

Packet A amendments voted on by the Land Use, Planning and  
Zoning Committee on August 12<sup>th</sup> 2020

Action	Amendment	Topic
P 3/1	A1	Barbed and Razor Wire
P 3/1	A2	Cannabis Retail, Cultivation, and Manufacturing
P 4/0	A3	Civil Remedies Procedure
P 4/0	A4	Cluster Development
P 3/1	A5	Construction Contractor Yard Use
P 4/0	A6	Contextual Standards in UC-MS-PT
P 4/0	A7	Cottage Development in UC-MS-PT
P 4/0	A8	Drive-Throughs
P 4/0	A9	General Retail Sizes
P 4/0	A10	"To the Maximum Extent Practicable" Language
F 2/2	A11	<del>Liquor Retail in the MX-M Zone</del>
P 4/0	A12	Neighborhood Edge Parking Lots
P 4/0	A13	Requirements in the NR Zones
P 4/0	A14	Outdoor Dining
P 4/0	A15	Primary Building Frontages
F 1/3	A16	<del>Notification + Facilitated Meeting Procedures</del>
P 4/0	A17	Site Lighting* REVISED June 24 <sup>th</sup> & August 12 <sup>th</sup>
F 1/3	A18	<del>Transit Parking Reduction* REVISED June 24<sup>th</sup></del>

Packet B amendments voted on by the Land Use, Planning and  
Zoning Committee on August 12<sup>th</sup> 2020

Action	Amendment	Topic
P 3/1	B1	Accessory Dwelling Units in MS-PT
P 4/0	B2	Building Heights
P 3/1	B3	Common Open Space Definition*REVISED August 12 <sup>th</sup>
P 4/0	B4	Remove Conservation Development*REVISED August 12 <sup>th</sup>
WthDr	<del>B5</del>	<del>Density in Multifamily Development* WITHDRAWN June 24<sup>th</sup></del>
P 4/0	B6	Existing Accessory Dwelling Units
P 4/0	B7	Facade Design
P 4/0	B8	Ground Floor Clear Height Measurement
P 4/0	B9	IDO Text Amendment Criteria
P 4/0	B10	Regulations Adjacent to Major Public Open Space
P 4/0	B11	Pet Grooming Use
P 4/0	B12	Rear Setbacks in UC-MS-PT
P 3/1	B13	Recessed Window Requirement
P 3/1	B14	Smoke Shops
P 4/0	B15	Solar Protections in the R-ML Zone
P 4/0	B16	Street-Side Yard Parking
P 4/0	B17	Maximum Side Setback in UC-MS-PT
P 4/0	B18	Variance Criteria
P 4/0	B19	Window Wraps
P 4/0	B20	Technical Edits*REVISED August 12 <sup>th</sup>
P 4/0	B21	Cumulative Impacts*REVISED August 12 <sup>th</sup>
P 4/0	B22	Massage Parlors
P 3/1	B23	DRB Criteria
P 4/0	B24	Edge Buffering*NEW August 12 <sup>th</sup>
P 4/0	B25	Planned Development *NEW August 12 <sup>th</sup>

## A1 – Barbed and Razor Wire

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

1. On Page 294, in section 5-7(E)(1)(c), amend the text as follows and add a new subsection (d):

5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar materials are prohibited in and ~~[abutting]~~ [adjacent to] any Residential zone district or ~~[lot containing a residential use in any]~~ Mixed-use zone district. ~~[Where allowed, such materials shall not be visible from a public street, City park or trail, or Major Public Open Space.]~~ [Critical Infrastructure facilities are exempt from this regulation.] ~~[Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.]~~

[5-7(E)(1)(d) In Non-residential zone districts, barbed tape, razor wire, barbed wire, or similar materials are allowed on street-facing walls that are at least 6 feet in height and that are set back at least 5 feet from the property line abutting the street. These materials shall not be visible from a City park or trail or Major Public Open Space.]

2. On Page 473, in section 6-8(D)(8)(b), amend the section as follows:

6-8(D)(8)(b) Walls or fences partially or wholly constructed of barbed tape, barbed wire, razor wire, or similar materials where these materials are not allowed pursuant to Subsection 14-16-5-7(E)(1)(c) are considered illegal and must be removed [by January 1<sup>st</sup>, 2023.] ~~[within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner]~~

3. In Section 7-1, add a new definition for “Critical Infrastructure” as follows in the appropriate alphabetical location:

[Critical Infrastructure: The physical or cyber assets that are so vital to the City that their incapacity or destruction would have a debilitating impact on our physical or economic

## A1 – Barbed and Razor Wire

security or public health or safety. For the purposes of this IDO this includes electric, water, and gas services.]

**Explanation:** The proposed changes to the IDO’s barbed wire regulations are intended to address safety issues expressed by commercial property owners while still protecting aesthetics in residential and open space areas. First, this amendment will allow for barbed wire or similar materials in all of the Non-Residential zones under two conditions. The first condition is that the barbed wire in these zones can’t be visible from a City park or trail or Major Public Open Space. The second condition is that the wall or fence with barbed wire will be required to be set back 5 feet and be a minimum of 6 feet tall when the wall or fence faces a street. These dimensional regulations are intended to better protect the public who may be walking on a sidewalk adjacent to a barbed wire wall or fence.

This amendment offers a sunset clause of January 1st, 2023 for any existing barbed wire that would be deemed illegal under these provisions. This will allow a property owner ample time to address security concerns on their property.

This amendment proposes to create a new definition for “Critical Infrastructure”, which is adapted from the federal government’s definition. The purpose of defining these facilities is to allow an exemption in the barbed wire regulations for them. These facilities may require additional security measures, to include barbed or razor wire, to maintain the health, safety, and welfare of the City.

Note: The Red Line draft of the IDO made minor clerical changes to this section. Those changes have been incorporated into the text in 5-7(E)(1)(c) proposed to be amended, above. The addition of the definition for “Critical Infrastructure” and the accompanying exemption from the barbed wire regulations respond to EPC condition #58.

## A2 – Cannabis Retail, Cultivation, and Manufacturing

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. In section 7-1 Definitions, add the following definitions in the appropriate alphabetical order:

**Cannabis Retail:** A retail sales establishment licensed by the state to sell cannabis for recreational consumption. Retail establishments selling cannabis solely for consumption by users with a medical card issued by the state are considered general retail and are not regulated by this definition. See also General Retail.

**Cannabis Cultivation Facility:** A facility in which cannabis is grown, harvested, dried, cured, or trimmed.

**Cannabis-infused Products Manufacturing:** A process in which a product is infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.]

2. In section 7-1 Definitions, amend the definition of General Retail on page 504 as follows:

An establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, [marijuana for medical consumption,] or other retail sales not listed as a separate use in Table 4-2-1. *See also Adult Retail, Building and Home Improvement Materials Store, Large Retail Facility, Liquor Retail, and Grocery Store.*

3. Add the following uses to Table 4-2-1 Allowable Uses and create new use-specific standards for each use as follows: Add the use “Cannabis Retail” under the Retail Sales sub-section.
  - a. Add a “P” in the following zones: MX-L, MX-M, MX-H, NR-C, and NR-BP.

## A2 – Cannabis Retail, Cultivation, and Manufacturing

- b. Add an “A” to the following zones: NR-LM and NR-GM
4. Add the following use-specific standards in Section 4-3
  - a) [Cannabis Retail is allowed, provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.]
  - b) This use is prohibited within 330 feet of any school or child day care facility
  - c) This use is conditional if cannabis will be consumed on-site. If cannabis is consumed on-site, an air filtration plan approved by the City’s Environmental Health Department is required.]
5. Add the following uses to Table 4-2-1 Allowable Uses and create new use-specific standards for each use as follows: Add the use “Cannabis Cultivation Facility” under the “Manufacturing, Fabrication, and Assembly” sub-section. Add a “P” in the following zones: NR-C, NR-LM, NR-BP, and NR-GM
6. Add the following use-specific standards in Section 4-3
  - a) [Cannabis Cultivation is allowed, provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.]
  - b) This use is prohibited within 330 feet of any Residential zone district, school, or child day care facility.
  - c) An air filtration plan approved by the City’s Environmental Health Department is required.]
7. Add the following uses to Table 4-2-1 Allowable Uses and create new use-specific standards for each use as follows: Add the use “Cannabis-infused Products Manufacturing” under the “Manufacturing, fabrication, and assembly” sub-section.

Add a “P” in the following zones: NR-C, NR-BP, NR-LM, NR-GM
8. Add the following use-specific standards in Section 4-3
  - a) [Cannabis-infused Products Manufacturing is allowed, provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.]
  - b) This use is prohibited within 330 feet of any Residential zone district, school, or child day care facility.
  - c) An air filtration plan approved by the City’s Environmental Health Department is required.]

**Explanation:** The purpose of this proposed amendment is to establish regulations within the City of Albuquerque for the growing, cultivating, manufacturing, and retail

## A2 – Cannabis Retail, Cultivation, and Manufacturing

sales of recreational cannabis. These proposed regulations are in anticipation of recreational cannabis being legalized at the state level. Recreational cannabis is not legal at this time, therefore these regulations, as they relate to recreational cannabis would not be enforced or implemented until such a time that the state legalizes recreational cannabis. Please note that the regulations proposed in this amendment will not regulate medical marijuana retail, but would regulate the cultivation and manufacturing of medical marijuana. This amendment differentiates between recreational and medical retail but does not differentiate between recreational and medical cultivation or manufacturing. This amendment proposes to create three new definitions, three new uses in the use table with applicable use-specific standards, and amend the existing definition of “General Retail” to clarify that medical marijuana falls under this category and not one of the new marijuana-related categories.

Note: Since submittal to EPC, the distance separation between Cannabis Cultivation and Cannabis-infused Products Manufacturing to schools, residential zone districts, and child day care facilities has been reduced from 1,000 feet to 330 feet.

## A3 – Civil Remedies Procedure

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Don Harris

1. Add a new § 14-16-6-9(C)(5) as follows and renumber subsequent subsection accordingly:

#### [6-9(C)(5) Civil Enforcement Procedures

(a) If the ZEO determines that a violation of the IDO has not been adequately cured within a reasonable time after an initial notice has been issued pursuant to § 14-16-6-9 (C)(2), the ZEO may pursue administrative civil enforcement procedures pursuant to this Subsection 14-16-6-9(C). Such administrative civil enforcement does not preclude any other enforcement action authorized by law.

#### (b) Notice of Civil Enforcement Procedure

If the ZEO chooses to pursue administrative civil enforcement, the ZEO shall prepare and serve a written notice of a civil enforcement procedure that includes the following information:

1. The name and contact information of the individual(s) believed to be responsible for the violation;
2. The physical address or legal description of the location where the alleged violations have occurred or are occurring;
3. A description of the alleged violation(s), including citations to the IDO Sections believed to have been violated and the facts indicating that such Sections are being violated;
4. A description of the actions or penalties that are sought by the ZEO for the alleged violation(s);
5. A statement that the notice will be immediately filed with the City Administrative Office of Hearings within 3 business days and that a hearing on the matter will be scheduled between 15 and 45 consecutive days after the office receives the notice; and
6. The address, email, and telephone number to contact the ZEO or appropriate City agency for additional information and for delivery of any responses to the allegations.

#### (c) Notice of Hearing

1. The City Administrative Office of Hearings shall schedule a hearing on all matters for which it has received a notice of civil enforcement procedure between 15 and 45 consecutive days after the office receives the notice.



## A3 – Civil Remedies Procedure

2. A notice of hearing may be served by any employee or agent of the City, including the ZEO or any sworn officer of the City Police Department.

3. The notice of hearing shall be served to all individuals listed on the notice of civil enforcement procedure and the ZEO through any of the following means:

a. Personal service upon the person(s) or their attorney or duly authorized agent(s);

b. First class mail, return receipt requested; or

c. Conspicuous posting within the frontage of the property where the alleged violation has occurred for a period of at least 30 days. It is unlawful for any person to remove or otherwise tamper with this posting, and any removal or tampering of the notice is punishable pursuant to the criminal penalties of ROA 1994 § 1-1-99.

4. The notice of hearing shall include all of the following information:

a. The date, time, and location of the hearing; the name of the hearing officer scheduled to preside of the matter; and contact information for the City Administrative Office of Hearings where individuals may request additional information;

b. A brief description of the nature and purpose of the hearing;

c. Notification of the right to testify, present reasonable evidence, call and question witnesses, and have an attorney or duly authorized agent present;

d. Notification of the right to respond to the allegations in writing before the hearing, which may include a limit on the scope, format, or length of the response, and any deadline by which the response must be filed; and

e. A statement that the alleged violator(s) or their attorney or duly authorized agent may meet with the ZEO prior to the hearing to attempt to resolve the alleged violations and avoid an enforcement hearing.

5. If a resolution is reached before a scheduled hearing, the ZEO shall request, as soon as possible, that the hearing be cancelled. The City Administrative Office of Hearings shall provide notice that the hearing has been cancelled to all individuals listed on the notice of civil enforcement procedure and any other parties to this matter by email or first class mail.

6. If the terms of the resolution are not met by the alleged violator(s) to the satisfaction of the ZEO, the ZEO may request that the City Administrative Office of Hearings reschedule and provide notice of the rescheduled hearing pursuant to the procedures in Subsection 14-16-6-9(D)(4)(c) (above).

(d) Response to Notice of Civil Enforcement Procedure

1. The alleged violator or their attorney or duly authorized agent may request to meet with the ZEO prior to the hearing to attempt to resolve the alleged violation(s) and avoid a hearing.

2. Once a hearing is scheduled, parties may submit a written response to the City Administrative Office of Hearings no less than 5 business days before the hearing. Any response submitted shall include proof that the response has also been provided to any other parties listed on the notice of civil enforcement

## A3 – Civil Remedies Procedure

procedure and the ZEO.

### (e) Hearing

1. All parties may present evidence and testimony, call witnesses, cross examine all witnesses, and be represented by and receive the advice of an attorney or duly authorized agent.

2. All individuals listed in the notice of civil enforcement procedure who are alleged to be violating or to have violated any provision of this IDO shall be present at the hearing or represented by an attorney or duly authorized agent.

3. If the hearing officer finds that a violation of the IDO occurred or is occurring, the hearing officer may issue a civil penalty against any individual(s) who was served notice of civil enforcement procedure pursuant to Subsection 14-16-6-9(D)(3)(b) (above) regardless of the presence of that individual(s) at the hearing.

4. To reschedule, continue, or cancel the hearing, all of the following requirements shall be met:

a. A written request shall be filed with the City Administrative Office of Hearings;

b. The written request shall be served upon all parties no less than 7 business days before the scheduled date of the hearing; and

c. The hearing officer finds good cause for, or all parties unanimously consent to, the rescheduling, continuation, or cancellation.

5. The hearing officer shall notify all parties in writing as to whether the request has been granted and, if continued or rescheduled, the date of the next hearing.

### (f) Enforcement of Remedies and Penalties

1. Within 15 consecutive days after the hearing, the hearing officer shall send a written order of remedy or penalty to all parties by email, first class mail, or facsimile.

2. The order of remedy or penalty shall state the determination of the hearing officer regarding the alleged violations listed in the notice of civil enforcement procedure and shall contain findings of fact and conclusions of law.

3. If the hearing officer determines that no violation of this IDO is being or has been committed, the order of remedy or penalty shall state that the alleged violation is being dismissed

4. If the hearing officer determines that a violation of the IDO is being or has been committed, the order of remedy or penalty shall state the remedies or penalties to be imposed by the City. The remedies and penalties may include one or more of the following:

a. An order to cease and desist violations of this IDO;

b. An order to bring the property in question into compliance with the IDO;

c. An order to pay all of the City's costs for the associated enforcement action and administrative hearing; and /or

d. An order to pay a civil fine not to exceed \$500 per violation per day.

## A3 – Civil Remedies Procedure

5. Any party aggrieved by a final decision of the hearing officer may appeal the decision to the District Court within 30 days of the final order, pursuant to the New Mexico Rules of Civil Procedure.

6. The Planning Department shall monitor compliance with the order of remedy or penalty. If the Planning Department has reason to believe that any individual subject to the order is not complying with the order, the Planning Department may take one or more of the following actions:

a. Refer the matter to the City Attorney for the commencement of a civil action;

b. Refer the matter to the City Attorney or the District Attorney for the commencement of criminal proceedings;

c. Place a lien on the property in an amount equal to the outstanding fines ordered pursuant to this ordinance until the owner has fully complied with the order; and/or

d. Commence a supplemental enforcement action as otherwise provided by law, including but not limited to Part 1-1-99 of ROA 1994 (General Penalties).]

**Explanation:** The purpose of this amendment is to amend the IDO to establish Civil Enforcement Procedures. At present violations of the IDO are enforced via the criminal courts, however a civil enforcement procedure could be more effective and relevant to the types of issues the IDO regulates. Other city regulations that are enforced via Civil Enforcement Procedures include:

2. Uniform Housing Code
3. Angel's Law (Dangerous Dogs)
4. HEART Ordinance (both criminal and civil)
5. Noise Ordinance

## A4 – Cluster Development

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Cynthia Borrego, Lan Sena

1. Create a new definition titled, “Cluster Group” in the appropriate location in Section 7-1 as follows:

[A grouping of low-density residential units located within a cluster development where the outer boundary is defined by the rear lot lines of the lots within the group. Each cluster group is distinct and separate from another cluster group. See *Dwelling Definitions for Cluster Development*. ]

2. Add a new Use-Specific Standard for “Dwelling, Cluster Development” as follows. Re-letter subsequent use-specific standards:

4-3(B)(2)(c) The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number ~~[but shall not exceed 50, except in the Los Duranes – CPO-6, where the number of dwelling units shall not exceed 20].~~

[1. Cluster developments comprised of more than 20 dwelling units shall be comprised of cluster groups.

a. A cluster group shall not exceed 15 dwelling units.

b. Each cluster group shall be separated by common open space or usable open space at least 50 feet in length and width.

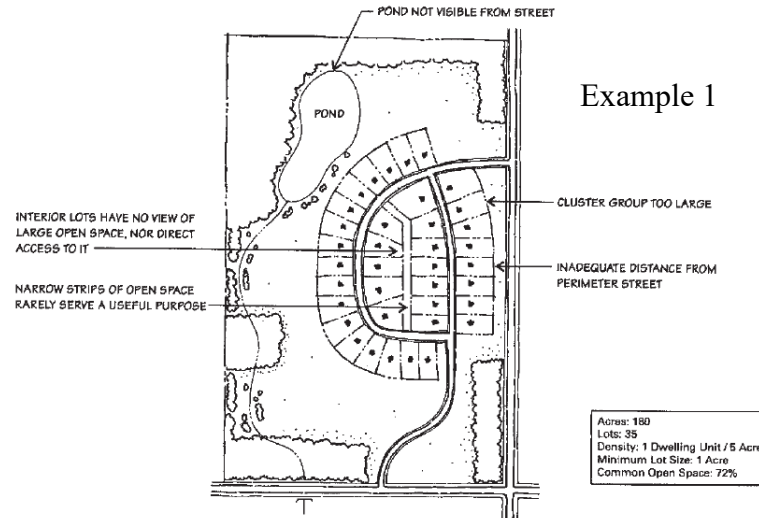
2. In the Los Duranes – CPO-6, the number of dwelling units in a cluster development shall not exceed 20.]

