

# CITY of ALBUQUERQUE

## NINETEENTH COUNCIL

COUNCIL BILL NO. F/S O-11-66 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy E. Jones and Isaac Benton

1 **ORDINANCE**

2 **AMENDING CHAPTER 14, ARTICLE 16, SECTION 2, PART 16 OF ROA 1994, A**  
3 **PORTION THE ZONING CODE REGARDING THE C-1 NEIGHBORHOOD**  
4 **COMMERCIAL ZONE, TO ADD LOCATION, BUFFERING AND SITE DESIGN**  
5 **REGULATIONS FOR THE SALE OF GASOLINE, OIL AND LIQUEFIED**  
6 **PETROLEUM GAS.**

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

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

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

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

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

20 **“(8) Retail sales of the following goods, plus incidental retailing of related**  
21 **goods and incidental service or repair:**

22 **(a) Arts and crafts objects, supplies, plus their incidental creation**  
23 **provided there is little or no reproduction of substantially identical objects.**

24 **(b) Auto parts and supply.**

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

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- 1 (d) Christmas trees, including outside sales, provided the use is limited  
2 to 45 days in one calendar year.
- 3 (e) Clothing, shoes, dry goods.
- 4 (f) Cosmetics, notions, hobby supplies.
- 5 (g) Drugs, medical supplies.
- 6 (h) Flowers and plants, including minor and incidental outdoor sales.
- 7 (i) Food and drink for consumption on premises, provided:
- 8 1. There shall be no drive-in restaurant, and
- 9 2. Alcoholic drink may be sold only under a restaurant license for  
10 sale of beer and wine, as provided by Section 60-6A-4 NMSA 1978. The sale of  
11 beer and wine under a restaurant license, however, is prohibited within 500  
12 feet of a community residential program or hospital for treatment of substance  
13 abusers pursuant to § 14-16-3-12(A)(11) ROA 1994.
- 14 (j) Furniture, household furnishings, and appliances.
- 15 (k) Gasoline, oil, liquefied petroleum gas, including outside sales~~[-.]~~,  
16 provided:
- 17 1. Location: the site shall be located on a collector or higher-  
18 ranking street.
- 19 2. Site Design
- 20 a. Vehicle Access Points: Vehicle access points shall  
21 accommodate all vehicle types expected to enter the site. Each street that  
22 provides access to the site shall have either a) two travel lanes in each  
23 direction, or b) a center turn lane with access to the site. To maintain  
24 pedestrian and traffic circulation, no more than one vehicle access point shall  
25 be located along any one street for sites at the intersection of any two streets.  
26 Sites located mid-block and accessed by a single street shall have no more  
27 than two access points. Access points shall be located as far from public  
28 street intersections as possible, but no closer than 20 feet from adjacent  
29 properties unless shared with an adjacent property owner.
- 30 b. Public Alleys: Site access points may open to a public  
31 alley, provided that the alley subsequently intersects with a street as  
32 described in § 14-16-2-16 (A)(8)(k)(2)(a) above, and site adjacency  
33 requirements for alley access as described in § 14-16-2-16 (A)(8)(k)(2)(e) below

1 are met. Access points from the site to the alley shall be a minimum of 25 feet  
2 from the intersection of the alley and the street, and shall be a maximum of 25  
3 feet wide. Unimproved alleys shall be paved to meet City standards if used to  
4 access site.

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

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

15 e. Adjacency: Where a site is contiguous to a residential  
16 zone, the additional buffer landscape and opaque wall regulations in § 14-16-3-  
17 10(E)(4) of the Zoning Code shall apply. Where a site is separated from a  
18 residential zone by an alley which is to be used to service a vehicle access  
19 point as described in § 14-16-2-16 (A)(8)(k)(2)(b), additional buffer landscaping  
20 regulations outlined in § 14-16-3-10(E)(4), subsections (a), (b) and (d) shall  
21 apply on the site side of the alley. Additionally, bollards or a wall a minimum of  
22 3 feet in height shall be erected along the side of the landscape buffer which  
23 abuts the alley to protect the landscaping from vehicles turning into the site  
24 from the alley.

25 3. Redevelopment of Existing Sites: Redevelopment of existing  
26 sites is exempt from § 14-16-2-16 (A)(8)(k)(1) and (2) of this ordinance,  
27 provided that the site was used for sale of gasoline, oil or liquefied petroleum  
28 gas within the 12 months preceeding the application for building permit.

29 (l) Hardware, building materials, provided it is in a completely enclosed  
30 building.

31 (m) Jewelry.

32 (n) Musical instruments and supplies.

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

4 (p) Photograph equipment.

5 (q) Sporting goods.

6 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, clause or  
7 provision of this Ordinance shall for any reason be held to be invalid or  
8 unenforceable, the invalidity or unenforceability of such section, paragraph,  
9 clause or provision shall not affect any of the remaining provisions of this  
10 Ordinance.

11 SECTION 4. COMPILATION. Section 2 of this Ordinance shall be  
12 incorporated in and made part of the Revised Ordinances of Albuquerque,  
13 New Mexico, 1994.

14 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days  
15 after publication by title and general summary.

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