

CITY of ALBUQUERQUE

TWENTY-SECOND COUNCIL

COUNCIL BILL NO. C/S O-16-5 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

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ORDINANCE

AMENDING THE ALBUQUERQUE ZONING CODE TO UPDATE §14-16-3-10 (LANDSCAPE REGULATIONS) AND §14-16-3-1 (OFF-STREET PARKING REGULATIONS) TO ESTABLISH STANDARDS THAT ENHANCE, IMPROVE AND MAINTAIN THE QUALITY OF THE PUBLIC ENVIRONMENT.

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

SECTION 1. THE ZONING CODE: LANDSCAPE REGULATIONS IS HEREBY AMENDED BY REPLACING THE TEXT IN §14-16-3-10 LANDSCAPE REGULATIONS IN ITS ENTIRETY WITH THE TEXT BELOW.

§ 14-16-3-10 Landscape Regulations.

APPLICABLE TO APARTMENT AND NONRESIDENTIAL DEVELOPMENT.

(A) Basic Requirements. Landscape is required for all apartment development and all nonresidential development in accordance with the regulations of this section.

(B) Intent and Purpose.

(1) The intent of these regulations is to establish landscape standards that enhance, improve and maintain the quality of the public environment by providing visual relief from urbanization while enriching Albuquerque's character and quality of life.

(2) The purpose of this section is to define and regulate landscape requirements that establish visually attractive, sustainable desert landscapes that aid in the creation of a quality public realm. The City recognizes landscape as a vital component to quality environments that

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1 enhance Albuquerque’s overall appearance and provides public benefit
2 through:

- 3 (a) Providing visual relief from urbanization; **and**
- 4 (b) Establishing a consistent, attractive streetscape that generates a
5 sense of continuity and a strong, positive City image; **and**
- 6 (c) Improving the aesthetic appearance of commercial, industrial and
7 multi-family residential development thereby protecting and
8 enhancing public/private investments and property values; **and**
- 9 (d) Ensuring the use of native and/or adapted, low water-use or xeric
10 species, regionally appropriate, sustainable design and maintenance
11 techniques to conserve water resources; **and**
- 12 (e) Contributing to the processes of air purification, oxygen
13 regeneration, ground water recharge, and storm water runoff
14 retention. Landscape should be designed to retain soil moisture,
15 prevent erosion and help encourage the growth of abutting
16 plantings, and mitigate urban, heat-island effects whilst aiding in the
17 abatement of air and water pollution, dust, noise, heat and glare; and
- 18 (f) Providing shade and comfort for pedestrians and visually narrowing
19 streets, which has been shown to reduce vehicle speeding and
20 accidents.

21 **(C) *Landscape Plan.* See also the definition of this term in § 14-16-1-5 of this**
22 **Zoning Code.**

23 **(1) As to apartment and nonresidential developments, all applicants for**
24 **building permits for construction of a new building or building addition**
25 **over 200 square feet shall submit and have approved by the Planning**
26 **Director a landscape plan prior to issuance of a related building permit;**
27 **however, foundation permits may be issued on the basis of simple**
28 **designation of appropriate areas of the site to be landscaped to meet**
29 **the minimum requirements. Landscape plans shall include street trees**
30 **for those parts of the lot abutting a major street, a major local street, or**
31 **another street, where street trees are required.**

32 **(2) Prior to design, the existence of underground utility lines shall be**
33 **verified. Underground utility lines to be checked are as follows: water**

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1 and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable
2 television. Planting must be located so as to not interfere, either at the
3 time of installation or later, with the function of such underground lines;
4 trees and shrubs shall be planted no less than three feet from existing
5 gas mains or gas service lines and/or underground electric utility lines.

6 (3) All plans and plants depicted within the landscape plan shall be drawn
7 to scale. The Planning Director and/or his/her designee shall create and
8 maintain a checklist of plan requirements to assist applicants and staff
9 at design and review. The landscape plan shall show at a minimum, the
10 following:

- 11 (a) The common and botanical names of the plants and shrubs to be
12 used; if there is no common name only the botanical name shall be
13 used; the quantities of shrubs and trees and their mature height and
14 spread shall be provided; and
- 15 (b) Topography in the form of finished contour lines; and
- 16 (c) The type of watering system; and
- 17 (d) The parties responsible for maintenance of the landscaping; and
- 18 (e) The square footage for each separate area of landscape and also a
19 total for all landscape on the site.