**Explanation:** The purpose of these proposed amendments is to refine regulations related to Cluster Development to clarify what the City envisions when a property intends to develop under the Cluster Development regulations. First, this amendment proposes to create a new definition for “*cluster groups*”. When implemented through the use-specific standards for Cluster Development, requiring *cluster groups* will help promote a certain development pattern that cluster development intends to promote. The additional regulations specify how many units makes a *cluster group* and the required open areas in between clusters. This

## A4 – Cluster Development

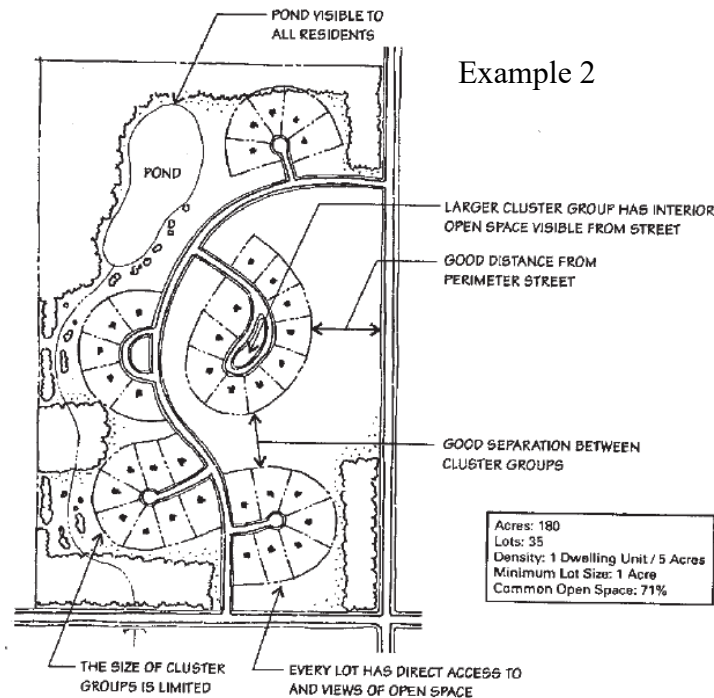
amendment doesn't change the protection carried over from the Los Duranes Sector Plan that limited cluster development by dwelling units.

For example, without requiring *cluster groups*, cluster development may look something like this, which can result in a more standard pattern of development rather than a clustered pattern of development:



from the *Rural Cluster Development Guide* by the Southeastern Wisconsin Regional Planning Commission

The inclusion of *cluster groups* may result in development that has a pattern more like the following examples:



from the *Rural Cluster Development Guide* by the Southeastern Wisconsin Regional Planning Commission

## A4 – Cluster Development



From: <https://verderiver.org/clustercons 1>

**A cluster development could preserve a greater amount of open space than the required 30%, such as this example (73%). The portion of the development below of the red line would meet the cluster development regulations on its own without the 43% additional open space preserved.**

It should be noted that there is a separate amendment (B4) that is related to this matter that would remove the new use called “Conservation Development” that is in the Red Line draft as recommended by the EPC. If the Council does not support the Conservation Development amendment and does not support this Cluster Development amendment the IDO will be left with two uses that are identical. The following Council actions would have the following outcomes:

Vote on B4 – Conservation Development Amendment	Vote on A4 – Cluster Development Amendment	Outcome
No	No	Adds two identical uses with different names
Yes	No	Keep the IDO as-is with no change to Cluster Development
Yes	Yes	Revise Cluster Development but does not add a new “Conservation Development” use
No	Yes	Revise Cluster Development and add a new “Conservation Development” use

## A5 – Construction Contractor Yard Use

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. Amend the IDO as follows:
  - Page 141, Table 4-2-1 revise as follows: Replace the C for Construction contractor facility and yard for the NR-C zone with P.
  - Page 167, Section 4-3(D)(24), add a new subsection (c) that reads as follows:  
[If located within 330 feet of any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).]

**Explanation:** To revise Table 4-2-1 Allowable Uses to make a “Construction contractor facility and yard” a Permissive use in the NR-C zone, and to add a Use Specific Standard that this use is Conditional within 330 feet of residential zoning. Prior to the adoption of the IDO most areas now mapped as NR-C were zoned C-3. The C-3 zone allowed this use as both a permissive and conditional use, depending on whether the use was within an enclosed building or an area enclosed by a wall or fence six feet in height. The NR-C zone made this use Conditional in all circumstances, however most of the NR-C zoning is in areas with a mix of light industrial and heavy commercial uses, where such a use is compatible with the surrounding uses. This revision would make the use permissive, but maintain the conditional use protection when in close proximity to residential zoning, where the use may not be compatible with the surrounding uses.

## A6 – Contextual Standards in UC-MS-PT

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 206, add a new Subsection 5-1(C)(2)(b)2 as follows and renumber subsequent subsections accordingly:

[Within UC-MS-PT areas or within 1,320 feet (1/4 mile) of UC-MS-PT areas, new low-density residential development on a lot 10,000 square feet or larger shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 50 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building, on those blocks.]

**Explanation:** Reduce the contextual standards percentage decrease from 75% to 50% for lots 10,000 square feet or larger that are located within ¼ mile of UC-MS-PT areas in order to allow greater lot size flexibility in subdividing existing lots. This is intended to support incremental infill development in areas where the Comprehensive Plan policies on Centers and Corridors direct growth. This would only apply to lots 10,000 square feet or larger. The R-1D lot size in the IDO is larger than was previously required under the Zone Code, R-1D has a minimum lot size of 10,000 square feet. The R-1 in the Zone Code, except where a Sector Plan stated otherwise, had a minimum lot size of 6,000 square feet (5,000 square feet if the lot was platted after 1981).

**Note:** The Red Line made the following revisions to the text:

New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 75 percent of the [average] of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building [on those blocks].



## A7 – Cottage Development in UC-MS-PT

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

On page 148, Section 4-3(B)(4)(a) Revise as follows:

Minimum project size for a cottage development is 1 acre, and the maximum project size is 2 acres[, except within UC-MS-PT areas or within 1,320 feet of UC-MS-PT areas, in which case the minimum project size is reduced to 10,000 square feet.]

**Explanation:** Reduce the minimum lot size for Cottage Development in proximity to UC-MS-PT areas. The Comprehensive Plan policies on Centers and Corridors directs growth to the designated centers and corridors. The Cottage Development use allows for more flexibility in site design and layout. This would reduce the minimum lot size for a cottage development to 10,000 square feet in proximity to UC-MS-PT areas, however it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur.

## A8 – Drive-Throughs

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

On page 265, amend Section 5-5(I)(2)(c) and 5-5(I)(2)(d), strike 5-5(I)(2)(g), and create a new 5-5(I)(2)(e) as follows and renumber subsequent sections as necessary:

- **5-5(I)(2)(c)** Drive-through service windows shall [not] be [located parallel to] ~~[oriented away from pedestrian areas,]~~ residentially-zoned areas~~[- and public streets to the maximum extent practicable].~~
- **5-5(I)(2)(d)** In UC-~~[AC]~~-MS-PT~~[-MT]~~ areas and the MX-H zone district, no drive-through lanes shall be located between the front façade of the primary building and the front lot line or within a required side setback abutting a street [except on lots meeting at least 2 of the following criteria:
  - a. The lot is located on a corner.
  - b. The lot is 21,780 square feet (1/2 acre) or smaller.
  - c. The lot does not have vehicular access to the street that the front façade of the primary building faces.]
- **5-5(I)(2)(e)** In UC-MS-PT areas and the MX-H zone district, if a drive-through lane is allowed pursuant to 5-5(I)(1)(f), the drive through lane shall be screened per 5-5(I)(1)(a), and enhanced pedestrian crossings, such as a raised crosswalk, shall be required where the drive-through lane crosses a pedestrian pathway to the primary entrance of the building.]
- **5-5(I)(2)(g)** ~~[For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building]~~

**Explanation:** The purpose of this proposed amendment is to amend the drive-through provisions for properties located within UC-AC-MS-PT-MT areas, and the MX-H zone. Currently, a drive-through facility in these areas can't be located between the front façade of the primary building and the front lot line or within a required side setback abutting a street. The intention of this regulation was to minimize conflicts between vehicles in a drive-through lane and pedestrians, especially in areas with large amounts of pedestrian traffic.

## A8 – Drive-Throughs

However, this regulation makes it challenging to design a drive-through facility under certain conditions. If a property is small in size, on a corner, or access from the primary street is limited, the drive-through lane is often forced to unsafely intercept the parking lot in which customers will be moving to and from their vehicles. This amendment proposes to exempt properties within the above referenced areas if the parcel meets at least two of the following three conditions: 1) the parcel is on a corner, 2) the parcel doesn't have access to the primary street or 3) if the parcel size is half an acre (21,780 square feet) or smaller, and to provide additional considerations if the property is exempt. This amendment proposes to remove MT (Major Transit) and AC (Activity Centers) from the list of areas where there are restrictions on drive-through lanes location, the areas where MT and AC are mapped areas of the city that do see a lot of activity, but it does not include as much pedestrian activity as the UC-MS-PT areas.

This amendment also proposes to clarify the orientation for drive-through service windows, as written in the IDO the limitations on the location and orientation of the drive through service window mean that potentially the service window could not be located on any side of a building. The amendment limits the orientation to away from the most sensitive use – residentially zoned areas. And removes the requirement for corner sites as the other subsections address the location of the drive-through service window, order board, and other audible electronic devices.

**Note:** The Red Line reorganized the sections, so the numbering of the sections in this amendment have changed from the original EPC memo.

## A9 – General Retail Sizes

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

Make the following changes in the IDO:

1. Page 170, Section 4-3(D)(35) General Retail, add a new subsection (a) as follows and renumber accordingly:  
[(a) If located in an MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.]
2. Page 173, Section 4-3(D)(36) Grocery Store, revise subsection (b) as follows:  
In the MX-L zone district, this use is limited to establishments of no more than [30,000] ~~[15,000]~~ square feet of gross floor area.
3. Page 504, Section 7-1 Definitions, General Retail, revise the categories for General Retail, Small and Medium to read as follows:
  1. **General Retail, Small:** An establishment with no more than [25,000] ~~[10,000]~~ square feet of gross floor area.
  2. **General Retail, Medium:** An establishment of more than [25,000] ~~[10,000]~~ square feet of gross floor area and no more than 50,000 square feet of gross floor area.

**Explanation:** To revise the threshold for General Retail Small. General Retail Small is currently defined as 10,000 square feet. This would not change the upper threshold for General Retail Medium or the thresholds for General Retail Large. In the MX-L zone General Retail Small is the only retail size allowed. The MX-L zone is mapped on many of the corridors throughout the city and is intended to provide “neighborhood-scale convenience shopping needs” (page 25, purpose of the MX-L zone). However, much of the areas already developed include buildings and retail spaces built at over 10,000 square feet, and most anchor tenants for such developments require 25,000 square feet. For a sense of scale, a pharmacy such as Walgreens or CVS is generally 15,000 square feet and a hardware and home store such as Ace or True Value is generally 20-25,000 square feet. Revising the threshold for General Retail Small seeks to ensure the continued economic viability of neighborhood-scale retail spaces throughout the city. In addition, Grocery Stores are defined separately from General Retail, and are generally allowed additional square footage, therefore for consistency the square footage of Grocery Stores in the MX-L zone has been increased. This amendment also includes a Use-Specific standard for the MX-T zone to limit General Retail Small in the MX-T zone

## A9 – General Retail Sizes

only to 10,000 square feet. This corresponds with other non-residential uses in the MX-T zone that are limited to 10,000 square feet, and the MX-T zone district's purpose as a transitional zone between residential uses and more intense mixed use and non-residential zone districts.

## A10 – “To the Maximum Extent Practicable” Language

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Lan Sena, Brook Bassan

1. Amend the IDO as called for in the spreadsheet attached as Exhibit A to this amendment.

**Explanation:** This amendment proposes to remove or change many provisions in the IDO that end with the phrase ‘to the maximum extent practicable’. The IDO is intended to be a regulatory document with enforceable, predictable provisions. Overuse of the phrase ‘to the maximum extent practicable’ reduces this predictability. While there are a few instances where this phrase is appropriate, the majority of the 40 instances the phrase appears could be changed. The attachment to this amendment offers new language or proposes to strike the phrase ‘to the maximum extent practicable’ where appropriate.

There are 12 of the 40 instances where this phrase appears where staff feels it is appropriate and should remain as-is. These are:

3-4(C)(5)(b) Changes to natural topography shall be kept to a minimum. On slopes of 10 percent or greater, no grading shall take place until a specific development plan has been approved for construction. Grading, drainage, or paving proposals; Master Development Plans; and Site Plans shall retain the sense of the natural features and vegetation. Reconstruction and revegetation to a natural setting shall be pursued to the maximum extent practicable.

5-4(E)(1)(b) Medians and pedestrian refuges shall be designed to the specifications in the DPM. Medians and pedestrian refuges shall be designed to integrate stormwater infiltration areas to the maximum extent practicable.

5-4(E)(2)(b) To the maximum extent practicable, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west access to facilitate solar access.

5-5(F)(4) In the HPO zones, all off-street parking and loading areas and garages shall be located toward the rear of the site to the maximum extent practicable, shall

## A10 – “To the Maximum Extent Practicable” Language

comply with the standards in all other portions of this Subsection 14-16-5-5, and shall comply with the additional standards applicable to that Historic Protection Overlay zone in this Section 14-16-5-5(F)(4). If there is a conflict between other parking standards in this Section 14-16-5-5 and the standards in this Section 14-16-5-5(F)(4), the standards in this Section 14-16-5-5(F)(4) shall prevail.

5-6(C)(13)(a) Required landscape and buffer areas shall be designed to serve as stormwater management areas to the maximum extent practicable and consistent with their required locations and vegetation.

5-6(G)(2)(a) Outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable.

5-6(G)(2)(a) Outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties with low-density residential development to the maximum extent practicable.

5-6(G)(2)(b) Outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties with low-density residential development to the maximum extent practicable.

5-6(G)(3)(b) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable.

5-6(G)(3)(c) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable.

5-12(B)(4) Notwithstanding Subsections (1), (2), and (3) above, the provisions of this Section 14-16-5-12 shall not apply to any sign erected or required to be erected by any state or federal governmental agency, or public utility provided that the size, height, location, type and illumination of the sign comply with these provisions to the maximum extent practicable, including compliance with the New Mexico Night Sky Protection Act, as regulated by the state.

6-5(D)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, to the maximum extent practicable. If replacement is necessary, the new material shall match the original as closely as possible in like material and design.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
71	<a href="#">3-4(C)(5)(a)</a>	Floodplain All development shall comply with all adopted drainage policies, including restrictions on development in the 100-year floodplain. <del>Cluster development design on land above the flood level shall be used to the maximum extent practicable, and the floodplain shall be used as open space.</del>	Strike the phrase entirely as depicted in red text.
79	<a href="#">3-4(E)(5)(a)3</a>	<del>Parking structures shall have ground floor uses along all street frontages to the maximum extent practicable. Parking structures shall have ground floor uses along 50% of the street facing facade of the parking structure. Where ground floor uses aren't provided, opaque walls at least 3 feet high or vegetative screens at least 3 feet high at the time of planting shall be provided. Where not practicable, opaque walls at least 3 feet high or vegetative screens at least 3 feet high at the time of planting shall be provided.</del>	Amend the language as proposed in red text.
122	<a href="#">3-6(D)(5)(c)</a>	Projects containing several buildings shall provide variety in building size and massing. Lower, smaller buildings shall be located closer to Coors Boulevard, with larger, taller buildings located farther back on the property, <del>to the maximum extent practicable.</del>	Strike the phrase entirely as depicted in red text.
167	<a href="#">4-3(E)(10)(c)(3)</a> <a href="#">©</a>	Located on existing vertical structures, including utility poles and public utility structures to the <del>maximum extent practicable.</del>	Strike the phrase entirely as depicted in red text.
173	<a href="#">4-3(F)(4)(a)</a>	Each stacking lane is limited to a maximum order board area of 50 square feet. The face of the order boards shall be oriented away from public streets to the <del>maximum extent practicable. If not practicable, at least 2 evergreen trees shall be planted in the the landscape buffer area required by Subsection 5-5(I)(2)(a) in locations that would best screen the order board from the public right-of-way.</del>	Keep "maximum extent practicable language". Add additional criteria after the "maximum extent practicable" language as depicted in underlined red text.



## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
198	<a href="#">5-2(C)(1)</a>	Strike section entirely	The EPC recommended that the sensitive lands analysis only be provided for certain types of applications. This narrows the scope of which a sensitive lands analysis would need to occur. If taken out, all development city wide will need to consider sensitive lands.
198	<a href="#">5-2(C)(2)</a>	<del>5-2(C)(1)(c) Unstable Soils</del> <del>5-2(C)(1)(j) Significant Archaeological Sites</del>	Amend the language as proposed in red text.
198	<a href="#">5-2(C)(2)</a>	Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. <u>The site analysis shall be reviewed by relevant staff from Hydrology, Parks and Recreation, Historic Preservation, the City Forrester, the City Archaeologist depending on the type(s) of sensitive lands on the site.</u> <del>To the maximum extent practicable,</del> New subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:	Council Staff proposes to strike the phrase "to the maximum extent practicable". See proposed edit to page 397 of the IDO that will require all development applications that can't avoid Sensitive Lands to be approved by the EPC. See proposed edits to Section 7-1 for addition of definitions of Sensitive Lands.
198	<a href="#">5-2(C)(3)</a>	Street crossings of irrigation ditches and drains shall be <del>minimized</del> <u>avoided.</u> <del>to the maximum extent practicable.</del>	Change "minimized" to "avoided". Add criteria that if street crossings of irrigation ditches and drains can't be avoided, that development request must go to EPC for review. See proposed edit to page 397 of the IDO that will require all development applications that can't avoid Sensitive Lands to be approved by the EPC.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
198	<a href="#">5-2(C)(4)</a>	Street crossings of sensitive lands shall be <del>minimized</del> <u>avoided to the maximum extent practicable.</u>	Change "minimized" to "avoided". Add criteria that if street crossings of irrigation ditches and drains can't be avoided, that development request must go to EPC for review. See proposed edit to page 397 of the IDO that will require all development applications that can't avoid Sensitive Lands to be approved by the EPC.
201	<a href="#">5-2(F)(5)</a>	Street crossings of acequias shall be <del>minimized to the maximum extent practicable.</del> <u>avoided</u>	Change "minimized" to "avoided". Add criteria that if street crossings of irrigation ditches and drains can't be avoided, that development request must go to EPC for review. See proposed edit to page 397 of the IDO that will require all development applications that can't avoid Sensitive Lands to be approved by the EPC.
209	<a href="#">5-3(C)(2)(a)</a>	<del>To the maximum extent practicable, new streets in Areas of Change shall include right-of-way necessary to accommodate convenient and safe access by users of all ages and abilities, including pedestrians, bicyclists, motorists, and transit riders to allow comfortable, convenient, and universally accessible street crossings, transit stops, and pedestrian access to adjacent land uses.</del>	Delete provision (a) entirely, as it is covered by 5-3(C)(2)(b). Renumber 5-3(C)(2)(b) as 5-3(C)(2).
209	<a href="#">5-3(C)(2)(b)</a>	Complete streets shall be designed to the specifications in the DPM, which incorporates implementation of Part 6-5-6 of ROA 1994 (Complete Streets Ordinance), <del>to the maximum extent practicable.</del>	Strike the phrase "to the maximum extent practicable". There is a variance process for DPM requirements that would address any application that is unable to comply.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
209	<a href="#">5-3(C)(5)(a)</a>	New development involving more than 1 parcel or sites over 5 acres in size adjacent to existing bikeways shall provide at least 1 access point to the bikeways to allow residents and users of the development to easily and safely access those bikeways <del>to the maximum extent practicable</del> . Access location and design shall be coordinated with City Parks and Recreation Department.	Strike the phrase entirely as depicted in red text.
215	<a href="#">5-3(E)(4)</a>	Each street designated in the Metropolitan Transportation Plan and/or the Bikeways and Trails Facility Plan as an existing or proposed route to accommodate bicycles shall be incorporated into the development <del>to the maximum extent practicable</del> and shall be designed to comply with the standards of the DPM. Right-of-way and pavement widths for those streets may be increased up to 12 feet on adopted bike routes and lanes by the DRB based on considerations of bicycle, pedestrian, and motor vehicle safety.	Strike the phrase entirely as depicted in red text.
218	<a href="#">5-4(E)(1)(c)</a>	In Areas of Consistency, alleys shall be included in subdivision design in those areas of the city where surrounding areas are platted with alleys and shall continue the alignments of those alleys <del>to the maximum extent practicable</del> .	Strike the phrase entirely as depicted in red text.
219	<a href="#">5-4(F)(2)(b)</a>	Residential lots shall avoid layouts where the rear lot line is adjacent to an arterial or collector street <del>to the maximum extent practicable</del> . Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.	Strike the phrase entirely as depicted in red text.
219	<a href="#">5-4(F)(3)(c)</a>	<del>Through lots shall be avoided to the maximum extent practicable.</del>	Strike the subsection entirely and renumber subsequent as necessary.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
220	<a href="#">5-4(H)(2)</a>	<del>To the maximum extent practicable</del> , the developer shall incorporate best management practices for low-impact development stormwater management to minimize stormwater runoff and increase on-site infiltration as described in the DPM.	Strike the phrase entirely as depicted in red text.
221	<a href="#">5-4(J)(1)(b)</a>	New subdivisions shall blend development into the adjacent environment with a minimum of grade change. Extensive fill that raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property shall be avoided <del>to the maximum extent practicable</del> . Significant cuts near the edges of proposed new subdivisions to lower the grade within the development shall be avoided <del>to the maximum extent practicable</del> .	Strike the phrases entirely as depicted in red text.
243	<a href="#">5-5(F)(2)(b)3</a>	Vehicular access to a primary non-residential use shall be located to avoid the need for traffic from a street designated as an arterial or collector in the LRTS Guide to use a local residential street for more than 150 feet to access the nonresidential property, <del>to the maximum extent practicable</del> .	Strike the phrases entirely as depicted in red text.
254	<a href="#">5-6(C)(5)(b)</a>	Permeable weed barriers shall be used to optimize permeability and stormwater infiltration <del>to the maximum extent practicable</del> .	Strike the phrases entirely as depicted in red text.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
257	<a href="#">5-6(C)(13)(c)</a>	Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided the area includes vegetation required by this Section 14-16-5-6 <del>to the maximum extent practicable in light of any applicable stormwater treatment requirements.</del>	Strike the phrases entirely as depicted in red text.
259	<a href="#">5-6(D)(1)(b)</a>	<del>Trees shall be planted to align with street frontage landscaping on abutting lots to the maximum extent practicable.</del>	Delete this provision entirely, as it conflicts with the Street Stree Ordinance.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
341	<a href="#">6-4(E)(1)(a)</a>	<p>The owner of that property or an agent of the property owner with the written consent of the property owner.</p> <p>Where a property has more than one owner, all owners must consent in writing to the filing of the application <u>or show proof of legal authority to act on behalf of the other owners to the maximum</u>  <del>extent practicable. In the case that not all of the property owners have consented in writing to the application, or</del> When the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.</p>	Amend the language as proposed in red text.
395	<a href="#">6-6(F)(3)(d)</a>	<p>The Master Development Plan mitigates any significant adverse impacts on the surrounding area <del>to the maximum extent practicable.</del></p>	Amend the language as proposed in red text.
396	<a href="#">6-6(I)(3)(c)</a>	<p>The Site Plan mitigates any significant adverse impacts on the surrounding area <del>to the maximum extent practicable.</del></p>	Amend the language as proposed in red text.
397	<a href="#">6-6(J)(1)(b)</a>	<p><u>4. Any application for development that has not avoided Sensitive Lands per the Sensitive Lands analysis required in Subsection 5-2(C)</u></p>	Add a new applicability provision as depicted in red text. Re-number subsequent provisions as necessary.

## A10 - "To the Maximum Extent Practicable" Language

Page	Section	Text & Changes	Action
398	<a href="#">6-6(J)(3)(e)</a>	The application mitigates any significant adverse impacts on <u>the project site and</u> the surrounding area <del>to the maximum extent practicable.</del>	Amend the language as proposed in red text.
Multiple	Section 7-1	<p><u>Wetlands - areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as determined by the City Hydrologist. Wetlands generally include swamps, marshes, bogs and similar areas.</u></p> <p><u>Arroyo - A watercourse which conducts an intermittent or ephemeral flow, providing primary drainage for an area of land; or a watercourse which would be expected to flow in excess of one thousand (1,000) cubic feet per second as the result of a 100 year storm event, as determined by the City Hydrologist.</u></p> <p><u>Large stand of mature trees - Collections of five or more trees thirty years or older, or having trunk diameters (as determined by Diameter at Breast Height – DBH) averaging at least 16 inches in diameter, as determined by the City Forester.</u></p>	Add the following definitions in the appropriate alphabetical order. Note that the other types of Sensitive Lands are already defined in the IDO.
	Section 7-1	<u>Steep Slope - Land with 9 percent slope or more and considered sensitive land, where development is discouraged.</u>	Add the following definitions in the appropriate alphabetical order. Note that the other types of Sensitive Lands are already defined in the IDO.

## A12 – Neighborhood Edge Parking Lots

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. Amend the IDO as follows:

Page 305, Section 5-9(E)(1)(b) revise as follows and revise the accompanying illustration accordingly:

**5-9(E)(1)(b) Parking and Drive-throughs or Drive-ups**

For Regulated Lots 10,000 square feet or larger, [~~parking areas and~~] drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 50 feet (see figure below) [~~and parking areas shall be separated from any abutting Protected Lot by a minimum of 15 feet.~~] For parking areas, landscaping requirements in Subsection 14-16-5-6(F)(1) apply. For drive-throughs, requirements in Subsection 14-16-5-5(I) apply.

**Explanation:** In the Neighborhood Edge provisions (Section 5-9 of the IDO), this amendment would reduce the distance from a Protected Lot (i.e. a low density residential zone district) that parking can be located. At present under the IDO, when the Neighborhood Edge regulations are applied, the parking area must be 50 feet from the Protected Lot. However, this has the inadvertent effect of pushing the buildings on the site from the front of the lot (near the street), to the back of the lot and closer to the low density residential zone district. To address this, this amendment proposes to reduce the distance for parking areas to 15 feet from the Protected Lot.



## A13 – Requirements in the NR Zones

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. In Subsection 14-16-5-7(D)(3) on Page 292, create a new subsection (e) to read:  
[For development in any NR-C or NR-BP zone district, the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet.]
2. In table 5-7-1 on Page 289, add a new footnote for "Wall in the front or street side yard" as follows: [Taller walls may be approved for in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).]

**Explanation:** The purpose of this proposed amendment is to allow taller walls in the front yard setbacks in the NR-C and NR-BP zone. The old Zoning Code required any wall or fence that was within five feet of the public right-of-way to be limited to three feet in height; however there was no height limit beyond that five foot setback. The IDO extended that provision beyond the previously allowed five foot setback, limiting the height of a front or side yard wall or fence in these zones to three feet. This amendment proposes to allow a wall up to six feet in height in these zones as long as it's set back at least five feet from the property line. Any portion of the wall or fence taller than three feet will be required to be view fencing.

3. On Page 314, Section 5-11(E)(3)(a) add a new section 1 as follows. Renumber accordingly:

[For primary buildings containing a use from the Transportation subcategory of Commercial Uses or from the Industrial Uses category in Table 4-2-1, at least 1 outdoor seating and gathering area shall be provided that is a minimum of 500 square feet.]

**Explanation:** The IDO requires all buildings over 30,000 square feet to provide an outdoor seating area for every 30,000 square feet of building gross floor area. This requirement makes sense for uses such as commercial or office, where larger buildings often result in larger numbers of employees and visitors, however in an

## A13 – Requirements in the NR Zones

industrial setting a warehouse maybe 150,000 square feet but may only employ 20 to 30 people. This amendment proposes to limit the minimum required outdoor seating and gathering area in uses listed under the Transportation and Industrial Uses subheadings of Table 4-2-1 Allowable Uses. These uses include Freight Terminal or Dispatch Center, Light Manufacturing, Heavy Manufacturing, Warehousing, and Wholesaling and Distribution Center.

## A14 – Outdoor Dining

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

1. Revise Page 197, Section 4-3(F)(14) Outdoor Dining Area as follows:

4-3(F)(14)(a) The outdoor dining area shall be accessory to the immediately abutting primary use, and the items sold for consumption in the outdoor dining area shall be sold in the immediately abutting primary use.

~~[4-3(F)(14)(b) A decorative wall, fence, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use, which shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle. ]~~

4-3(F)(14)(d) [(b)] The use shall not include any open flames or other safety or health hazards, with the exception of tabletop candles.

4-3(F)(14)(e) [(c)] If the use is located on a public sidewalk:

[1. Any outdoor dining area must maintain a minimum clear path of 6 or 4 feet, depending on adjacent roadway classification, per Section 6-5-5-14 Code of Ordinances ROA 1994, in order to maintain use of the public sidewalk for all users.

2. The owner or operator of the immediately abutting primary use shall be required to obtain an Outdoor Dining Area Sidewalk Encroachment Permit from the City that establishes the boundaries of the area permitted for this use.]

~~[ 1. The owner or operator of the immediately abutting primary use shall be required to obtain a sidewalk encroachment permit from the City.~~

~~2. The depth of the area enclosed by a wall, fence, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area at least 6 feet in width.~~

~~3. The area enclosed by a wall, fence, or barrier shall not contain any utility~~

## A14 – Outdoor Dining

vault.]

4. [3.] Outside of the operating hours of the immediately abutting primary business, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons. [Outside of the operating hours of the immediately abutting primary business, the sidewalk area shall be cleaned of all dining materials and waste.]

[4-3(F)(14)(d) Outdoor dining areas where alcohol is consumed must meet all applicable New Mexico state law requirements. If this results in the construction of a wall, fence, or similar barrier around the perimeter and it is located on the sidewalk, all of the following requirements apply:

1. The owner or operator of the immediately abutting primary use shall be required to obtain a Revocable Permit from the City.

2. A decorative wall, fence, or similar barrier shall be limited to between 3 feet and 4 feet in height and shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.

3. The depth of the area enclosed by a wall, fence, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area of at least 6 feet in width.

4. Outside of the operating hours of the immediately abutting primary business, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons. Outside of the operating hours of the immediately abutting primary business, the sidewalk area shall be cleaned of all dining materials and waste.

5. The area enclosed by a wall, fence, or barrier shall not contain any utility vault.]

**Explanation:** Remove new restrictions that the IDO added for walls and fences to be placed around all outdoor dining locations, this includes outdoor dining areas on private property and along the ROW, and the additional fees. Outdoor dining areas are important and attractive to restaurant businesses and help to create a vibrant and active community. The Comprehensive Plan calls for the support of economic development and for vibrant street spaces. These revisions do not impact the separate State Liquor Law requirements that require all areas where alcohol is served and consumed to be enclosed by a wall and include a process for when those enclosed areas are located within the sidewalk.

## A15 – Primary Building Frontages

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Lan Sena

1. On Page 209, in Table 5-1-2, amend the text in the row titled “Front, minimum” under the “Setbacks” section as follows:

UC-MS-PT: 0 ft.

[A minimum of] 50% of front property line width must be occupied by the primary building [or outdoor seating and gathering area, or outdoor dining area] constructed within 15 ft. of the property line. On a corner lot, the required [minimum] 50% must begin at the corner

**Explanation:** This amendment proposes to allow an outdoor patio to contribute to the required 50% of the front property line that must be occupied by a building. The intent of the original regulation is to locate buildings closer to the street to establish a more walkable, urban form in Urban Centers, Main Streets, and Premium Transit areas. Outdoor patios will also contribute to this urban form, therefore this amendment proposes to make outdoor patios applicable to the minimum 50% calculation. This amendment also clarifies that the required 50% is a minimum amount.

## A17 – REVISED Site Lighting

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

1. On page 300, in Section 5-8 revise the section title from Outdoor Lighting to [Outdoor and Site Lighting]
2. On page 300, revise 5-8(B)(1) General as follows:

All ~~exterior lighting~~ [sources of light visible from the exterior of a property] shall comply with the standards of this Section 14-16-5-8 unless specified otherwise in this IDO. The standards of this section shall apply to both new lighting and the replacement of fixtures (excepting lamp replacement), regardless of type, mounting, or location.

3. On page 301, revise section 5-8(D) General Design and Illumination, as follows:

All ~~exterior lighting~~ [sources of light visible from the exterior of a property] subject to this Section 14-16-5-8 shall meet the following standards:

4. On page 302, add a new section 5-8(D)(2) and renumber accordingly:

[All sources of light for non-residential development (excluding Lodging Uses), other than outdoor light fixtures as regulated below, that are visible from the property line shall not exceed 300 foot lamberts as measured from the property line. In UC-MS-PT areas, non-residential development that is located within 10 feet of the property line is measured from the mid point of the abutting right of way, or from a distance of 50 feet, whichever is closer. Neon signs are exempt from this requirement.]

**Explanation:** To require that all sources of light on a site in non-residential and mixed use zones be regulated. At present only outdoor lighting fixtures are regulated in section 14-16-5-8 of the IDO. While outdoor light fixtures are the source of most lighting, brightly lit buildings can also be a source of light and this can become a source of light pollution for adjacent properties.

**Revision 06/24/2020:** The revision to this amendment excludes Lodging Uses from the Non-Residential uses as Lodging Uses operate in a similar manner to Residential Uses, which are not part of this provision.

## A17 – **REVISED** Site Lighting

**REVISION 8/12/2020:** The revision to the amendment addresses when a non-residential use is developed on or near the property line, in a UC-MS-PT area.

**NOTE:** The Red Line version revised Section 5-8(B)(1) as follows:

All exterior lighting [~~for multi-family, mixed-use and non-residential development~~] shall comply with the standards of this Section 14-16-5-8 unless specified otherwise in this IDO. The standards of this section shall apply to both new lighting and the replacement of fixtures (excepting lamp replacement), regardless of type, mounting, or location.

## B1 – Accessory Dwelling Units in MS-PT

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 191, amend 4-3(F)(5)(e) and add a new sub-bullet “1” as follows.  
Renumber subsequent sub-bullets as required:

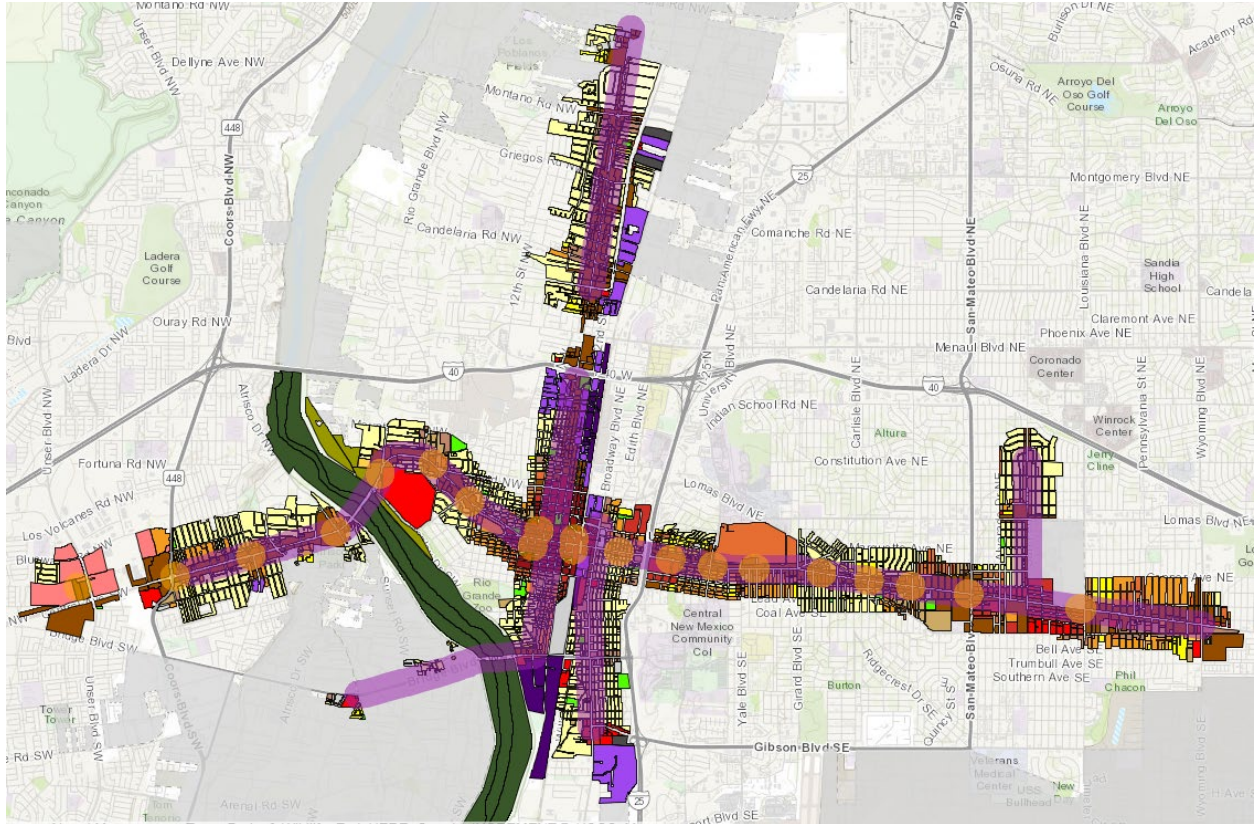
4-3(F)(5)(e) Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions where they are allowed as permissive or conditional accessory uses in the following small areas [and in certain Center and Corridor areas] as specified below. Where it is a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required.

