 accommodate all vehicle types expected to enter the site. Each street that
28 provides access to the site shall have either a) two travel lanes in each
29 direction, or b) a center turn lane with access to the site. To maintain
30 pedestrian and traffic circulation, no more than one vehicle access point shall
31 be located along any one street for sites at the intersection of any two streets.
32 Sites located mid-block and accessed by a single street shall have no more
33 than two access points. Access points shall be located as far from public

street intersections as possible, but no closer than 20 feet from adjacent properties unless shared with an adjacent property owner.

c. **Public Alleys:** Site access points may open to a public alley, provided that the alley subsequently intersects with a street as described in § 14-16-2-16 (A)(8)(k)(2)(a) above, and site adjacency requirements for alley access as described in § 14-16-2-16 (A)(8)(k)(2)(e) below are met. Access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street, and shall be a maximum of 25 feet wide. Unimproved alleys shall be paved to meet City standards if used to access site.

d. **Vehicle Stacking:** Sites shall be designed so that for every fueling position there is an on-site vehicle stacking space for one vehicle in addition to the vehicle parked at the fueling position. Vehicle stacking spaces shall be a minimum of 10 feet in width by 20 feet in length and shall be distinct from on-site vehicle drive aisles and parking spaces. Multiple required vehicle stacking spaces may be located behind the first fueling position in a row of fueling positions

e. **Fuel Delivery:** Sites shall be designed so that wholesale fuel delivery occurs away from on-site vehicle drive aisles and site access points.

f. **Adjacency:** Where a site is contiguous to a residential zone, the additional buffer landscape and opaque wall regulations in § 14-16-3-10(E)(4) of the Zoning Code shall apply. Where a site is separated from a residential zone by an alley which is to be used to service a vehicle access point as described in § 14-16-2-16 (A)(8)(k)(2)(b), additional buffer landscaping regulations outlined in § 14-16-3-10(E)(4), subsections (a), (b) and (d) shall apply on the site side of the alley. Additionally, bollards or a wall a minimum of 3 feet in height shall be erected along the side of the landscape buffer which abuts the alley to protect the landscaping from vehicles turning into the site from the alley.

3. **Redevelopment of Existing Sites:** Redevelopment of existing sites is exempt from § 14-16-2-16 (A)(8)(k)(1) and (2) of this ordinance,

1 provided that the site was used for sale of gasoline, oil or liquefied petroleum
2 gas within the 12 months preceding the application for building permit.

3 (l) Hardware, building materials, provided it is in a completely enclosed
4 building.

5 (m) Jewelry.

6 (n) Musical instruments and supplies.

7 (o) Pets, provided there is no outside pen. One outside exercise run is
8 permitted, provided it is enclosed with a solid wall or fence at least six feet
9 high, and no more than one animal is permitted in the run at any one time.

10 (p) Photograph equipment.

11 (q) Sporting goods.”

12 SECTION 3. Section 14-16-2-16 (B) is amended by adding the following new
13 subsection in alphabetical order and by renumbering the other subsections
14 accordingly:

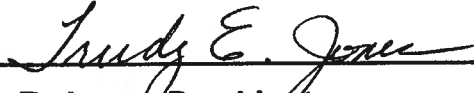
15 “Retail Sales of gasoline, oil, liquefied petroleum gas, including outside
16 sales, where there are more than eight vehicle fueling positions or four two-
17 sided fuel dispenser units.”

18 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, clause or
19 provision of this Ordinance shall for any reason be held to be invalid or
20 unenforceable, the invalidity or unenforceability of such section, paragraph,
21 clause or provision shall not affect any of the remaining provisions of this
22 Ordinance.

23 SECTION 5. COMPILATION. Section 2 and 3 of this Ordinance shall be
24 incorporated in and made part of the Revised Ordinances of Albuquerque,
25 New Mexico, 1994.

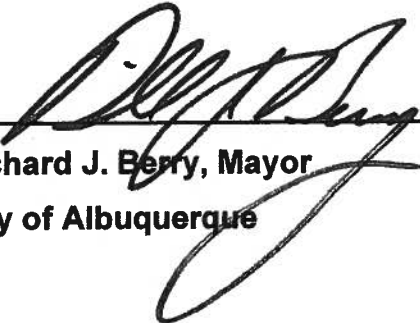
26 SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect five days
27 after publication by title and general summary.

1 PASSED AND ADOPTED THIS 21st DAY OF May, 2012
2 BY A VOTE OF: 9 FOR 0 AGAINST.

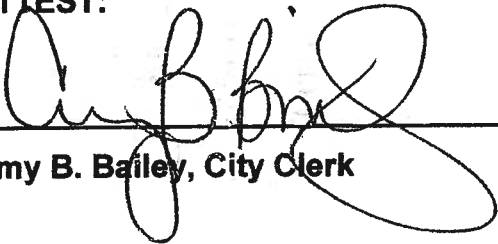
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7 Trudy E. Jones, President
8 City Council
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11 APPROVED THIS 31st DAY OF May, 2012
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14 Bill No. F/S O-11-66

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17 Richard J. Berry, Mayor
18 City of Albuquerque
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23 ATTEST:

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26 Amy B. Bailey, City Clerk
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