20 *(D) Installation and Maintenance.*

- 21 (1) Landscape shall be installed according to the approved plan;
22 installation shall be completed within 60 days of the related building's
23 occupancy.
- 24 (2) Landscape shall have adequate maintenance. Landscapes
25 which die shall be replaced by the owner as expeditiously as possible,
26 but in no case longer than 60 days after notification.
- 27 (3) Any damage to utility lines resulting from the negligence of the abutting
28 landowner, his agents, or employees in the installation and maintenance
29 of the landscaped area in the public right-of-way shall be the
30 responsibility of such landowner. Any damage to utility lines resulting
31 from the growth of plant materials, which have been approved by the
32 applicable public utility as part of a plan for landscape on the public
33 right-of-way, shall be the responsibility of such public utility. If a public

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1 utility disturbs a landscaped area in the public right-of-way, it shall
2 make every reasonable effort to preserve the landscape materials and
3 return them to their prior locations after the utility work. If, nonetheless
4 some plant materials die, it is the obligation of the abutting landowner
5 to replace the plant materials.

6 (4) Conflicts can occur with large trees near overhead electric utility lines
7 and/or underground utility lines. The larger the tree, the farther it
8 should be located from an electric utility line. Small growth trees (those
9 fewer than 25 feet high at maturity) can be near the electric utility lines.
10 If possible, locate medium growth trees (those under 40 feet high at
11 maturity) at least 15 feet away from the electric utility lines and locate
12 large growth trees (those under 80 feet high at maturity) at least 25 feet
13 from electric utility lines. Trees that grow into or near electric lines may
14 be trimmed back to prevent any growth into the lines.

15 (5) Property owners acknowledge that approved landscaping and trees
16 installed and maintained in public rights-of-way abutting private
17 properties are the property of the City, and that that the City reserves
18 the right to remove it if necessary for a transportation project without
19 compensation, but at no cost to the property owner. Landscaping
20 installed in the abutting public right-of-way by property owners and later
21 removed by the City shall not impact previously approved Net Lot Area
22 calculations for required landscaping as described in §14-16-3-10 (E)(2).

23 **(E) Landscape Area Requirements.**

24 (1) A minimum of 15% of the net lot area of each development shall be
25 landscaped.

26 (2) NET LOT AREA is defined as means the total area of the lot minus the
27 following:

28 (a) The area of the lot covered by buildings;

29 (b) The portions of the lot that are not required for off-street parking or a
30 parking lot and which are fully screened from view from any abutting
31 lot or public right-of-way by an opaque wall or fence at least six feet
32 high, in which no landscape will be required except required buffer

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- 1 landscaping; chain link fence with slats does not constitute
2 acceptable full screening;
- 3 (c) The area of any approved landscape that the property owner installs
4 and maintains in the abutting public right-of-way, exclusive of the
5 area of any existing or planned public sidewalk.
- 6 (3) Required Vegetative Coverage. All landscape areas 36 square feet in
7 size or larger shall be covered with living, vegetative materials, such as
8 trees, grasses, vines, shrubs, or flowers. To minimize water
9 consumption, the use of vegetative ground cover other than turf grass
10 is encouraged. Coverage will be calculated from the realistic, mature
11 spread of the plants, including the mature canopies of trees, all
12 calibrated for Albuquerque’s desert climate/environment, and as
13 follows:
- 14 (a) The total landscaped area shall have at least 75% coverage by living,
15 vegetative materials; and
- 16 (b) A minimum of 30% coverage of the total landscaped area shall be
17 achieved by ground-level plants (shrubs, groundcover, grasses,
18 etc.); and
- 19 (c) A minimum of five species must be used on the site to have a mix of
20 living vegetative materials represented in understory plantings; and
- 21 (d) Trees selected from the Official Albuquerque Plant Palette and Sizing
22 List and included on a landscape plan contained within a Site
23 Development Plan or a Building Permit set that satisfy the
24 requirements of the landscape regulations contained within Section
25 14-16-3-10, subsections (E) - Landscape Area Requirements, (F) -
26 Special Landscape Standards and (G) - Street Tree Policies Abutting
27 the Public Right-of-Way may also be counted provided that the
28 provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met. Any
29 street trees required by the City that are planted within 20-feet of the
30 back of curb of the abutting street may be used to help fulfill section
31 14-16-3-1(H) and landscape regulations for off-street parking areas
32 abutting a street frontage, street tree and coverage requirements.