1. [Near Premium Transit and Main Street Areas  
Accessory dwelling units are a permissive accessory use within 1,320 feet (¼ mile) of PT and MS areas. An accessory dwelling unit shall not exceed 750 square feet of gross floor area.]

**Explanation:** This amendment will allow accessory dwelling units (ADU) to be permissive within ¼ mile of a Premium Transit Corridor or Main Street Corridor. Currently, ADUs with a kitchen are prohibited except for in certain mapped areas that correlate to previous Sector Development Plans that allowed ADUs with a kitchen either permissively or conditionally. The parcels affected by this proposed amendment are shown in the map below. This change would only be applicable to the R-1 zone, which are the parcels depicted in light yellow on the map. The map shows that the land use patterns surrounding the affected R-1 zones are a mix of density, often incrementally increasing as parcels approach adjacency to the centers and corridors. This change would continue the spirit of that transition from low-density residential the more intense zones that front the centers and corridors.



## B1 – Accessory Dwelling Units in MS-PT



The Comprehensive Plan provides many policies that promote incremental infill in key centers and corridors of the City. Such policies are:

**POLICY 9.1.1 Housing Options:** Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

- (a) Increase the supply of housing that is affordable for all income levels
- (c) Assure the availability of a wide distribution of quality housing for all persons regardless of race, color, religion, sex, national origin, ancestry, age, or disabled status.
- e) Provide for the development of quality housing for elderly residents.
- g) Ameliorate the problems of homelessness, overcrowding, and displacement of low-income residents.
- h) Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

**POLICY 9.1.2 Affordability:** Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

- b) Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.

**POLICY 9.3.1 Centers & Corridors:** Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along

## B1 – Accessory Dwelling Units in MS-PT

Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

The Premium Transit Corridor and the Main Street Corridors of the City are expected to be denser, with a higher level of walkability and access to goods and services. This amendment will help implement those Comprehensive Plan policies by allowing R-1 lots within the ¼ mile boundary to add an additional unit to their property. Additionally, this allowance may allow for more affordable housing options in the City. Cities across the country are moving towards allowing multiple units on one property, and in some cases are even abolishing single-family zoning entirely in an effort to combat the affordable housing crises. Minneapolis, Minnesota is the first City in the country to do this.

The secondary unit will be required to meet all requirements of the Uniform Administrative Code and any other applicable requirements in the IDO and other City ordinances. In other areas citywide, ADUs without a kitchen will continue to be conditional accessory in the R-1 zone, assuming they meet the requirements currently outlined in the IDO.

## B2 – Building Heights

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On Page 205, Table 5-1-1 revise the following building height maximums:
  - R-ML: 38 ft.
  - R-MH 48 ft.
2. On Page 208, Table 5-1-2 revise the following building height maximums:
  - MX-L: 38 ft.
  - MX-M: 48 ft.
  - MX-H: 68 ft., UC-MS-PT: 78 ft.
3. On Page 211, Table 5-1-3 revise the following building height maximums:
  - NR-C: 38 ft.

**Explanation:** This amendment proposes to add 3 feet to the building height in the R-ML, R-MH, MX-L, MX-M, MX-H, and NR-C zones. During the adoption of the IDO, parapets were included as a part of the building height measurement. Because the parapet is included, in the following IDO zones, the dimensions result in either buildings with tall individual stories and less stories, or buildings with short ceilings and more stories. The zones of concern are:

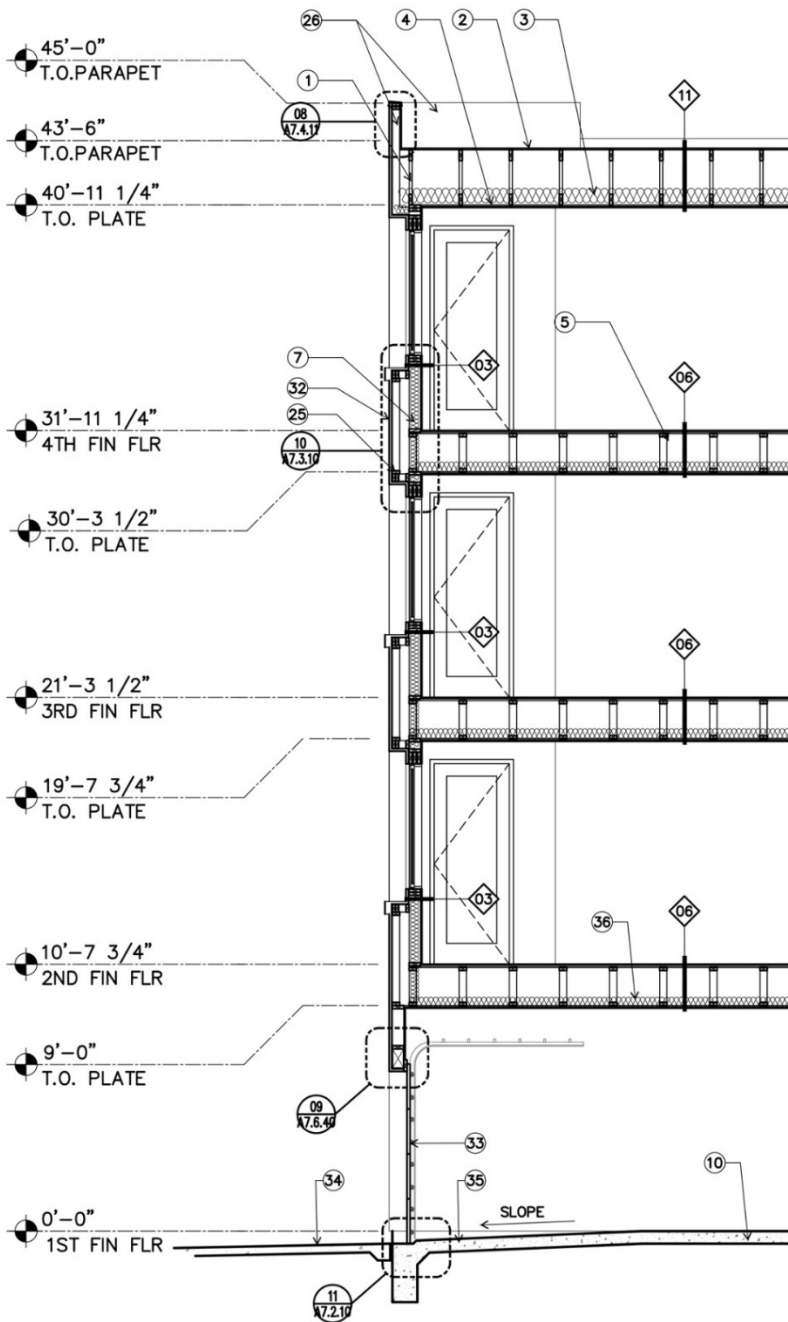
- R-ML (35 feet),
- R-MH (45 feet),
- MX-L (35 feet),
- MX-M (45 feet),
- MX-H (65 feet) and
- NR-C (35 feet).

The building heights for the MX-H UC-MS-PT areas have also been increased by 3 feet to maintain the incentive that exists in the IDO to locate density in these areas, as there is only a 10 foot difference between MX-H and the UC-MS-PT bonus.

Some examples of heights, in the MX-L zone where the height is limited to 35 feet, this creates either a 2-story building with tall ceilings or a 3-story building with short ceilings. Two stories in this example this would be 16 feet per floor including mechanical with a 3 foot parapet, and three stories in this example would be 10.5 feet per floor including mechanical with a 3.5 foot parapet. And in the following illustrated example of a four story building meeting the 45 feet height the result is a 2 foot parapet and 10.7 feet per

## B2 – Building Heights

floor including mechanical:



In Mixed Use zone districts in UC-MS-PT areas the IDO requires a 12 foot clear height on the ground floor for all development that is not low density residential development. Raising the maximum building height by 3 feet will accommodate typical construction standards that will make it easier to accommodate each floor and the associated mechanical equipment required in new construction today.

## REVISED B3 – Common Open Space Definition

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Lan Sena

1. Page 146, Section 4-3(B)(2)(e)2. Strike this section in its entirety:  
~~[Up to 25 percent of the required common open space may be provided as a park, pursuant to location restrictions in Subsection 14-16-5-2(H)(2)(a)2 if the project site is adjacent to Major Public Open Space.]~~
2. Page 147, Section 4-3(B)(3)(e)2. Strike this section in its entirety:  
~~[Up to 25 percent of the required common open space may be provided as a park, pursuant to location restrictions in Subsection 14-16-5-2(H)(2)(a)2 if the project site is adjacent to Major Public Open Space.]~~
3. Page 218, Section 5-2(H)(2)(a)2, amend this section as follows:  
For conservation development, locate at least 75 percent of common open space to be contiguous with Major Public Open Space. For cluster development and multi-family dwellings, locate at least 25 percent of common open space or ground level usable open space to be contiguous with Major Public Open Space. ~~[Any portion of the common open space that is provided as parks shall not be contiguous with Major Public Open Space.]~~ These areas shall be made accessible from the remaining land via trails or sidewalks. Access to Major Public Open Space is only allowed if approved by the Open Space Division of the City Parks and Recreation Department.
4. Page 520, Section 7-1 Definitions, revise to read as follows:

**Common Open Space** The area of undeveloped land within a cluster development or conservation development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. [For the purposes of the common open space calculation in cluster or conservation development, parks do not count as common open space.] ~~[For the purposes of the common open space calculation in cluster and conservation development, parks count as common open space, pursuant~~



## REVISED B3 – Common Open Space Definition

~~to any applicable requirements in Section 14-16-4-3 (Use-specific Standards).]~~ See also Dwelling, Cluster Development and Dwelling, Conservation Development.

**Explanation:** This amendment clarifies that parks are not considered part of the “Common Open Space”. The Tech Edits, as submitted to the EPC included the following:

**Exhibit 1 - Proposed Technical Edits**  
EPC Review - Hearing #1 September 12, 2019

Topic	Page	Section	Change / Discussion	Explanation
Common Open Space / Cluster Development	479	7-1	Open Space Definitions Common Open Space Add: "For the purposes of the open space calculation in cluster development, parks do not count as common open space."	Distinguishes the purposes of parks and open space related to the requirement for common open space with cluster development.

However, at EPC this was revised to say the opposite, that parks can count towards 25% of the Common Open Space. This was not the intent of amendment, and made a substantive change to how Common Open Space is defined and calculated. This amendment corrects that recommendation by the EPC.

The EPC made the recommendation at the request of the development community, however the Planning Department had originally suggested the additional language in the definition to clarify the intent of the IDO. Prior to the adoption of the IDO cluster development was defined by the Zone Code as Private Commons Development which included the Private Commons Area which was similarly defined but included the statement that buildings and structures were not allowed in the Private Commons Area. With cluster (and conservation) development the purpose of the Common Open Space is for the preservation of site features such as existing agriculture, ditches and acequias, and undeveloped open space. The creation of a park and the associated grading, construction, and development associated with that is contrary to the intent of the Common Open Space.

This amendment, by adding the clarification that parks are not part of the calculation clarifies that Common Open Space covers the features that are on the site prior to development. For example, this could include drainage features such as an existing ponding area that is located on the site could be preserved but a new ponding site created through the grading of the site would not count. Additions to sites such as parks and new drainage features that are landscaped are more in line with the definition of “Usable Open Space”, which is not a requirement of Cluster Development but could be provided at the desire of the developer.

NOTE: There is a separate amendment that proposes to remove all references in the Red Line version to “Conservation Development”. If that amendment passes, all references to “conservation development in this amendment should be considered removed.

**REVISION 06/24/2020:** This amendment has been updated for the August 12<sup>th</sup> LUPZ

## REVISED B3 – Common Open Space Definition

hearing to remove additional text in the redline draft of the IDO associated with this amendment that was overlooked during the original drafting of this amendment. The additional language in this amendment is #3, above.

## REVISED B4 – Remove Conservation Development

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Cynthia Borrego, Lan Sena

Amend the IDO as follows:

Remove all references to Conservation Development from the use table, use-specific standards, the definitions chapter, and any other instance where the phrase is used.

#### **Explanation:**

**Revision 08/12/2020:** The title of this amendment has been revised to better reflect the purpose of this amendment. No other changes were made.

The purpose of this amendment is to remove the new use that the Environmental Planning Commission recommended be added to the IDO called “Conservation Development”. Council staff worked on an amendment to the “Cluster Development” use in the IDO that re-worked how the City would define Cluster Development. Upon review of Council’s amendment regarding the topic, the Planning Department countered with a new use called “Conservation Development”. Overall, this new Conservation Development use keeps the standards from the existing Cluster Development use but calls it Conservation Development instead. This Conservation Development use undermines the intent of redefining Cluster Development. For this reason, all instances of Conservation Development should be removed from the IDO.

In addition, the Council amendment revising Cluster Development has not yet passed. If that Cluster Development amendment don’t pass, the IDO would have two types of uses – Cluster Development and Conservation Development – that as drafted in the Red Line document do exactly the same thing.

It should be noted that there is a separate amendment that is related to this matter that would revise Cluster Development. If the Council does not support the Conservation Development amendment and does not support the Cluster Development amendment the IDO will be left with two uses that are identical. The following Council actions would have the following outcomes:



## REVISED B4 – Remove Conservation Development

Vote on B4 – Conservation Development	Vote on A4 – Cluster Development	Outcome
No	No	Two different uses will have identical provisions
Yes	No	Keep the IDO as-is with no change to Cluster Development
Yes	Yes	Revise Cluster Development but does not add a new “Conservation Development” use
No	Yes	Revise Cluster Development and add a new “Conservation Development” use

## B6 – Existing Accessory Dwelling Units

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On Page 191, revise Section 4-3(F)(5)(e) as follows:  
Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions in the following small areas, where they are allowed as a permissive or conditional accessory use, as noted below, and as allowed pursuant to Subsection Section 4-3(F)(5)(f)].
2. On Page 191, create a new Subsection 4-3(F)(5)(f) as follows:  
[Accessory dwelling units constructed prior to May 17, 2018 are allowed as follows:
  - i. Nonconforming accessory dwelling units with kitchens are allowed as a permissive accessory use.
  - ii. Accessory dwelling units with kitchens without proof of nonconformity require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).]

**Explanation:** This amendment proposes to make Accessory Dwelling Units (ADU) in R-1 that existed prior to the effective date of the IDO a permissive use if nonconforming (i.e allowed by zoning when they were constructed) and conditional without proof of nonconformity.

During the Phase 2 conversion process, there were a large number of applications for R-T conversions to make existing nonconforming ADUs become conforming. Because the IDO does not allow an ADU with a kitchen in the R-1 zone (unless the area is covered by a small mapped area that allows it), the first available zone that would make the additional unit allowed is the R-T zone district. This resulted in one-off locations of R-T in the middle of R-1 neighborhoods. While the Phase 2 conversion process is complete, there remain a large number of existing, nonconforming ADUs.

Outside of the Phase 2 conversion process, the issue of nonconforming ADUs in the R-1 zone has been an issue for many years. Often when someone comes to sell or refinance a property with a nonconforming ADU the bank offering the mortgage does a zone check and considers a nonconforming ADU an issue. To remedy the issue in the past property owners have either removed the kitchen and sought a conditional use, or requested a zone change to R-T, however a change to R-T is often a poor fit with the existing zone pattern, and removing the kitchen and seeking a conditional use is

## B6 – Existing Accessory Dwelling Units

unattractive. On other occasions, the nonconformance is hard to prove as the records to demonstrate that the use was built in accordance with the rules at the time are not available.

The existing ADUs (that are not located within a small mapped area that makes them either permissive or conditional) are in most cases nonconforming uses. However, because they were constructed at a time when building records at the Planning Department were not maintained like they are today, it is often extremely hard for a property owner to prove that the unit is nonconforming (as opposed to illegal). This amendment will still put the burden of proof on the property owner when applying for a zoning certificate, however it provides a procedure to get a conditional use approval for an existing ADU if there is no proof of nonconformity. In addition, the property owner will still need to make sure the existing unit conforms with all applicable codes, including but not limited to the relevant sections of the IDO, International Existing Building Code and the Uniform Housing Code.

Areas where new ADUs with kitchens would be allowed (either permissively or conditionally) would still need to be addressed through the Community Planning Area assessment process. Prior to the adoption of the IDO a number of Sector Plans made ADUs with kitchens either a permissive or conditional use, depending on the area. These carried over into the IDO as small mapped areas. In addition, in 2014 there was a bill introduced which sought to make ADUs with a kitchen a city-wide conditional use. This was aimed at allowing new ADUs, as well as addressing the many existing ADUs. This bill did not pass, however most of the controversy was focused on new ADUs rather than addressing the status of existing ADUs.

## B7 – Façade Design

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 311, revise section 5-11(E) as follows:

#### 5-11(E) MIXED-USE AND NON-RESIDENTIAL ZONE DISTRICTS

All multi-family, mixed-use, and non-residential development, not including parking structures, located in any Mixed-use or Non-residential zone district, excluding MX-FB, NR-LM, NR-GM, NR-SU, and NR-PO, shall comply with the standards in this Subsection 14-16-5-11(E). Low-density residential development in all zone districts shall comply with the standards in Subsection 14-16-5-11(C) (Low-density Residential Development). Parking structures shall comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design).

#### 5-11(E)(1) Ground Floor Clear Height

In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum clear height of 12 feet.

#### 5-11(E)(2) Façade Design

##### 5-11(E)(2)(a) General

1. Façades shall be designed to provide a sense of human scale at ground level by providing a clear architectural distinction between ground floor levels and all additional levels.
2. Each street-facing façade shall incorporate at least 2 of the following features along at least 30 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 40 feet. (See figure below for examples.)
  - a. Ground-floor transparent display windows, with the lower edge of window sills no higher than 30 inches above the finished floor.
  - b. Windows on upper floors.
  - c. Primary pedestrian entrances.
  - d. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
  - e. Sun shelves or other exterior building features designed to reflect

## B7 – Façade Design

sunlight into the building and reduce the need for interior lighting.

f. Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.

3. Each street-facing façade longer than 100 feet shall incorporate at least 1 of the following additional features. (See figure below for examples.)

a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.

b. A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.<sup>343</sup>

c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.

d. Three-dimensional cornice or base treatments.

e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.

f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

4. All accessory buildings visible from a public street shall be similar in color, material, distinctive rooflines, finishing details, and accent features to the primary building.

### 5-11(E)(2)(b) Urban Centers, Activity Centers, and Main Street and Premium Transit Areas

~~1. Each ground floor street-facing façade shall contain a minimum of 50 percent of its surfaces in transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor. (See figure below.)~~

~~a. Signs or graphics covering windows or doors must comply with the provisions in Table 5-12-2.~~

~~b. For commercial or office uses, interior space must be visible to a depth of 20 feet from the façade.~~

~~c. Where a building has multiple street-facing façades, the front façade shall contain a minimum of 50 percent of its surfaces in windows and/or doors, with the lower edge of the window sills no higher than 30 inches above the finished floor. The remaining street-facing façades shall contain a minimum of 30 percent of their surfaces in windows and/or doors with no minimum window sill height required.~~

1. In new residential and mixed-use development, windows on the upper floors shall be recessed not less than 2 inches.

2. Each ground floor street-facing façade shall contain a minimum of 30 percent of its surfaces in transparent display windows and/or doors with no minimum window sill height required.