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- 1 **(4) Plant Palette and Plant Sizes.** The Planning Director or his/her
2 designee, appropriate staff and entities such as the ABCWUA, the local
3 chapter of the American Society of Landscape Architects, local
4 landscape maintenance firms, and local nurseries, shall create an
5 official, Albuquerque-specific tree and plant palette (Official
6 Albuquerque Plant Palette and Sizing List). Except as otherwise
7 specified in this section, the minimum acceptable sizes of plants or
8 amounts of seed, at the time of planting, are as follows:
- 9 **(a) Trees.**
- 10 **1. Deciduous Trees:** Two inches in caliper measured six inches
11 above grade;
- 12 **2. Evergreen Trees:** six feet in height;
- 13 **3. Multi-trunk Trees:** Minimum of two trunks, with a combined
14 minimum caliper of two inches
- 15 **(b) Shrubs:** one gallon;
- 16 **(c) Ground cover:** adequate to provide general ground coverage within
17 one growing season after planting.
- 18 **(5) Right-of-Way Landscape.** The installation of an adequate irrigation
19 system that meets the minimum technical requirements of the City of
20 Albuquerque with a separate meter for the landscape area in the public
21 right-of-way, or a separate valve(s) at the property line allowing isolation
22 of the irrigation to the landscape within the public right-of-way. Drip
23 irrigation systems and artificial turf shall not be allowed within the
24 public right-of-way.
- 25 **(6) Clear sight areas as specified in the Development Process Manual**
26 **(DPM) shall be maintained at all exits of parking areas. The clear sight**
27 **triangle (at street corners), as defined in Section 8-2-2-15, Traffic Code,**
28 **and also in § 14-16-1-5 of this Zoning Code, shall be kept clear.**
- 29 **(7) Standard Landscape Buffers.** Landscape buffer areas are required to
30 separate off-street parking and circulation areas from front, side, and
31 rear boundaries of premises. On sites controlled by the shopping
32 center regulations (§ 14-16-3-2) and planned development areas
33 controlled by site development plans, these requirements shall be

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1 based on the entire area of the planning site unless otherwise approved
2 by the Planning Commission. Landscape buffers may be crossed by
3 driveways connecting to abutting land. No parking is permitted within a
4 required landscape buffer area. Landscape approved within the
5 abutting public right-of-way may be counted toward this requirement if
6 there is no existing or planned public sidewalk between such landscape
7 and the premises, but in no case shall the width of the on-site landscape
8 buffer be less than five feet. Specific required landscape buffer
9 locations and minimum widths shall be as follows:

10 (a) Front

- 11 1. Ten feet, if there is/are no building(s) or forecourt(s) within ten feet
12 of the front property line;
- 13 2. The landscape buffer can be reduced or eliminated if the
14 building(s), forecourt(s) and/or frontage(s) are located within ten
15 feet of the front property line as allowed by underlying zoning;
- 16 3. Adequate room and spacing for required Street Trees (§14-16-3-
17 10(H)) may be accommodated/provided in the public right-of-way
18 and/or on the site immediately abutting the public sidewalk:
19 minimum 60 square feet planting area with a minimum width of
20 four feet for each tree; and maximum of 25-30 feet spacing on-
21 center. For planting areas with over 1,000 cubic feet (CF) of
22 uncompacted soil, tree spacing may be increased to up to 35 feet
23 on-center.

24 (b) Side - Six feet, where the side yard of a property abuts and/or fronts
25 a street.

26 (8) Special Buffer Landscaping/Screening Requirements. Where a
27 nonresidential zone is developed after April 2, 1990 for a nonresidential
28 purpose and the site abuts a residential zone, special buffer landscape
29 is required to minimize noise and sight impact of the non-residential
30 activities in the residential area. Buffers shall meet required vegetative
31 coverage.