## B7 – Façade Design

- a. For commercial or office uses, interior space must be visible to a depth of 6 feet from the façade.
3. Each façade facing a public street shall incorporate at least 3 of the following features along at least 30 percent of the length of the façade. The features listed below shall be distributed along the façade so that at least 1 of the of the incorporated features occurs every 30 feet:
  - a. Transparent display windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor, that constitute a minimum of 50 percent of 1 ground floor street-facing façade.
  - b. Windows on upper floors.
  - c. Primary pedestrian entrances.
  - d. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
  - e. Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
  - f. Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
4. Each street-facing façade longer than 50 feet shall incorporate at least 2 of the following additional features:
  - a. Wall plane projections or recesses of at least 1 foot in depth, occurring at least every 50 feet of façade length and extending for at least 25 percent of the length of the façade.
  - b. A change in texture or material occurring every 25 feet of façade length and extending for at least 20 percent of the length of the façade.
  - c. An offset, reveal, pilaster, or projecting element, no less than 2 feet in width, projecting at least 6 inches from the façade and repeating at minimum intervals of 25 feet of façade length.
  - d. Three-dimensional cornice or base features that are different in material from the primary façade and project at least 3 inches from the façade. A base feature shall be no shorter than 18 inches, and a cornice feature shall be no shorter than 12 inches.
  - e. A projecting gable, hip feature, or change in parapet height for every 50 feet of façade length.
  - f. Art, such as murals or sculpture, that is privately-owned or coordinated through the City Public Arts Program.
5. All accessory buildings visible from a public street shall be similar in color, material, distinctive rooflines, finishing details, and accent features to the primary building.]
- ~~2. Each second floor and higher façade facing a public street or alley shall contain a minimum of 30 percent of its surface in transparent windows and/or doors. (See figure below.)~~
- ~~3. Except in Urban Center areas, street-facing façades shall incorporate~~

## B7 – Façade Design

~~variations in height, setback, or material at least every 50 feet of façade length.~~

~~4. Planters, portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather shall be provided along no less than 50 percent of the length of street-facing façades.~~

~~5. Each side or rear façade adjacent to any Residential or Mixed-use zone district shall have a similar level of façade articulation, materials, and detailing as the street-facing façade, except where constructed at property lines where fire walls are allowed by building and fire codes.]~~

2. On page 537, revise the definition for Street-facing Façade in Section 7-1 as follows:

### **Street-facing Façade**

Any façade that faces and is within 30 feet of a property line abutting a street[, not including alleys, unless specified otherwise in this IDO]. A building may have more than one street-facing façade. The phrase “façade facing a” that refers to a specific street or to alleys is included in this definition as well. See also *Front Façade*.

**Explanation:** This amendment proposes to revise how articulation in UC AC MS PT areas are addressed, by providing a menu of options. Initially this menu of options approach was proposed for just the proposed N4th Character Protection overlay. However, this approach made sense to be applied to all UC AC MS PT areas. The “menu of options” approach provides more flexibility for designers, recognizing that different site configurations and users have different challenges and needs, while still ensuring a high level of articulation and interaction with the street.

The major changes to this menu of options that deviate from what’s in the IDO Red Line for UC-AC-MS-PT areas is:

1. Window requirements are reduced from 50% on primary facades and 30% on secondary facades to 30% for all facades. Facades that provide more windows (50% or greater) will be able to count that as a “menu item” for the articulation options.
2. The requirement for windows to be visible to a depth of 20 feet has been reduced to 6 feet.
3. Generally, the site will be required to provide more articulation more frequently through increased numbers of articulation elements required.

These changes are in response to staff working with members of the community who have had to implement the façade and articulation standards set forth in the IDO.

## B8 – Ground Floor Clear Height Measurement

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On Page 36, Table 2-4-11 revise as follows:
  - Ground floor height minimum: revise 12 feet to 10 feet
2. On Page 262, Section 5-5(G)(4)(a) revise as follows:
  - Revise 13 feet to 10 feet
3. On Page 311, Section 5-11(E)(1) revise as follows:
  - Revise 12 feet to 10 feet

**Explanation:** This amendment proposes to revise the measurement regulations related to a minimum ground floor clear height in the IDO to 10 feet and to improve the definition of Ground Floor Clear Height to provide clarity in how it is to be measured. The need for retail spaces is decreasing, and these regulations add too much cost for a building that may never need to accommodate retail. This amendment revises ground floor clear heights from 12 to 10 feet in the MX-FB zone, revises the requirement for parking structures in all centers, Main Street, and Premium Transit to be built with 13 feet clear height to 10 feet clear height for a depth of 30 feet, and revises ground floor clear heights from 12 to 10 feet in the MX zone districts in UC-MS-PT areas. This amendment was a recommendation of the EPC in their January 23<sup>rd</sup> 2019 Notice of Decision (Recommended Condition # 76).



## B9 – IDO Text Amendment Criteria

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On pages 457-458, revise Review and Decision Criteria 6-7(D)(3) as follows:

Review and Decision Criteria An application for an Amendment to IDO Text – Citywide [may] ~~[shall]~~ be approved if it meets all of the following criteria:

6-7(D)(3)(a) The proposed amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adopted by the City Council.

6-7(D)(3)(b) The proposed amendment does not apply to [only one] ~~[a single]~~ lot or development project.

6-7(D)(3)(c) [The proposed amendment promotes public health, safety, and welfare.] ~~[The proposed amendment also meets any of the following criteria:~~

- ~~1. The change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city.~~
- ~~2. The change to the IDO text is required in order to address a new or unforeseen threat to the public health, safety, and welfare.~~
- ~~3. The change to the IDO text is required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.]~~

**Explanation:** This amendment proposes to revise the criteria for an “Amendment to the IDO Text – Citywide”. Prior to the adoption of the IDO no such criteria existed. While the introduction of criteria for such actions is important the criteria limit the authority of the Council.

## B10 – Regulations Adjacent to Major Public Open Space

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

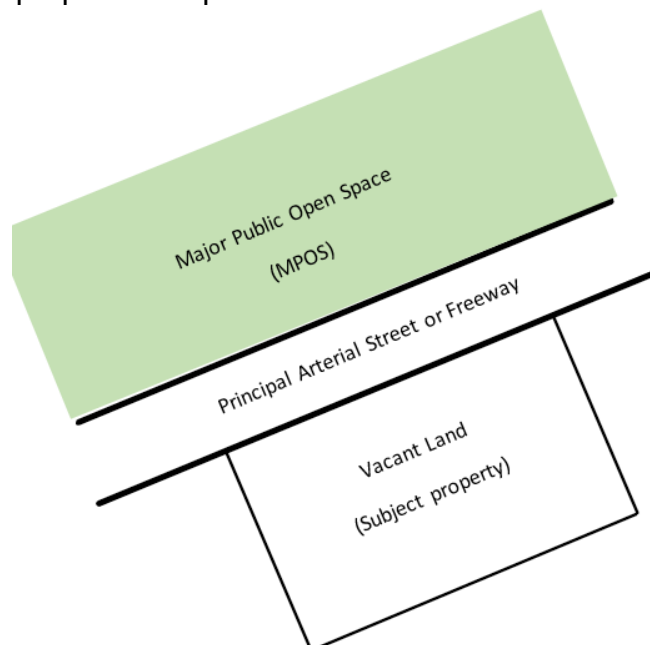
AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On Page 218, Section 5-2(H)(2), revise as follows:

#### 5-2(H)(2) **Lots Adjacent to Major Public Open Space**

In addition to the standards that apply within 330 feet in any direction of Major Public Open Space in Subsection 14-16-5-2(H)(1) above, the following standards apply to development on lots adjacent to Major Public Open Space [except when the subject property and Major Public Open space are separated by a principal arterial or freeway, in which only the provisions of 14-16-5-2(H)(1) apply.]

**Explanation:** Some properties are located adjacent to MPOS while simultaneously being barely within 330 feet of MPOS property due to the presence of large rights-of-way. Because they are across a large right-of-way and in many instances can't even be seen from the open space (any more than other developed properties in the area), these regulations are unnecessary and place an undue burden on properties in a way that serves no public purpose and provides no additional benefits to the MPOS.



## B11 – Pet Grooming Use

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. Page 140, Table 4-2-1, for “Other Pet Services” add a “P” for the NR-LM and NR-GM columns.

**Explanation:** This amendment changes “Other Pet Services” from prohibited to “Permissive” in the NR-LM and NR-GM zone districts. Other Pet Services includes pet grooming. These other services are often co-located with a veterinary hospital, which is also permissive in the NR-LM and NR-GM zone districts. This change ensures that “Veterinary Hospital” and “Other Pet Services” are allowed in the same zone districts.

## B12 – Rear Setbacks in UC-MS-PT

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

On Page 209 of the IDO, amend the line for “rear setbacks” in table 5-1-2 as follows:

Zone District	MX-T	MX-L	MX-M	MX-H
Rear, minimum	15 ft. <u>UC-MS-PT: 0 ft. where rear lot line abuts a street or alley</u>			
Rear, maximum	N/A			

**Explanation:** This proposed change to the IDO will allow for a smaller rear setback for development in any mixed-use zone that’s within an Urban Center, Main Street Corridor, or Premium Transit Corridor when the rear setback faces a street or alley. Developable portions of a parcel are limited by required parking, landscaping, and setback requirements. This reduction of the rear setback in the identified centers and corridors will allow for more of a parcel to be developed with a building footprint. This concept is consistent with the policies in the Comprehensive Plan related to centers and corridors, which is where the City is directing new growth and more urban development.

While this amendment will allow development to occur closer to the rear lot line, there are other protections in the IDO for when development is proposed near low-density residential development. For example, development in a Mixed-Use zone that is next to to a low-density residential development in a low-density residential zone will have to comply with the Neighborhood Edge provision, which requires reduced building height within proximity to the residential development.

## B13 – Recessed Window Requirement

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. In the Low-density Residential section of Building Design, on page 309, add a new Section 5-11(C)(2) and renumber accordingly:

[Windows.

In new low-density residential development, windows on the ground floor and upper floors must be recessed not less than 2 inches and/or shall be surrounded by a window casing not less than 2 inches wide.]

2. In the Multi-family Residential Development section of Building Design, on page 310, add a new Section 5-11(D)(3) and renumber accordingly:

[Windows.

In new multi-family residential development, windows on the ground floor and upper floors must be recessed not less than 2 inches and/or shall be surrounded by a window casing not less than 2 inches wide.]

**Explanation:** This amendment makes the requirement that new windows on the ground floor and upper floor be recessed at least 2 inches. At present this is required in the Sawmill Wells Park CPO 11 for residential building design. This amendment would apply the requirement to new windows for all low density residential and multifamily development. Recessed windows provide a way of adding articulation to a building's façade.

## B14 – Smoke Shops

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

1. On Page 142, add a new use “Nicotine retail” in Table 4-2-1 with allowances as shown in red below:

Zone Category >>	Residential						Mixed-use				Non-Residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO			
																A	B	C	
Zone District >>																			
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
COMMERCIAL USES																			
Retail Sales																			
Adult retail										P		P	P	P					4-3(D)(6)
General retail, small			A			A	A	P	P	P	P	P	P	P					4-3(D)(35)
General retail, medium									P	P	P	C	C						4-3(D)(35)
General retail, large									C	C	P	P							4-3(D)(35)
Grocery store								P	P	P	P		P	P					4-3(D)(36)
Liquor retail							C	A	P	P	P	C	C	C					4-3(D)(37)
<u>Nicotine retail</u>							<u>CA</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>					<u>[new]</u>

2. On Page 163, add a new use-specific standard for “Nicotine Retail” as follows, and renumber accordingly:

#### [4-3(D)(38) Nicotine Retail

4-3(D)(38)(a) Nicotine sales is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

## B14 – Smoke Shops

4-3(D)(38)(b) If this use is a primary use, the following standards apply:

1. This use is prohibited within 1,000 feet in any direction of a lot containing another primary nicotine retail use.

2. This use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet in any direction of any Residential zone district; lot containing any residential use in any Mixed-use zone district; or religious institution.

3. If this use is within 500 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district, customer visits and deliveries are prohibited between 10:00 P.M. and 7:00 A.M.

4-3(D)(38)(c) If allowed only as an accessory use, this use is prohibited unless accessory to and part of the same establishment as a general retail or grocery store use.

4-3(D)(38)(d) In the MX-T and MX-L zone districts, this use is limited to 10,000 square feet of gross floor area.]

3. On Page 519, in subsection 7-1, add a new definition for “Nicotine Retail” as follows:

[Any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in NM 2020 Senate Bill 131 (Tobacco Products Act). This use does not include the sale of cannabis. See also *Cannabis Retail* and *General Retail*.]

**Explanation:** Because smoke shops make vaping products readily available and market a lifestyle that celebrates smoking, which is known to be harmful to public health and welfare, this amendment proposes adding zoning regulations to bolster existing regulations on tobacco products. The proposed amendment adds a new use “Nicotine Retail” in Table 4-2-1, new use-specific standards that establish distance separation requirements from residential uses, and adds a new definition that refers to the new Senate Bill 131. This use would be allowed in the same zones as liquor retail. The use-specific standard for this use would make this use conditional within 500 feet from any Residential zone district; lot containing any Residential use in any Mixed-use zone district; or religious institution and would limit business hours. (Senate Bill 131 already establishes distance separations of 300 feet from schools.) This use also establishes a 1,000-foot distance separation from another premises containing a nicotine retail use as a primary use.

This amendment was drafted in conjunction with the Mayor and Administration.

**Note:** If the Council Amendment that proposes to add a new use for Cannabis retail does not get adopted, the definition below may need to be revised to eliminate reference to that use.

## B15 – Solar Protections in the R-ML Zone

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

On Page 306, in section 5-10(C) amend the text and table 5-10-1 as follows:

#### 5-10(C) BUILDING HEIGHT

All development in the R-A, R-1, R-MC, ~~[and] R-T, [and R-ML]~~ zone districts shall comply with the standards in this Subsection 14-16-5-10(C).

5-10(C)(1) The building height shall not exceed the following heights, determined by the distance cardinally south from the northern property line as shown in Table 5-10-1, or angle plane equivalent. Distances in Table 5-10-1 have been calibrated to a 32 degree angle that allows 1 hour of Winter Solstice sunlight that hits at least 2 feet up on a southern-facing wall located 10 feet from the property line. Distances from the northern property line that are not whole numbers are rounded down.

Table 5-10-1: Solar Rights Maximum Building Heights	
Distance from Northern Lot Line, ft.	Maximum Building Height, ft.
<del>0-5</del> <u>5' (0-5')</u>	<del>10</del> <u>11'</u>
<del>6-10</del> <u>10' (6-10')</u>	<del>11</del> <u>14'</u>
<del>11-15</del> <u>15' (11-15')</u>	<del>14</del> <u>17'</u>
<del>16-20</del> <u>20' (16-20')</u>	<del>17</del> <u>20'</u>
<del>21-25</del> <u>25' (21-25')</u>	<del>20</del> <u>23'</u>
<del>26-30</del> <u>30' (26-30')</u>	<del>23</del> <u>27'</u>
<del>31-35</del> <u>35' (31-35')</u>	<del>25</del> <u>30'</u>
<del>36 or more</del> <u>40' (36-40')</u>	<del>26</del> <u>33'</u>
<del>45'</del> <u>45' (41-45')</u>	<del>36'</del> <u>36'</u>

5-10(C)(2) The ZEO shall waive or adjust the provisions of Subsection (1) above if the ZEO finds that beneficial solar access can be protected for a lot to the north without compliance with the provisions of Subsection (1) because:

5-10(C)(2)(a) The lot(s) to the north are large enough or higher in elevation than the lot to the south, so that there are many good locations for passive or active



## B15 – Solar Protections in the R-ML Zone

solar collector that would not be blocked by proposed construction that does not comply with the height restrictions of Subsection (1) above.

5-10(C)(2)(b) The development on the lot(s) to the north is already served by as much solar collector area as is likely to ever be needed for that lot, and solar access to those collector surfaces will not be impaired by the proposed construction.

5-10(C)(2)(c) [In the R-A, R-1, R-MC, or R-T zone districts,] the owner or builder proposing the height limit waiver has demonstrated that there will clearly not be a primary building on the lot to the north within 35 feet north of the proposed building.

[5-10(C)(2)(d) In the R-ML zone district, the owner or builder proposing the height limit waiver has demonstrated that there will clearly not be a primary building on the lot to the north within 45 feet north of the proposed building.]

5-10(c)(2)(e) The owner or builder proposing the height limit waiver is also the owner of the lot to the north and has indicated that no solar rights are necessary.

5-10(c)(2)(f) In the R-A, R-1, R-MC, or R-T zone districts, the owner or building proposing the height limit waiver has demonstrated there is public right-of-way over 35 feet in width north of the proposed building.

5-10(c)(2)(g) In the R-ML zone district, the owner or building proposing the height limit waiver has demonstrated there is public right-of-way over 45 feet in width north of the proposed building.]

**Explanation:** This proposed change to the IDO will extend Solar Access protections to the R-ML zone, a low-density multi-family zone that is mapped in proximity to low-density residential zones. Where this zone is mapped in established neighborhoods, it provides a protection for existing development. In the parts of the City where it's mapped on larger lots, the larger lots can accommodate the location of the building within the site. This protection for the R-ML zone was an existing protection in the University Heights Sector Development Plan. Making this protection a city-wide standard accomplishes several goals and policies within the Comprehensive Plan and follows through with the idea that the IDO would take beneficial area-specific (or Sector Plan) standards and make them city-wide where feasible. The City has promoted solar energy and alternatives forms of energy for some time now, so extending this protection to the R-ML zone is aligned with existing City policy.

Additionally, this amendment updates table 5-10-1 that defines maximum building heights based on a building's distance from the northerly lot line when the building is located on a property to the south of a parcel zoned R-A, R-1, R-MC, R-T, or R-ML. This table needs to be updated for two reasons:

## B15 – Solar Protections in the R-ML Zone

1. When the IDO was adopted, the table was calculated incorrectly. The original calculations were made based on a 32-degree angle that allows 1 hour of Winter Solstice sunlight that hits ground level (or 0 feet up) on a southern-facing wall located 10 feet from the property line. However, the IDO (and the original solar regulations in the Comprehensive Zoning Code) clearly calls for this calculation to be based on a 32-degree angle that allows 1 hour of Winter Solstice sunlight that hits at least 2 feet up on a southern-facing wall located 10 feet from the property line. This was a mathematical error that occurred in the original Zoning Code that was not corrected when carried over into the IDO. The changes to the table correctly calculate the number based off of the “2-feet up” metric.
2. The table needs to be extended to accommodate the building heights allowed in the R-ML zone. Previously, the table only went to 26 feet because that was the maximum height in the most intense zone this provision applied to. Now that the provision is being extended to the R-ML zone, which has a maximum building height of 35 feet, the table must also calculate a maximum building height to this number.