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- 1 (a) The standard buffer landscape shall be a landscape strip at least ten
2 (10) feet wide where located along the residential/nonresidential
3 boundary.
- 4 (b) The buffer landscape shall include trees, capable of reaching a
5 height at maturity of at least 25 feet. Spacing of the trees shall be
6 equal to 75% of the mature canopy diameter of the trees; where
7 utilities and/or utility easements may interfere with tree placement
8 and/or growth, the number of trees may be reduced and/or the trees
9 may be grouped to minimize conflicts with utilities and/or utility
10 easements. Trees shall not be planted near existing or proposed
11 street light poles.
- 12 (c) Where parking or vehicle circulation areas abut the landscape buffer,
13 a minimum six foot high opaque wall or fence shall also be required
14 to visually screen the parking or circulation area from the abutting
15 residential zone; chain link fence with slats shall not constitute
16 acceptable screening; the landscape area may be reduced by up to
17 25% if the surface of the parking or vehicle circulation area is of a
18 permeable material and approved by the Planning Director or her/his
19 designee.
- 20 (d) This division (8) requirement does not apply to lots which were
21 entirely developed as of January 1, 1976.
- 22 (9) Special Screening Requirements for Certain Uses. In addition to the
23 above requirements in division (4), an additional screening requirement
24 applies where a principal business is:
- 25 (a) A mobile home sales lot; or
26 (b) Outdoor vehicle storage where the vehicles are typically not moved
27 for one week or more: if the site is so developed after April 2, 1990,
28 and abuts a residential zone or is separated only by public right-of-
29 way from a residential zone, a minimum eight foot high opaque wall
30 or fence shall be required to visually screen the parking or display
31 area from the abutting residential zone; chain link fence with slats
32 shall not constitute acceptable screening.
- 33 (F) *Special Landscape Standards.*

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- 1 **(1) Off-Street Parking Area Landscape.** Trees are required in and around
- 2 off-street parking areas to provide shade and relieve the adverse visual
- 3 impact of large expanses of pavement and parked cars. Quantity and
- 4 distribution of trees shall be as follows:
- 5 **(a) One tree is required per ten parking spaces;**
- 6 **(b) No parking space may be more than 100-feet from a tree trunk;**
- 7 **(c) The minimum size of tree planters within off-street parking areas**
- 8 shall be 60 square feet per tree; the open tree planter area may be
- 9 reduced to 36 square feet if the surface of the parking or vehicle
- 10 circulation area adjacent to the tree planter is of a permeable
- 11 material, and combined with the open tree planter area, meets the 60
- 12 square foot per tree requirement;
- 13 **(d) At least 75% of the required parking area trees shall be deciduous**
- 14 canopy-type shade trees, capable of achieving a mature canopy
- 15 diameter of at least 25 feet.
- 16 **(2) Street Trees.** Street trees meeting the requirements of § 14-16-3-10(H),
- 17 Street Trees, are required along all arterial and collector street
- 18 frontages.
- 19 **(3) Artificial turf/grass.** Artificial turf/grass shall not be counted as living
- 20 vegetative material or to meet the Required Vegetative Coverage
- 21 Requirements section referenced under §14-16-3-10(E)(2) above.
- 22 **(4) Tree Requirements for Multi-Family Residential Developments.** In
- 23 addition to the above requirements, multi-family residential sites must
- 24 provide trees in areas around residential structures as follows:
- 25 **(a) Trees shall be provided at not less than the rate of one tree per**
- 26 ground floor dwelling unit and one tree per two second-story
- 27 dwelling units. No additional trees are required for units above the
- 28 second story;
- 29 **(b) At least 50% of the required trees shall be deciduous canopy-type**
- 30 shade trees or coniferous trees capable of attaining a mature canopy
- 31 diameter of at least 25 feet.

32 ***(G) Street Tree Policies Abutting the Public Right-of-Way.***

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1 The following standards apply to trees planted on private property abutting
2 the public right-of-way that may be counted toward the street tree
3 requirement.

4 (1) Required Street Trees.

5 (a) Street trees shall be installed no later than 30 days after the
6 completion of construction and shall occur before final inspection as
7 required in the Building Code.

8 (b) Street trees shall be maintained alive and healthy. Maintenance and
9 trimming of street trees and replacement of dead trees are the
10 responsibility of the owner of the lot on which the tree is located.

11 (2) The following city policies govern the placement of all street trees which
12 are planted on private property, abutting the public right-of-way,
13 or which are required to be planted near streets pursuant to city plans,
14 policies and ordinances; the policies are applicable for all street trees:

15 (a) Size of the trees at maturity should be in proportion to the planting
16 space provided for them. Spacing between evenly spaced street
17 trees should be no greater than the diameter of the tree canopy at
18 maturity, per the Official Albuquerque Plant Palette and Sizing List.
19 Smaller species of trees will require closer spacing, and larger trees
20 will require greater spacing. Spacing shall be approved as part of
21 the plan approval process.

- 22 1. Adequate room and spacing for Street Trees shall be
23 accommodated/provided: minimum 60 square feet planting area
24 for each tree.
- 25 2. On sites where evenly-spaced street trees are not possible or do
26 not conform to the overall design objectives of the site, random
27 clustering of street trees may be acceptable, provided that the
28 number of trees planted equals or exceeds the number that would
29 be required if the trees were evenly-spaced. But in no case shall
30 there be a gap of more than 100 feet between street trees.

31 (b) Where less than three feet of space exists between the curb and the
32 public sidewalk, street trees shall not be planted into the parkway
33 strip. Any street trees required by the City shall be planted within

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1 20feet of the back of curb of the abutting street. In addition to
2 fulfilling the street tree requirement, such trees can be included in
3 the calculation described in §14-16-3-10(E)(2) Furthermore, if an off-
4 street parking area is located along the frontage of the site, these
5 trees may be used concurrently to fulfill the landscape regulations
6 for these areas, in possible addition to the street tree and coverage
7 requirements.

8 (3) As it is desirable to have a mix of species and genera represented in the
9 urban forest in order to protect against the loss of trees due to disease,
10 insects or environmental conditions, the following guidelines shall be
11 used:

12 (a) Plantings of ten or fewer trees may all be of the same genus;

13 (b) Plantings of more than ten trees must use at least two different
14 genera, with roughly equal numbers of each;

15 (c) One of every three street trees planted may be an accent tree per
16 the Official Albuquerque Plant Palette and Sizing List, provided the
17 guidelines in §14-16-3-10(G)(1), above, are met.

18 (4) Street Tree Programs.

19 (a) The Mayor or his/her designee shall prepare, distribute, and continue
20 to keep available to the public a booklet or other printed material
21 encouraging street trees, indicating recommended species, city
22 regulations, appropriate street tree locations, and tree care.

23 (b) The Mayor or his/her designee shall, through the Capital
24 Improvements Program, cause street trees to be planted near the
25 street frontages of all city-owned lots, at least meeting the
26 requirements of §6-6-2-1 et seq.

27 (c) The Mayor or his/her designee shall propose to the City Council
28 appropriate major streets for special assessment districts for the
29 planting and maintenance of street trees. The Mayor shall designate
30 appropriate city staff to administer such supports.

31 (d) Whenever a city project on the public right-of-way removes or kills
32 one or more street trees, the Mayor or his/her designee shall replace
33 each such tree with one of the same species in approximately the

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1 same location, unless the species or location is contrary to §6-6-2-1
2 et seq. or to related regulations or plans, in which event each such
3 tree shall be replaced with a tree of conforming species and location.

4 (5) Regulations detailing the provisions of §6-6-2-1 et seq. should be
5 enacted in coordination with and through the Parks and Recreation
6 Department, and be amended by the Environmental Planning
7 Commission at an advertised public hearing.

8 (6) Waivers.

9 The Mayor or his/her designee, upon application of land owners, may
10 waive or modify requirements of §6-6-2-1 et seq., if it is found that:

11 (a) Street trees would necessarily contribute to unsafe conditions on the
12 public right-of-way; and/or

13 (b) The lot frontage is sufficiently forested to be in general compliance
14 with the intent of §6-6-2-1 et seq.; and/or

15 (c) Alternative landscape plans, in harmony with the surroundings and
16 meeting the intent of §6-6-2-1 et seq. are proposed.

17 (7) Appeals.

18 Appeals from the decision of the Mayor or his/her designee on requests
19 for waivers may be taken to the Environmental Planning Commission by
20 filing written notice with the Planning Division within 15 days after the
21 request for a waiver has been denied.

22 SECTION 2. §14-16-3-1 THE OFF-STREET PARKING REGULATIONS ARE
23 HEREBY AMENDED *to replace the text in section (H) below.*

24 (H) *Pedestrian Connections.* The intent of the regulations in this subsection is
25 to accommodate the inter-related movement of vehicles, bicycles, and
26 pedestrians, safely and conveniently, both within the proposed
27 development and to and from the street and the surrounding areas, and to
28 contribute to the attractiveness of the development.

29 (1) Pedestrian walkways within a site shall be a minimum of six feet in
30 width, unobstructed, and clearly demarcated by the use of techniques
31 such as special paving, grade separation, or pavement marking of a
32 permanent nature, except that clear width may be reduced to 4 feet 6
33 inches at planting areas for a maximum distance of 10 feet. Pedestrian

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1 walkways shall also be lined with adjacent shade trees spaced
2 approximately 25 feet on center and placed within defined planting
3 areas that have a minimum interior dimension of ~~36~~ 80 square feet ~~and a~~
4 ~~minimum width of four feet, these trees may also be counted toward~~
5 Section 14-16-3-10 (E)(2) of the Landscape Regulations provided that
6 the provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met.

7 **SECTION 3. FINDINGS ACCEPTED.** The City Council adopts the following
8 findings as recommended by the Environmental Planning Commission (EPC):

9 (1) The request is for a recommendation to City Council regarding text
10 amendments to amend the City’s Comprehensive Zoning Code §14-16-3-
11 10 (Landscaping Regulations) and §14-16-3-1 (Off-Street Parking
12 Regulations). These changes are directly related to Sections §6-6-2-4
13 (Required Street Trees), §6-6-2-5 (Street Tree Policies), §6-6-2-6 (Street
14 Tree Programs), §6-6-2-7 (More Detailed Regulations) and §6-6-2-8
15 (Waivers and Variances) to establish standards that enhance, improve
16 and maintain the quality of the public environment. The proposed text
17 amendments are being requested by the Planning Department.

18 (2) The purpose of the proposed text amendments are to clarify the intent
19 and purpose of the overall regulations, create an official plant palette
20 and sizing list, re-focus the vegetative coverage requirement to
21 encourage trees canopy, update standard landscaping buffer
22 requirements, update the installation plant size requirements, permit the
23 limited installation of artificial turf and improve coordination with the
24 Off-Street Parking Regulations and Street Tree Ordinance.

25 (3) The coordination of the Landscaping Regulations, Off-Street Parking
26 Regulations and the Street Tree Ordinance acknowledges that street
27 trees may be accommodated provided that on a site immediately
28 abutting the public sidewalk, on private property and that these trees
29 may be counted towards the vegetative coverage requirements (§14-16-
30 3-1 and §14-16-3-10).

31 (4) The task of the Environmental Planning Commission (EPC) is to make a
32 recommendation to the City Council for the proposed text amendments

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- 1 with regard to the Landscaping and Off-Street Parking Regulations of
2 the Zoning Code.
- 3 (5) The Street Tree Ordinance is located within Part 2 (Trees, Vegetation
4 and Landscaping) of the City’s Water, Sewers and Streets Code. The
5 Street Tree Ordinance will need to be amended to reference the Official
6 Albuquerque Plant Palette and Sizing List, tree planting requirements to
7 avoid conflicts with overhead and underground utility lines and to allow
8 administrative approval of alternative planting schemes. Amendments
9 to the Street Tree Ordinance must be sponsored by a member of the
10 Albuquerque City Council. The City Council is the City’s Zoning
11 Authority and will make the final decision on all parts of this request.
- 12 (6) Intent of the City Charter: Amending the Landscaping, Off-Street
13 Parking and Street Tree regulations is an exercise in local self-
14 government (City Charter, Article 1). Clarifying the intent and purpose of
15 the Landscaping Regulations and calling for the coordination of the
16 Street Tree Ordinance requirements with the Landscaping Regulations,
17 generally expresses the Council’s desire to ensure the proper use and
18 development of land, and promote and maintain a humane urban
19 environment (City Charter, Article IX).
- 20 (7) Intent of the Zoning Code (§14-16-1-3): The application for proposed
21 text amendments was filed in accordance with Zoning Code
22 requirements. The proposed text amendments generally further the
23 Zoning Code goals of promoting the health, safety and welfare of the
24 citizens and enhancing the appearance of the landscape.
- 25 (8) The Albuquerque/Bernalillo County Comprehensive Plan and the City of
26 Albuquerque Comprehensive Zoning Code are incorporated herein by
27 reference and made part of the record for all purposes.
- 28 (9) The request furthers the following, applicable Comprehensive Plan
29 Goals and Policies:
- 30 A. Developed Landscaping Goal: The Goal is to maintain and improve
31 the natural and the developed landscapes’ quality. The proposed
32 text amendments seek to improve the natural and developed
33 landscapes’ quality by prescribing landscaping regulations that

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1 appropriately respond to Albuquerque’s high desert environment
2 and its many existing microclimates.

3 i. Policy II.C.8.a: The natural and visual environment, particularly
4 features unique to Albuquerque, shall be respected as a
5 significant determinant in development decisions.

6 *The proposed text amendments respect the natural and visual*
7 *environment by recognizing that sustainable desert landscapes*
8 *are a vital component toward enhancing Albuquerque’s overall*
9 *appearance. The request furthers Policy II.C.8.a.*

10 ii. Policy II.C.8.d: Landscaping shall be encouraged within public
11 and private rights-of-way to control water erosion and dust, and
12 create a pleasing visual environment; native vegetation should be
13 used where appropriate.

14 *The proposed text amendments ensure the use of native and or*
15 *adapted, low water use or xeric species that are regionally*
16 *appropriate to conserve water resources, as well as regulating*
17 *landscaping design to prevent water erosion. The request*
18 *furthers Policy II.C.8.d.*

19 B. Community Identity and Urban Design Goal: The Goal is to preserve
20 and enhance the natural and built characteristics, social, cultural and
21 historical features that identify Albuquerque and Bernalillo County
22 sub-areas as distinct communities and collections of
23 neighborhoods. The proposed text amendments preserve and
24 enhance the natural and built characteristics of Albuquerque and
25 Bernalillo County by establishing consistent, attractive streetscapes
26 that generate a sense of continuity and a positive City image.

27 i. Policy II.C.9.b.(2): In each Community Area, strategic planning,
28 neighborhood planning, development and redevelopment shall be
29 evaluated in light of its relationship to and effect upon the
30 following:

31 2) Built environment

32 - Landscaping materials, both planting and hardscape

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1 *The proposed text amendments address strategic and*
2 *neighborhood planning, development and redevelopment and*
3 *their relationship to the build environment by improving the*
4 *aesthetic appearance of commercial, industrial and multi-family*
5 *residential development and enhancing public/private*
6 *investments. The request furthers Policy II.C.9.b(2).*

7 (10) Agencies reviewed the proposed text amendments from June 1, 2015
8 to June 12, 2015. Several comments were received and reviewed by
9 Planning Staff, which are reflected in the current draft of the proposed
10 text amendment language.

11 (11) In response to the agency comments submitted by the Planning and
12 Design Division of the Parks and Recreation Department, Planning
13 Department Staff met with Parks and Recreation Department Staff to
14 discuss their agency’s concerns. As a follow up to this meeting, The
15 Planning Department revised the proposed text amendment language to
16 reflect the tangible feedback provided by the Parks and Recreation
17 Department.

18 (12) The proposed text amendments were posted on the Planning
19 Department’s main web page and were announced in the June/July 2015
20 issue of the Neighborhood News, published by the Office of
21 Neighborhood Coordination (ONC). There is no known neighborhood
22 opposition to this request.

23 **SECTION 4. EFFECTIVE DATE AND PUBLICATION.** This legislation shall take
24 effect five days after publication by title and general summary.

25 **SECTION 5. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
26 clause, word or phrase of this ordinance is for any reason held to be invalid or
27 unenforceable by any court of competent jurisdiction, such decision shall not
28 affect the validity of the remaining provisions of this ordinance. The Council
29 hereby declares that it would have passed this ordinance and each section,
30 paragraph, sentence, clause, word or phrase thereof irrespective of any
31 provisions being declared unconstitutional or otherwise invalid.

1 Section 6. COMPILATION. Section 1 and 2 of this ordinance shall be
2 incorporated in and made part of the Revised Ordinances of Albuquerque,
3 New Mexico, 1994.

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