Lastly, this amendment provides two more ways to receive a waiver to this regulation. Currently, the IDO allows the Zoning Enforcement Officer to grant a waiver to this requirement under three conditions: 1) the lot to the north is higher in elevation than the project site to the south, 2) the lot to the north would gain no additional solar access by impeding building heights to the project site to the south, and 3) the project site is able to prove that development to the north will not occur within 35 feet of the proposed building. The new exceptions would say that if the same person owned both the northern and southern lot that they could request an exemption by identifying that solar rights on their own property isn't necessary, or that they could request an exemption if there is right of way at least 35 or 45 feet in width (depending on the underlying zone) immediately to the north.

## B16 – Street-Side Yard Parking

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

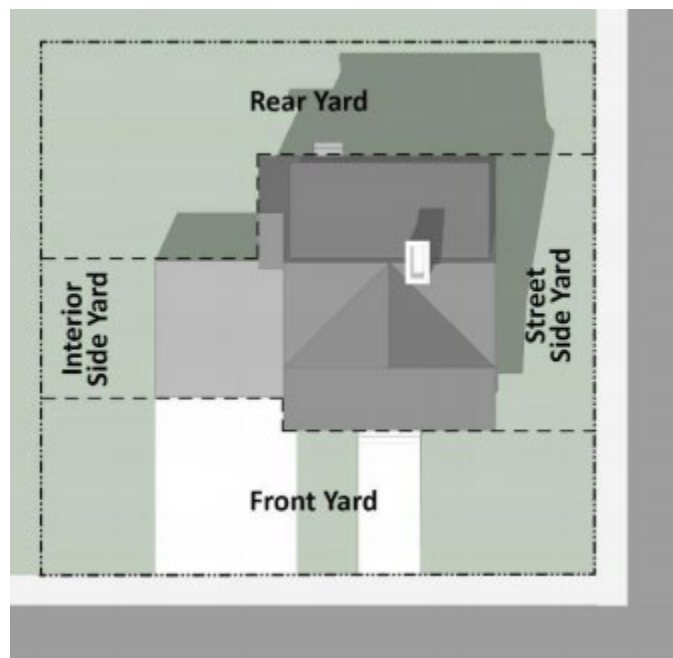
AMENDMENT SPONSORED BY COUNCILOR Diane Gibson

1. Page 257, Section 5-5(F)(2)(a)2, revise to read as follows:

The combined area of the front yard or street-side yard that can be improved for driveways and parking areas in the R-1, R-T, R-ML, and R-MH zone districts shall be limited pursuant to Table 5-5-6.

2. Page 257, Table 5-5-6, revise to add “or Street-side Yard” after “Front Yard” everywhere it appears.

**Explanation:** This amendment adds street side yard to the section on Front Yard Parking. The front yard parking limitations are based on lot size with a square footage or percentage of the area (whichever is greater) allowed for front yard parking. This applies only to corner lots that have a front yard and a street side yard. The IDO identifies these areas as such, per section 7-1.



## B17 – Maximum Side Setbacks in UC-MS-PT

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Diane Gibson, Trudy Jones

1. On Page 209, Table 5-1-2 add the following footnote to the table for Side Maximum, to “Street side of corner lots: 15 ft”:
  - [ 6. For lots where there are 2 or more street side lot lines, the maximum side setback applies only to one side.]

**Explanation:** This amendment proposes to remove the requirement for a 15 foot maximum side setback on lots with more than 2 street sides, on the additional street side. The IDO has a maximum front setback of 15 feet in UC-MS-PT areas, and a maximum street side setback of 15 feet. However, if a property is bounded by 3 or more streets this can be difficult to accomplish. This revision would not apply Downtown as Downtown is regulated by the Form Based zones. However it would apply in the following locations where it is not uncommon for larger lots to be platted and that have street frontage on at least 3 side:

- Uptown Urban Center
- Volcano Heights Urban Center
- San Pedro Main Street
- Central Avenue Premium Transit
- Broadway Main Street
- 4<sup>th</sup> Street Main Street
- Bridge Blvd. Main Street

## B18 – Variance Criteria

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones, Isaac Benton

1. On page 445, revise Review and Decision Criteria 6-6(N)(3)(a)(1) for Variance – EPC as follows:

There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government [~~eminent domain~~] actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

2. On page 448, revise Review and Decision Criteria 6-6(O)(3)(a)(1) for Variance – ZHE as follows:

There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government [~~eminent domain~~] actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

**Explanation:** This amendment proposes to revise the variance criteria for Variance EPC and Variance ZHE. Under the previous Zone Code, the variance criteria related to government action read:

“There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical

## B18 – Variance Criteria

characteristics created by natural forces or government action for which no compensation was paid;”.

The IDO took a narrower interpretation of “government actions” and limited it to eminent domain. In most cases in Albuquerque, when the City of Albuquerque uses eminent domain, the City provides compensation which therefor narrows the interpretation further. The removal of the text including “eminent domain” widens the applicability for a variance. However, it should be noted that applicants wishing to seek a variance will still need to meet all of the remaining criteria, 2-5, which include:

2. The Variance will not be materially contrary to the public safety, health, or welfare.
3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
4. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.
5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

Note: The IDO Red Line, March 2020 revised these two criteria as follows as part of their revisions for clarity and consistency, per Condition 1 of the EPC:

There are special circumstances applicable to [a single lot] ~~[the subject property]~~ that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, [physical characteristics, natural forces] ~~[and physical characteristics, and such special circumstances were created either by natural forces]~~ or by government eminent domain actions for which no compensation was paid. Such special circumstances of the ~~[lot]~~ [property] either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

## B19 – Window Wraps

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On Page 38, in Subsection 14-16-2-4(E)(3)(f), revise the Mixed-use – Form-based Zone District Regulations for Façade Design as follows:

2-4(E)(3)(f) Façade Design

3. Windows and Doors

a. Ground Floor

[v. For buildings in which over 50 percent of the gross floor area of the ground floor is vacant, a Permit – Temporary Window Wrap may be granted pursuant to Subsection 14-16-6-5(J) for window wraps that meet the requirements of Subsection 14-16-5-11(E)(2)(b)1.d to temporarily obscure transparent windows and/or doors with opaque window wrap.]

2. On page 313, in Subsection 5-11(E)(2)(b)1, add a new Subsection d as follows:

[d. For buildings in which over 50 percent of the gross floor area of the ground floor is vacant, a Permit – Temporary Window Wrap may be granted pursuant to Subsection 14-16-6-5(J) to temporarily obscure transparent windows and/or doors with opaque window wrap.

- i. Any window wrap shall be limited to the portion of the building with a vacant tenant space.
- ii. Any window wrap shall provide at least 1 opening that is 2-feet wide and 1-foot tall between 4 feet and 6 feet above ground for every 20 feet of façade length, or as acceptable to the City Fire Marshal and the Albuquerque Police Department for security and surveillance into the building.
- iii. Potential negative impacts of the temporary window wrap on surrounding properties, as determined by the ZEO, shall be mitigated to the maximum extent practicable.

## B19 – Window Wraps

- iv. Any portion of the window wrap that meets the definition of a sign in this IDO shall meet the requirements of Section 14-16-5-12 (Signs) and requires a Permit – Sign pursuant to Subsection 14-16-6-5(F). ]

3. On Page 349, in Table 6-1-1, insert a new application type for a Permit – Temporary Window Wrap as follows:

Table 6-1-1: Summary of Development Review Procedures															
X = Required    R = Review and/or Recommend    D = Review and Decide    AR = Appeal Review and Recommend AD = Appeal Review and Decision    [ ] = Public Meeting    < > = Public Hearing															
Section	Public Notice					Mtgs.		Review and Decision-making Bodies						Specific Procedures	
	6-4(K)					6-4(B)	6-4(C)	6-2							
Application Type	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff <sup>(1)</sup>	ZHE	DRB	LC	EPC	LUHO	City Council <sup>(2)</sup>	
Administrative Decisions															
Permit – Temporary Window Wrap		X						D					<AR>	<AD>	6-5(J) [new]

4. On Page 418, in subsection 6-5, insert a new application type for a Permit – Temporary Window Wrap as follows:

### **[6-5(J) PERMIT – TEMPORARY WINDOW WRAP**

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-5(J).

#### 6-5(J)(1) Applicability

This Subsection 14-16-6-5(J) applies to requests for a Permit – Temporary Window Wrap in the following areas:

- (a) Any MX-FB zone district in the Downtown Center (DT), pursuant to Subsection 14-16-2-4(E)(3)(f)3.a.v.
- (b) Any Mixed-use or Non-residential zone district in any UC-AC-MS-PT area pursuant to Subsection 14-16-5-11(E)(2)(b)1.d.

#### 6-5(J)(2) Procedure

The applicant shall have the following responsibilities:



## B19 – Window Wraps

6-5(J)(2)(a) Obtain written agreement from the City Fire Marshal and Albuquerque Police Department that the temporary window wrap provides appropriate visibility for security and emergency response.

6-5(J)(2)(b) Provide documentation, as required by the ZEO, that includes, at a minimum, all of the following:

- i. A dimensioned ground floor footprint with vacant tenant spaces indicated.
- ii. Calculations of the total gross floor area of the ground floor, total gross floor area of vacant tenant spaces, and the percentage of vacant tenant spaces.
- iii. A dimensioned elevation detail of the ground floor façade illustrating the proposed window wrap and open portions that provide visibility into the building for health and safety purposes.
- iv. Mitigation measures for the potential negative impacts of the temporary window wrap, as determined by the ZEO.

6-5(J)(2)(c) Obtain a Permit – Sign pursuant to Subsection 14-16-6-5(F) if any portion of the temporary window wrap meets the definition of sign in this IDO.

6-5(J)(2)(d) Provide written permission from the property owner of the subject site (if different than the applicant) for the Permit – Temporary Window Wrap.

6-5(J)(2)(e) If the permit is approved, complete mitigation measures no later than the installation of the temporary window wrap.

6-5(J)(2)(f) If the permit is approved, keep documentation of the Permit – Temporary Window Wrap available onsite for the duration of the temporary permit.

6-5(J)(2)(g) Remove within 5 business days the temporary window wrap on any portion of the ground floor where a vacant tenant space becomes occupied.

6-5(J)(2)(h) Remove the temporary window wrap within 5 business days after the ground floor becomes at least 50 percent occupied or the permit expires, whichever occurs first.

### 6-5(J)(3) Review and Decision Criteria

An application for a Permit – Temporary Window Wrap shall be approved if it complies with all applicable standards in Subsections 14-16-2-4(E)(3)(f) and 5-11(E)(2)(b)1 (Urban Centers, Activity Centers, and Main Street and Premium Transit Areas).]

## B19 – Window Wraps

5. On page 396, Table 6-4-3: Permit and Approval Expirations, add a row for Permit – Temporary Window Wrap with a period of validity as follows:  
[6 months, or until 50% or more of the gross floor area of the ground floor is leased, whichever occurs sooner]

**Explanation:** This amendment proposes to revise the following zoning regulations to add more flexibility for vacant buildings to use temporary wraps of ground floor windows and doors in the Mixed-use Form-based (MX-FB) zone district and in Urban Centers, Activity Centers, Main Streets, and Premium Transit (UC-AC-MS-PT) areas, where there are existing regulations requiring windows to be at least 60 percent transparent.

The proposed amendment to the MX-FB regulations for façade design and UC-AC-MS-PT regulations for building design would allow temporary wraps of ground-floor windows and doors to obscure vacant spaces that may detract from the pedestrian experience. These temporary wraps would have to be removed once a space is occupied to ensure appropriate streetscapes and development form (Comp Plan Goal 7.1), pedestrian-accessible design (Comp Plan Goal 7.2), and placemaking and sense of place (Comp Plan Goal 7.3). Though a wrap may include signage, it would be limited to the amount and type as regulated for any other window sign by IDO Section 14-16-5-12 and through the sign permit process as regulated by Subsection 14-16-6-5(F). A new process would be added to the IDO for review and approval of a new Temporary Window Wrap Permit.

This proposed amendment is drafted at the request of the Mayor and Administration.

**Note:** There is a separate amendment that proposes to revise Section 5-11(E)(2)(b). If that amendment passes, item #2 in this bill proposed on page 313 in Subsection 5-11(E)(2)(b)1 will need to be located appropriately within that revised subsection, as part of the window requirement.

## B20 – **REVISED** Technical Edits

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton, Trudy Jones

1. Revise Exhibit 1 to incorporate all revisions in the attached spreadsheet of technical edits.

**Explanation:** This amendment contains all of the technical edits that the Planning Department has continued to collect since the July 2019 submittal to the EPC of the Annual Update application. The changes incorporated into the attached spreadsheet make clarifications and adjustments that were requested by neighbors, developers, and staff.

**REVISION 08/12/2020:** The attached Exhibit 1 has been updated since the June 10<sup>th</sup> LUPZ in response to issues raised by the community, and further review of the Tech Edits spreadsheet. Explanations for each edit are provided in the spreadsheet. Changes made since June 10<sup>th</sup> are shown in red.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
2 R	1-6(B)	Replace text to read as follows: "The Official Zoning Map of the City is incorporated herein, including the zone districts and zone boundaries as established and shown on <b>the Official Zoning Map</b> . The latest version of the Official Zoning Map as approved or amended by City Council or the Environmental Planning Commission, to the extent authorized by this IDO, is maintained in electronic form by the City Planning Department."	Revised language to make clear that the Official Zoning Map is incorporated into the IDO and that the IDO establishes the limit of EPC's authority to change the zoning map.
79 R	3-4(D)(5)(b)	Revise header as follows for Subsection 2: "Non-residential <u>and Mixed-use Development</u> . Remove mention of R-ML from 2.b. Add a new 1.e as follows and renumber subsequent subsections accordingly: "In the R-ML zone district, façades facing a public street shall change a minimum of every 50 linear feet in height, setback, or material."	Clarifies what rules will apply to mixed-use development consistent with the Downtown Neighborhood Area SDP. Moves rule applying to R-ML to the Residential subsection. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.
79 R	3-4(D)(5)(b)(1)f	Revise as follows: " <u>Regardless of residential building type and zone and regardless of Center or Corridor designation</u> , facades shall meet..."	Clarifies how this provision should be applied. The Building Design standards that are referred to are only for certain multi-family residential buildings. The intent in the CPO is that those Building Design standards should apply to all residential buildings within the CPO, regardless of location in or outside of a Center or Corridor area. There has been some confusion over whether the CPO applicability or the cross-referenced building articulation applicability applies in this CPO. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.

## IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
80 R	3-4(D)(5)(b)(2)d	Revise to require 50 percent, instead of 60 percent, of each ground floor façade to have clear, transparent windows and/or doors.	This change reverts to the regulation adopted in the Downtown Neighborhood Area Sector Development Plan, which was approved by City Council in the adoption of the IDO (see footnote 316 in the 2018 Draft of the Effective IDO archived with footnotes and Amendment W adopted in November 2017). This revision fixes a clerical error that stated the window/door requirement was 60% instead of 50%.
89 R	3-4(G)(3)(a)1.a.	Replace "residential building" with "primary dwellings."	Replaces terminology to use a term that is defined in the IDO. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.
90 R	3-4(G)(3)(a)2	Replace "Multi-family residential buildings" with "Multi-family residential development."	Replaces terminology to use a term that is defined in the IDO. As defined in the IDO, this provision would apply to any building associated with the multi-family use. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
92 R	3-4(G)(5)(e)3	Replace "Multi-family residential buildings" with "Multi-family residential development."	Replaces terminology to use a term that is defined in the IDO. As defined in the IDO, this provision would apply to any building associated with the multi-family use. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.
112 R	3-4(M)(5)(d)4	Replace language in #4 with a cross reference to the new Subsection 5-1(F), which makes this CPO provision apply citywide.	New for 8/12: This provision was added as a citywide rule in the Redline per Subsection 5-1(F), so all that's needed here is a cross reference. Also, these agreements are often done in the form of paper easements, not included on a plat, so "platted and filed" is not the correct term.
115 R	3-5(F)(4)(d)1	Revise as follows: "Primary building entrances shall be oriented toward the sidewalk <u>abutting the façade of the building on the street with the highest vehicular traffic volume.</u> "	This change specifies the "most used street" as the street with the highest vehicular traffic volume. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.
120 R	3-5(J)(3)(a)	Revise as follows: "None, except that 1 off-street loading space <u>that meets the requirements of the DPM</u> shall be provided for each property..."	New for 8/12: The DPM update became effective on June 3, 2020 and includes dimensional requirements for parking spaces. This revision reduces the potential for conflict between the IDO and the DPM as either document is revised in the future. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
121 R	3-5(J)(3)(c)3.b	Revise as follows: The following map illustrates the Sign Sub-area, which contains <u>the area within 150 feet in any direction of the Plaza Park. Different allowable sign types and other standards may apply for any portion of a lot within the Sign Sub-area.</u>	New for 8/12: The intent of the Sign Sub-area was that any regulations should apply to the area within 150 ft. of the Plaza Park. The language in the Redline was revised for consistency with other mapped areas, which inadvertently changed the intent. This revision better matches the intent of O-19-52.
132 R	3-6(E)(3)(c)2.a	Revise as follows: "...For example, 1 foot of additional structure height may be granted for every <del>3 feet to 4 feet of drop in</del> <u>4 foot difference between the ground elevation and from a base elevation established at the top of the escarpment for lots on top of the mesa or at the base of the escarpment for lots below the mesa face (i.e. where the 9 percent slope line begins)...</u> "	This revision clarifies that the base elevation may be at the top or bottom of the escarpment based on the location of the parcel to be developed. Reference to the 9% slope line removed as duplicative of the definition for "escarpment" in the IDO. This is a clarification to a small area regulation that can be approved legislatively as part of the 2019 Annual Update.
152 R	4-3(C)(2)	Add a new use-specific standard for daytime gathering facility as follows: "If this use is located on the same premises as an overnight shelter, the premises must meet any use-specific standard in this Subsection 14-16-4-3(C)(2) and in Subsection 14-16-4-3(C)(7) (Overnight Shelter).	Revision to provide clarity and distinction between daytime gathering facility and overnight shelter uses. These uses may collocate on one site, but would need to meet all of the appropriate distance separations applicable to both uses.
153 R	4-3(C)(7)	Add a new use-specific standard for overnight shelter as follows: "If this use is located on the same premises as a daytime gathering facility, the premises must meet any use-specific standard in this Subsection 14-16-4-3(C)(7) and in Subsection 14-16-4-3(C)(2) (Daytime Gathering Facility).	Revision to provide clarity and distinction between daytime gathering facility and overnight shelter uses. These uses may collocate on one site, but would need to meet all of the appropriate distance separations applicable to both uses.
155 R	4-3(C)(9)a	Replace "incidental uses" with "incidental activities."	Revision for consistency with terminology used in the IDO.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
156 R	4-3(D)(3)(c)	Revise the General Agriculture Use-specific standard as follows: "Any building, pen, or corral for agricultural animals or birds is prohibited within <u>20</u> feet in any direction of any residential dwelling <u>on the subject property or on any adjacent lot.</u> "	This edit clarifies that the distance from animal pens is applied to residential dwellings on any property, and also revises the distance from 50 feet to 20 feet to better match the old zoning code provision. This distance is also more reasonable for smaller lots to allow for the use, while also protecting the health and safety of residential dwellings in proximity to animal related uses.
162 R	4-3(D)(17)(l)	Add "front" before "setback" to specify the intended location for a building next to public street.	Removes ambiguity of which setback this provision applies to. The intent is that the retail building is at the front setback to activate the street. Without this clarification, the maximum setback applies to all property lines, which would require the building to be as big as the lot, which is not the intent.
163 R	4-3(D)(18)(a)	Revise as follows: "Storage of inoperative vehicles outside of the fully enclosed portions of a building is limited to 2 vehicles at any <u>time, which may not be parked for more than</u> 14 calendar days in a 1-year period."	Removes ambiguity about whether an inoperative vehicle can be parked under a canopy (by definition in a building) for longer than 14 calendar days.
164 R	4-3(D)(21)(b)	Add "accessory or" before "temporary uses."	This change would allow the operation of food trucks in paid parking lots where that use is allowed. In the existing language, the use-specific standard for paid parking lots allows temporary uses, but not accessory uses. (Food trucks are considered an accessory use in the IDO.)
201 R	4-3(G)(2)(f)	Revise to add: "and location of agreed upon access point(s)" in the list of required items to be specified in the written permission.	Ensures that the property owner granting permission for off-site construction staging also agrees to the access point for construction vehicles.
202 R	4-3(G)(9)	Revise to read: "...will not exceed 45 consecutive days in a calendar year."	Clarifies the time limit of a temporary use.



# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
203 R	5-1(A)	The regulations in this Section 14-16-5-1 are established to regulate the size, scale, and location of development throughout the city <u>to maintain appropriate scale and character for each zone district. In particular, this Section 14-16-5-1 provides contextual standards to ensure that any new low-density residential development reinforces the scale and character of residential areas in Areas of Consistency designated in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.</u>	The existing purpose statement only refers to residential development, but this Section covers all zone districts. Revised to maintain reference to contextual standards, but make the purpose more general to better match the Section content.
217 R	5-2(G) [new]	Add a new subsection with map of the valley area between Broadway Blvd. and Rio Grande and refer to specific drainage requirements in the DPM for this area. See Exhibit for proposed map.	The updated DPM includes specific drainage requirements for the land east of the Rio Grande and west of Broadway Blvd. The DPM update became effective on June 3, 2020.
218 R	5-2(H)(2)(a)1.	Add the following to the end of this subsection: "Existing vegetation on the Official Albuquerque Plant Palette may count toward satisfying the requirements of Subsection 14-16-5-6(C)(2) (Minimum Landscape Area) with approval from the Open Space Superintendent. Plant selection and location is subject to approval by the Open Space Superintendent."	Clarifies that the Open Space Superintendent has some discretion over the layout and plantings within the landscape buffer that substitutes a single-loaded street.
224 R	5-3(D)(3)(b)4	Replace text as follows: "Walkways shall be installed along any street-facing façade with a pedestrian entrance of a building containing any of the following development: a. Mixed-use or non-residential development in any Mixed-use zone district. b. Development of uses in the Civic and Institutional or Commercial categories in Table 4-2-1 in any Non-residential zone district."	Revision in the Red Line based on EPC Tech Edits inadvertently removed a provision that excluded multi-family residential development from this walkway requirement. This revision reinstates that exclusion by clarifying that it only applies to mixed-use or non-residential development. This revision also re-organizes the content for clarity.

## IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
232 R	5-4(F)(1)(b)	Add the following: "Grading in a Special Flood Hazard Area (i.e. flood zones or FEMA's Zone A designation) requires an approved grading and drainage plan, a Floodplain Development Permit, and applicable financial guarantees for permanent public improvements, pursuant to the DPM."	Adding reference to a requirement that exists in the DPM.
236 R	5-4(K)(8)	Replace with the following language and delete Subsections (a)-(c): "Utility easements may be required along any lot line, with some exceptions for water and sanitary sewer easements, as specified in the DPM."	Removes language in the DPM update to avoid conflict. The DPM update became effective on June 3, 2020.
254 R	Table 5-5-5	Revise table to require 3 bicycle parking spaces per classroom in elementary, middle, and high schools and to require 3 bicycle parking spaces per 1,000 sq. ft. GFA for vocational schools.	In the development of the IDO, most parking requirements that referenced design capacity were revised to refer to more consistent measurements, such as gross floor area or number of dwellings/rooms. The bike parking requirements for schools were never revised accordingly to accomplish this. The proposed parking requirements are consistent with the existing requirements, converted to refer to number of classrooms for K-12 schools and to gross floor area for vocational schools, consistent with the automobile parking references.
255 R	5-5(F)(1)(a)7	Add "conservation development" so that required parking spaces must be located on the same lot as the residential use they serve.	Requires that parking be located on the same lot as the residential dwelling for consistency with cluster development requirements. If Conservation Development is removed during the adoption process this tech line should not be implemented.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
271 R	5-6(C)(5)(c)	Revise as follows: The use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of <u>any landscaped area</u> , or 50 percent in DT-UC-MS areas.	Replacing the term "outdoor space" with "landscaped area" to use consistent terminology throughout this Section.
274 R	5-6(C)(13)(d)	Remove reference to sidewalks from this provision.	Sidewalks are only in the public right-of-way, so they shouldn't be in any landscaped area. (The term "walkways" is used for paths on private property.) The City also generally requires any to sidewalks to be built to meet City specifications in the DPM. Given these considerations, sidewalks shouldn't be part of any landscaped area.
286 R	5-6(G)(3)(e)	Revise language to read as follows: "... screened from view by an opaque decorative wall or fence at least 6 feet tall <u>but no more than 8 feet tall</u> that incorporates..."	New for 8/12: Responds to public comment requesting that up to 8 foot tall screening walls be allowed by right. Without this language, a variance to provide a screen wall taller than 6 feet would be required.
290 R	5-7(D)(2)	In Residential corner illustration, revise to say that <10 ft. from lot line has to be 3 ft. and you can go up to 6 ft. more than 10 ft. from lot line.	Existing graphic for Residential corner reflects a design that would require a Wall Permit - Major. New graphic will better reflect the wall that can be built through an administrative Wall Permit - Minor.
306 R	Table 5-10-1	Revise table to more accurately reflect the calculation described in Subsection 5-10(C). See exhibit for the recommended table.	The building heights in the existing table are calculated based on the requirements in the old zoning code and were not updated when the calculation was adjusted in the IDO.
361 R	6-3(B)	Replace "apply" with "prevail" for consistency with IDO terminology.	Revises language for consistency with IDO terminology.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
361 R	6-3(D)	Revise to require the Planning Department to submit Annual Updates for an EPC hearing in December instead of in September.	EPC submittal deadline is 6 weeks before the hearing date. Currently, the submittal deadline for the September hearing falls in July, which is when City Council typically has a recess. The proposed hearing date of December has a submittal date in October. R-20-27 proposes the schedule of Community Planning Area assessments. This Annual Update submittal schedule is aligned with that schedule to allow for a team of Long Range Planning staff to develop the list of Annual Update items each year in the fall and provide opportunities for public input on that list before submitting in October.
370 R	6-4(E)(1)(d)	Revise to: "At least 51 percent of the property owners in a proposed small area who agree in writing to the request to create a new small area with area-specific regulation(s). This process does not apply to new APO or an HPO zone."	Clarifies the language and adds that new Airport Protection Overlay (APO) zones cannot be requested by petition.
370 R	6-4(E)(3)	Revise as follows: "An application to amend the text of this IDO may be submitted by the City or by any resident or property owner in the city."	Revises this language to be consistent with the provision above about the ABC Comp Plan.
401 R	6-4(X)(2)(a)10	Delete this provision as unnecessary.	The provision to be deleted refers to Site Plan - DRB for IDO sections that DRB has purview over, but the amendment might not be to a site plan. Amendments beyond minor would be processed as major (i.e. go back to original decision-making body. The idea that exceptions to these sections is covered by Subsection 6-4(X)(1)(a)1.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
multiple	6-5 6-6	Add the following review and decision criteria to Subsections 6-5(H)(3), 6-6(I)(3), and 6-6(J)(3): "If the project site is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the project site is in."	Clarifies that a Master Development Plan standards apply to all properties within the Master Development Plan, even if the property is not zoned NR-BP. Complements the provisions added in the Redline draft about zone changes to properties within a Master Development Plan (Subsections 6-7(G)(2)(d)2 and 6-7(H)(2)(g)2).
407 R	6-5(B)	Move Declaratory Ruling content to Subsection 6-4(R). Reorganize as needed to fit structure of that Subsection. Delete the relevant row in Table 6-1-1.	Moves this provision to general standards in 6-4(R). Unlike Specific Procedures in the IDO, declaratory rulings clarify IDO standards, but the procedure is not used for development review and does not have a set of applicability or decision criteria.
409 R	6-5(D)	Move Landfill Gas Mitigation Approval content to Subsection 6-4(R). Reorganize as needed to fit structure of that Subsection. Delete the relevant row in Table 6-1-1.	Moves this provision to general standards in 6-4(R), which contains approvals that either aren't reviewed by the Planning Department or aren't generally reviewed based on IDO standards.
416 R	6-5(H)(2)	Add "typically" before "submitted."	Most Site Plan - Admin applications are part of a building permit, but not all. Applications for changes to a parking lot would require review as Site Plan - Admin but would not require a building permit, since no building is implicated.
419 R	6-6(A)(2)(c)	Delete Subsection 6-6(A)(2)(c), including subsections 1 and 2.	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Related to Tech Edit that would prohibit variances or waivers on a lot with a conditional use. See also related changes for conditional use procedure in Subsection 6-6(A) and Variance/Waiver procedures in Subsections 6-6(N), 6-6(O), and 6-6(P).

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
419 R	6-6(A)(3)(b)	Revise to read as follows: "It complies with all applicable provisions of this IDO <u>without the need for a Variance or Waiver</u> , including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM <u>without the need for a Waiver</u> ; other <u>relevant</u> adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property."	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Prohibits variances or waivers on a lot with a conditional use. See also related change for Variance/Waiver procedures in Subsections 6-6(N), 6-6(O), and 6-6(P).
432 R	6-6(I)(1)(c )	Add "conservation development" so that an applicant can request DRB review.	Allows an applicant to request DRB approval, since many conservation developments will need DRB review for platting actions. If Conservation Development is removed during the adoption process this tech line should not be implemented.
444 R	6-6(N)(2)(c)	Delete entire subsection, as it is related to allowing Variances on lots with a conditional use.	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Related to Tech Edit that would prohibit variances or waivers on a lot with a conditional use. See also related changes for conditional use procedure in Subsection 6-6(A) and Variance/Waiver procedures in Subsections 6-6(N), 6-6(O), and 6-6(P).
444 R	6-6(N)(3)(a)4 [new]	Add a new Subsection, renumbering subsequent subsections accordingly, to read as follows: <u>"The Variance is not requested on a lot where any of the following apply:</u> <u>a. An approved conditional use exists on the lot.</u> <u>b. A Conditional Use Approval has been granted within the past year.</u> <u>c. An application for a Conditional Use Approval is being reviewed and decided pursuant to Subsection 14-16-6-6(A)."</u>	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Prohibits variances on a lot with a conditional use. See also related change for conditional use procedure in Subsection 6-6(A).

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
447 R	6-6(O)(2)(a)	Delete entire subsection, as it is related to allowing Variances on lots with a conditional use.	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Related to Tech Edit that would prohibit variances or waivers on a lot with a conditional use. See also related changes for conditional use procedure in Subsection 6-6(A) and Variance/Waiver procedures in Subsections 6-6(N), 6-6(O), and 6-6(P).
447 R	6-6(O)(3)(a)4 [new]	Add a new Subsection to read as follows: "The Variance is not requested on a lot where any of the following apply: a. An approved conditional use exists on the lot. b. A Conditional Use Approval has been granted within the past year. c. An application for a Conditional Use Approval is being reviewed and decided pursuant to Subsection 14-16-6-6(A)."	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Prohibits variances on a lot with a conditional use. See also related change for conditional use procedure in Subsection 6-6(A).
448 R	6-6(O)(3)(c)	Revise 300 ft to 330 for consistency with other measurements throughout the IDO.	The IDO uses fractions of a mile for many measurements to relate to what people can generally walk within a certain number of minutes on average. 330 feet = 1/16th of a mile, or about a 2-3 minute walk.
449 R	6-6(P)(2)(c)	Delete entire subsection, as it is related to allowing Waivers on lots with a conditional use.	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Related to Tech Edit that would prohibit variances or waivers on a lot with a conditional use. See also related changes for conditional use procedure in Subsection 6-6(A) and Variance/Waiver procedures in Subsections 6-6(N), 6-6(O), and 6-6(P).

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
449 R	6-6(P)(3)(d) [new]	Add a new Subsection 6-6(P)(3)(d), renumbering subsequent subsections accordingly, to read as follows: "The Waiver is not requested on a lot where any of the following apply: a. An approved conditional use exists on the lot. b. A Conditional Use Approval has been granted within the past year. c. An application for a Conditional Use Approval is being reviewed and decided pursuant to Subsection 14-16-6-6(A)."	New for 8/12: Rejects EPC recommendation in Conditions #46 and 47. Prohibits Waivers on a lot with a conditional use. See also related change for conditional use procedure in Subsection 6-6(A).
490 R	7-1	Business Hours [new] Add the following definition: "The published hours that an establishment is open to the public. See also Operating Hours."	The IDO uses ther terms "business hours," "regular business hours," "operating hours," and "hours of operation". This revision defines two terms to cover the different connotations and replaces the different terms with the appropriate defined term.
492 R	7-1	City Revise the first sentence to add the following phrase, "pursuant to the City Charter."	Adds reference to the City Charter as the document that establishes the local government.



# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
495 R	7-1	<p>Daytime Gathering Facility</p> <p>Revise the definition as follows:</p> <p>A premises used to provide social services to those in need <u>for a period of less than 24 hours</u>, for no fee or compensation, or at a fee recognized as being significantly less than charged by for-profit organizations. Services may include, but are not limited to, information and referral services; ambulatory medical services; counseling; skill development; aid through the provision of food or clothing; life skill and personal development programs; alcohol, drug, or substance abuse counseling; and drop-in or activity space. <u>Any such facility open to clients between 7:00 A.M. and 10:00 P.M. is considered a daytime gathering facility, while a facility providing similar services but open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter. A facility open to the public during both time periods is considered to have both uses on the property. See also Community Residential Facility, Group Home, and Overnight Shelter.</u></p>	Revision to provide clarity and distinction between daytime gathering facility and overnight shelter uses. These uses may collocate on one site, but would need to meet all of the appropriate distance separations applicable to both uses. In addition, revisions to definitions clarify the duration of time that clients may be served for either use in order to distinguish between these uses and community residential facility and group home.
495 R	7-1	<p>Development Definitions</p> <p>Any activity that alters the ground <u>or lot lines for</u> a property.</p> <p>Development may include <u>subdivision of land</u>; construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land for such construction or installation, such as grading.</p>	Clarifies that development may include subdivision of land in addition to any physical alteration of the land or buildings.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
502 R	7-1	Family Revise 6. to read as follows: "Any group of no more than 5 <u>unrelated</u> persons living together in a dwelling <u>that do not meet the definition of group home</u> ." Fix numbering so that it starts with 1. Add "See also <i>Group Home</i> ."	New for 8/12: Related to reversal of EPC's recommendation to change the definition of "Group Home" to apply to unrelated people receiving services.
505 R	7-1	Group Home Revise the definition of Group Home, Small to read: "A facility housing no more than 8 unrelated individuals..."	New for 8/12: Reverses EPC's recommendation to change the definition to avoid conflicting with the definition of "Family," which is 5 unrelated individuals. Receiving and providing services would be the distinguishing factor between these 2 definitions.
512 R	7-1	Manufacturing Definitions In the definitions for each manufacturing use (artisan, heavy, light, and special), clarify that these uses include incidental wholesaling of products manufactured at the facility.	Clarifies that manufacturers may wholesale products produced at the facility, even if wholesaling and distribution are not otherwise allowed in the applicable zone district.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
514 R	7-1	<p>Measurement Definitions Building Height Revise to read as follows: "The vertical distance above the <u>average finished grade, unless specified otherwise in this IDO</u>, at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. On a stepped or sloped <u>project site</u>, the maximum height is to be measured above average finished grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building, <u>unless specified otherwise in this IDO</u>. See also Building, Building Height Bonus, Finished Grade, and Measurement Definitions for Grade and Ground Floor Clear Height.</p>	New for 8/12: Responds to public comment seeking clarity about what happens on a sloped or stepped site.
520 R	7-1	<p>Operating Hours [new] Add the following definition: "The hours during which employees are scheduled to be working in an establishment, which may extend beyond the business hours of the establishment. See also Business Hours."</p>	The IDO uses the terms "business hours," "regular business hours," "operating hours," and "hours of operation". This revision defines two terms to cover the different connotations and replaces the different terms with the appropriate defined term.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
523 R	7-1	<p>Overnight Shelter</p> <p>Revise the definition as follows:</p> <p>A facility that provides sleeping accommodations for 6 or more persons <u>for a period of less than 24 hours</u> with no charge or a charge substantially less than market value; it may provide meals and social services. <u>Any such facility open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter, while a facility providing similar services but open to clients between 7:00 A.M. and 10:00 P.M. is considered a daytime gathering facility. A facility open to the public during both time periods is considered to have both uses on the property. See also Community Residential Facility, Daytime Gathering Facility, and Group Home.</u></p>	Revision to provide clarity and distinction between daytime gathering facility and overnight shelter uses. These uses may collocate on one site, but would need to meet all of the appropriate distance separations applicable to both uses. In addition, revisions to definitions clarify the duration of time that clients may be served for either use in order to distinguish between these uses and community residential facility and group home.
529 R	7-1	<p>Self-storage</p> <p>Add the following sentence to the end of the definition:</p> <p>"Storage areas provided for renters of residential dwellings on the same premises are not considered self-storage. See also Other Use Accessory to a Residential Primary Use."</p>	Removes ambiguity about whether garages associated with an apartment or townhouse owner would be considered self-storage. Clarifies that storage areas for residential uses are included in "Other Use Accessory to a Residential Primary Use."
536 R	7-1	<p>Street Definitions</p> <p>Where it appears, revise reference to Mid-region Council of Governments (MRCOG) Long Range Roadway System Map to read:</p> <p>"Mid-region Council of Governments (MRCOG) Long Range Roadway System Map in the Long Range Transportation System Guide of the Metropolitan Transportation Plan or a logical geographic extension of that street as determined by the City Engineer."</p>	New for 8/12: Responds to public comment seeking clarity about what document will be used as the basis of street classifications.

# IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
537 R	7-1	Street-facing Façade Add the following phrase after "street" in the first sentence: ", not including alleys, unless specified otherwise in this IDO"	The definition of "street" was revised by the EPC Tech Edits to include alleys, but that change was not incorporated into this term. The way this term is used in the IDO, it is referring to streets only, and not alleys, unless specified.
538 R	7-1	Subdivision Add a new 2 as follows: The process of consolidating 2 or more lots for the purpose of sale or development.	Clarifies the definition of subdivision to include consolidation.
539 R	7-1	Transit Definitions Peak Service Frequency Add ", or combination of paired routes that act as one route," after "...for the most frequent route."	ABQ Ride has some paired routes that act as one route for all or the majority of the route distance (ex. the 140 and 141 along San Mateo Blvd.). This revision clarifies that, for those routes, the parking reductions associated with peak transit frequency should apply to the two combined routes, as opposed to one or the other.
548 R	7-1	Zone Definitions Overlay Zone Add that Airport Protection Overlay zones also have no minimum size.	Airport Protection Overlay zones are not intended to have size limits, as they are usually tied to federal requirements.

## IDO Annual Update 2019 - LUPZ Technical Edits

Revised for August 12, 2020 Hearing

Redline Page	Redline Section	Change / Discussion	Explanation
Multiple	Multiple	Revise the following Subsections to refer to "business hours" 4-3(F)(11)(h)1 5-5(C)(5)(b)1 Table 5-12-3 ("revise to "outside of business hours") 6-4(M)(3)(b)5 Revise the following Subsections to refer to "operating hours" 3-5(J)(3)(d)2.a 4-3(F)(11)(h)1 4-3(F)(14)(c)4 6-5(F)(2)(b) and (c)	For consistency with the revisions in this list that add definitions for the terms "business hours" and "operating hours" for clarity and consistency.

## B21 – REVISED Cumulative Impacts

### LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. In Part 7, Definitions, of the IDO add the following definition in proper alphabetical order:

[Cumulative Impacts: The environmental and community health impacts that result from the incremental effects of industrial and certain commercial developments when considered in conjunction with other past and present development]

2. In part 6-4, General Procedures, of the IDO add the following text to the most appropriate section and renumber subsequent sections, if necessary:

[Cumulative Impacts Study Requirements

1. A Cumulative Impacts Study is required prior to approval of any Site Plan for any development that meets all of the following criteria:

- a. The subject property is within the following mapped area [Insert map of area that is within ½ mile of the BNSF railway and within ¼ mile of the Sawmill spur.]
- b. The subject property is within ¼ mile of a Residential zone district or a lot containing a residential use in any Mixed-use zone district.
- c. Any of the following uses identified in Table 4-2-1 are proposed:
  - i. Car Wash
  - ii. Heavy Vehicle and equipment sales, rental, fueling, and repair
  - iii. Light vehicle fueling station
  - iv. Light vehicle repair
  - v. Light vehicle sales and rental
  - vi. Airport
  - vii. Freight terminal or dispatch center
  - viii. Helipad
  - ix. Railroad yard
  - x. Transit facility
  - xi. Light Manufacturing
  - xii. Heavy Manufacturing
  - xiii. Natural resource extraction

## B21 – REVISED Cumulative Impacts

- xiv. Special manufacturing
- xv. All uses in the Waste and Recycling category
- xvi. All uses in the Wholesaling and Storage category

d. The subject property is within 660 feet of another use described in 1(c), above.

3. Add a new use-specific standard to all applicable uses as outlined in section 2 of this amendment that reads:

[A Cumulative Impact Study may be required at the time of application submittal, pursuant to Subsection 14-16-6-4(X).]

4. In section 6-5(H) – Site Plan – Admin, add a new Subsection 6-5(H)(1)(b) under the Applicability section as follows:

[Development that requires a Cumulative Impact Study pursuant to Subsection 14-16-6-4(X) requires a Site Plan – EPC pursuant to Subsection 14-16-6-6(J).]

5. In section 6-6(J) – Site Plan EPC, add the following text under the Applicability section:

[7. Any application requiring a Cumulative Impact Study pursuant to Subsection 14-16-6-4(X).]

6. In Section 6-6(J)(3) Review and Decision Criteria, add the following text:

[6-6(J)(3)(f) If applicable, the Cumulative Impact Study adequately identifies mitigation efforts to be incorporated into the Site Plan for all environmental impacts outlined in the report. The proposed development will not create material adverse impacts on water ~~or air~~ quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, or other nuisances, including but not limited to dust, lighting, and odors without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.]

**Explanation:** The purpose of this amendment is to insert a new procedure related to Cumulative Impacts. The concept of Cumulative Impacts is that there should be consideration for incremental effects created by development types of the same category in a similar area. Over time, these effects (such as pollution, traffic, stormwater runoff, etc.) can be burdensome on nearby communities when stacked on top of each other.

Some communities in Albuquerque bear the burden of being in proximity to uses like large factories, processing plants, and junkyards more than others. This new procedure will help these communities by requiring the property owner to identify when their



## B21 – REVISED Cumulative Impacts

proposed use will be adding to a variety of other uses who may provide unsafe conditions. This requirement will only be required for new uses in the Motor Vehicle, Transportation, or Industrial use categories. Uses in those categories are:

- Car Wash
- Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair
- Light Vehicle Fueling Station
- Light Vehicle Repair
- Light Vehicle Sales and Rental
- ~~Outdoor Vehicle Storage~~
- ~~Paid Parking Lot~~
- ~~Parking Structure~~
- Airport
- Freight Terminal or Dispatch Center
- Helipad
- ~~Park and Ride Lot~~
- Railroad Yard
- Transit Facility
- ~~Artisan Manufacturing~~
- Light Manufacturing
- Heavy Manufacturing
- Natural Resource Extraction
- Special Manufacturing
- Drainage Facility
- Recycling drop-off bin facility
- Solid waste convenience center
- Salvage yard
- Waste and/or recycling transfer station
- Above-ground storage of fuels or feed
- Outdoor storage
- Warehousing
- Wholesaling and distribution center

For many of these uses, an Air Quality Permit is required from the Environmental Health Department. This effort to assess cumulative impacts isn't duplicative of what Environmental Health's processes are as the criteria and reviewing body will be different. The Environmental Health Department is only required to assess what the federal government, through the Environmental Protection Agency, tells them to assess. Approaching this issue from a land use perspective and inserting it into the land use approval process allows the City to contemplate impacts beyond what the Environmental Health Department is responsible for.

Overall, this amendment will do the following:

1. Create a definition of "Cumulative Impacts" in the IDO
2. Identify certain land uses that, when combined with other certain land uses, can create hazards to nearby residential development.
  - a. New land uses under the identified categories in proximity to other uses in the identified categories and in proximity to residential development will be required to complete a Cumulative Impact Study (see details below).
3. Any development requiring a Cumulative Impact Study will be required to be review and approved by the Environmental Planning Commission (EPC).
4. The EPC will have a new review and decision criteria related to the Cumulative Impact Study.

The Planning Department and the Environmental Health Department are hereby directed to create a Cumulative Impact Study form for applicants. This form shall, at a

## B21 – REVISED Cumulative Impacts

minimum, include the following information along with planned mitigation strategies to identify how negative impacts will be avoided:

- Location of the proposed project
- Summary of the proposed project
- List of other uses within 660 feet that fall within the Motor Vehicle, Transportation, or Industrial use categories of Table 4-2 Allowable Uses
- Existing land use at the project site
- Estimated number of truck trips per day
- A list of fuel types to be used for operations
- The name and estimated quantity of any hazardous or toxic materials
- Summary of sewer and stormwater discharge, including volumes
- Estimate of volume of water to be used annually for operations
- ~~List of tons per year of air pollutants~~
- Description of other nuisances, including ~~anticipated dust creation~~, noise, ~~and~~ lighting, ~~and odors~~.

**REVISION 08/12/2020: Updated Amendment** In response to public comment, this amendment has been updated for the August 12<sup>th</sup> LUPZ hearing. The updated amendment makes the following changes:

1. Reduces the geographic applicability of the amendment. The original amendment proposed the cumulative impacts process be applicable city-wide if certain criteria were met. An analysis of the most impacted areas of the City resulted in a map that is associated with the BNSF railway line and the Sawmill Spur. The amendment will now only be applicable to development that meets the other criteria outlined above if the development is occurring within ½ mile of the BNSF railroad or ¼ mile of the Sawmill Spur, which runs west of the BSNF railroad just south of Haines Ave NW to 12<sup>th</sup> Street. This map can be accessed here:

<https://cabq.maps.arcgis.com/apps/View/index.html?appid=8e98f25bfdec4927ab1fe27d148c6d88>

2. Removes some uses the cumulative impacts process would be applicable to. Staff conducted an analysis of all uses originally proposed in the amendment and has refined the list based on the potential impact of the use with consideration of existing use-specific standards and other prohibitions already in the IDO.

Removed uses from the applicability section are: Outdoor Vehicle Storage, Paid Parking Lot, Parking Garage, Park-and-Ride Lot, and Artisan Manufacturing.

**Additional Revision 8/12/20:** This amendment has been changed since it's initial release last week to remove references to air quality to ensure that the proposed Cumulative Impacts process does not interfere with the City's existing efforts towards air quality monitoring, namely the process through Environmental Health related to the issuance of Air Quality permits.

## B22 – Massage Parlors

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Don Harris

1. On Page 168, in subsection 4-3(D)(26), add a new subsection (c) with text as follows:

[4-3(D)(26)(c) The following provisions apply only to massage businesses:

1. Massage businesses are allowed provided that the business complies with all applicable federal, state, and City requirements.
2. It is the burden of the owner of the massage business to ensure that the massage business is and remains continually in compliance with all requirements set forth in State's Massage Therapy Practice Act, §61-12C-1 to §61-12C-25 N.M.S.A. 1978.]

2. On Page 513, in subsection 7-1, add a new definition for "Massage Business" as follows:

[Any business offering massage therapy services pursuant to the State Therapy Practice Act, §61-12C-1 to §61-12C-25 N.M.S.A. 1978. For the purposes of this IDO, massage businesses are treated as personal and business services use. See also *Personal and Business Services*.]

**Explanation:** Because some massage businesses harbor illicit activity such as prostitution and human trafficking, which are unarguably harmful to public health, safety, and welfare, this amendment proposes adding a definition for this business as a Personal Business and Service to bolster enforcement of existing regulations on prostitution and human trafficking and supplement enforcement efforts by the Albuquerque Police Department. The proposed amendment defines massage businesses through reference to state licensure requirements.

## B23 – DRB Criteria

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE  
Land Use Planning & Zoning Committee**

**August 12<sup>th</sup>, 2020**

**COMMITTEE AMENDMENT NO.** \_\_\_\_\_ **TO** **Exhibit 1 to O-20-10**

**AMENDMENT SPONSORED BY COUNCILOR** **Jones**

1. Integrated Development Ordinance Section 14-16-6-6(G)(3) is amended as follows:

**“Review and Decision Criteria**

An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:

- 6-6(G)(3)(a) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.
- 6-6(G)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.
- ~~6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.]”~~

**Explanation:** The Development Review Board is a technical board of city staffers charged with administering various aspects of the City's Development Review Process. This amendment will help keep the standards being applied by the DRB more consistent with a general, ministerial type review, as opposed to a more discretionary, quasi-judicial type review that the EPC may exercise.

## B24 – Edge Buffer Landscaping

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

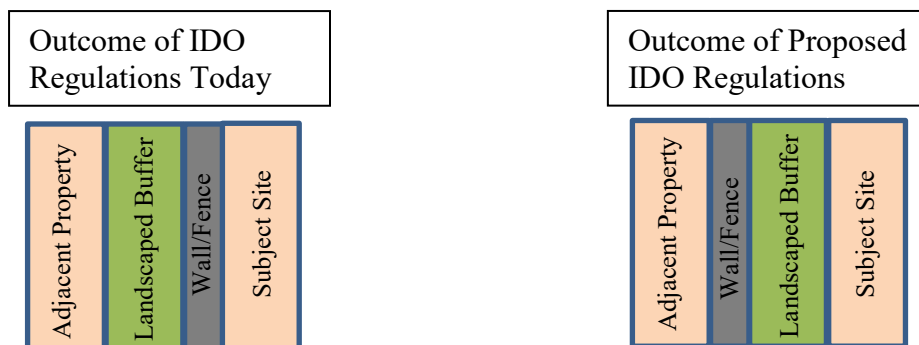
COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

- On Page 277, amend section 5-6(E) as depicted in Exhibit A to this amendment.

**Explanation:** This amendment is new at the August 12<sup>th</sup> LUPZ and is in response to public comment at the June 10<sup>th</sup> and June 24<sup>th</sup> LUPZ meetings. This amendment proposes to revise the section in the IDO related to edge buffer landscaping. The IDO has specific requirements for edge buffer landscaping depending on what the development adjacent to the subject site is and has different standards for development adjacent next to residential, multi-family, mixed-use, non-residential, or industrial development. This amendment makes formatting changes to this section to make it clearer.

Additionally, based on feedback of its implementation in development projects since the effective date of the IDO there is a substantive change to 5-6(E)(1)(b), which regulates where a wall shall be placed when a wall will be used in conjunction with a landscaped buffer. The IDO today would require that the landscaped area be between a wall on the subject site and the adjacent property. This would create a random patch of landscaping outside of the wall on the subject site that may not be maintained. This amendment switches the location of the landscape buffer and the wall, requiring the landscaped area to be inside of the wall on the subject property.



## 5-6(E) EDGE BUFFER LANDSCAPING

### 5-6(E)(1) General Requirements

- 5-6(E)(1)(a) Landscaped [edge] buffers [and/or edge buffer walls] are [required between properties] to mitigate the impacts of significant differences in property use, size, or scale through standards specified in Subsections (2) through (5) below.
- 5-6(E)(1)(b) ~~If a [n landscaped] edge buffer is required and a wall is required or will be provided, the [wall shall be provided on the property line between the two properties, unless specified otherwise required edge buffer area shall be provided on the subject property between the wall and the adjacent lot and maintained by the owner of the subject property].<sup>1</sup>~~
- 5-6(E)(1)(c) ~~[Where there is an existing opaque wall on the property line of the subject property where an edge buffer would be required, any required landscaping shall be substituted with 1 tree at least 8 feet high at the time of planting provided for every 15 feet of street frontage, with spacing designed to minimize sound and light impacts of the proposed development on the abutting property.]~~<sup>2</sup>
- 5-6(E)(1)(d) Required edge buffering is not required to be installed along any portion of the lot line covered by an access easement between adjacent lots, but an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot line, as applicable.
- 5-6(E)(1)(e) For the purposes of this Subsection 14-16-5-6(E), “industrial development” refers to the zone districts and uses indicated in Subsection 14-16-5-6(E)(4)(a) (Industrial Development Adjacent to Non-industrial Development).
- 5-6(E)(1)(f) Additional buffering may be required for specific uses, pursuant to any Use-specific Standards for those uses in Section 14-16-4-3 or Neighborhood Edge standards in Section 14-16-5-9.

**Table 5-6-1: Edge Buffer – Development Type Summary<sup>[1]</sup>**

Development Type	Development Next to	Specific Standards	General Buffering	Buffering in DT-UC-MS-PT
Multi-family, mixed-use, or non-residential	R-A, R-1, R-MC, or R-T	14-16-5-6(E)(2)	Landscaped buffer area ≥15 ft.	Wall, fence, or vegetative screen ≥6 ft.
Mixed-use or non-residential	R-ML or R-MH	14-16-5-6(E)(3)	Landscaped buffer area ≥20 ft.	
Industrial	Non-industrial development	14-16-5-6(E)(4)	Landscaped buffer area ≥25 ft.	

[1] See Subsections 14-16-5-6(E)(2), 14-16-5-6(E)(3), and 14-16-5-6(E)(4) for complete edge buffer standards.

### 5-6(E)(2) Development Next to Low-density Residential Zone Districts

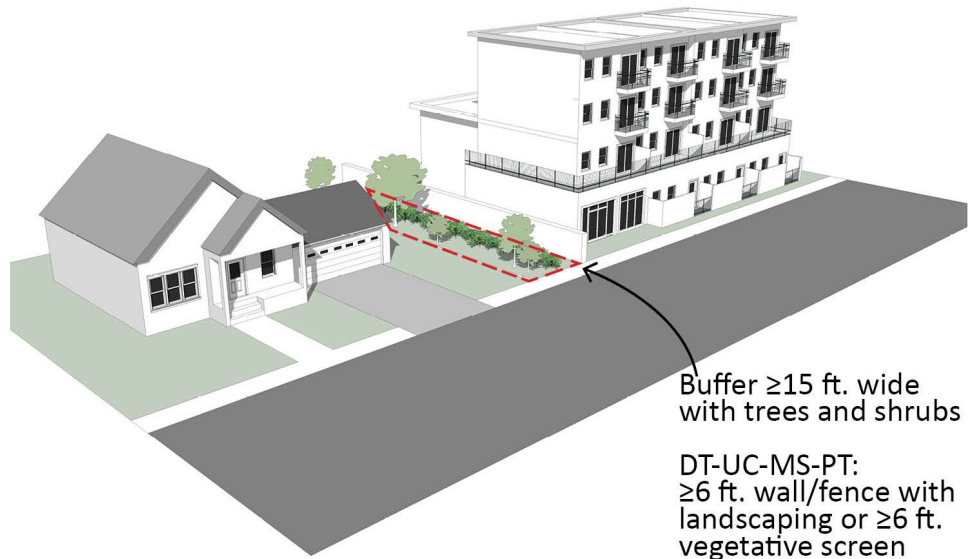
Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot containing low-density residential development in an R-A, R-1, R-MC, or R-T zone district, a [n edge] buffer shall be provided along the lot line, as specified for the relevant area below.

*[Delete figure as no longer accurate or necessary.]*

<sup>1</sup> Added per EPC Condition #1 (Tech Edits).

<sup>2</sup> Added and revised per EPC Condition #1 (Tech Edits) and EPC Condition #29.

Exhibit A to Amendment B24 – Edge Buffer Landscaping



**5-6(E)(2)(a) General**

A landscape [d edge] buffer area at least 15 feet wide shall be provided [on the subject property along the property line between the two properties].

1. [If a wall at least 3 feet in height is provided or exists along the property line between the two properties, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.]
2. [If no wall is provided or exists, 1-~~One (1)~~ tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity, and 3 shrubs, shall be provided [in the landscaped edge buffer area] for every 25 feet [along the lot line of street frontage], with spacing designed to minimize sound, light, and noise impacts.

**5-6(E)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas**

1. [A landscaped edge buffer area at least 6 feet wide shall be provided. For buildings over 30 feet in height, the edge buffer area shall be at least 10 feet wide.]
2. An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided [at the property line between the two properties and all of the following requirements shall be met:
  - a. One (1) tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.
  - b. The side facing the low-density residential development shall be at least as finished in appearance as the side facing the multi-family, mixed-use, or non-residential development.
  - c. If there is an existing wall between the two properties, it may count toward satisfying the requirements of Subsection 14-16-5-6(E)(2)(b)2 if it meets, or is improved to meet, the height and design standards above.

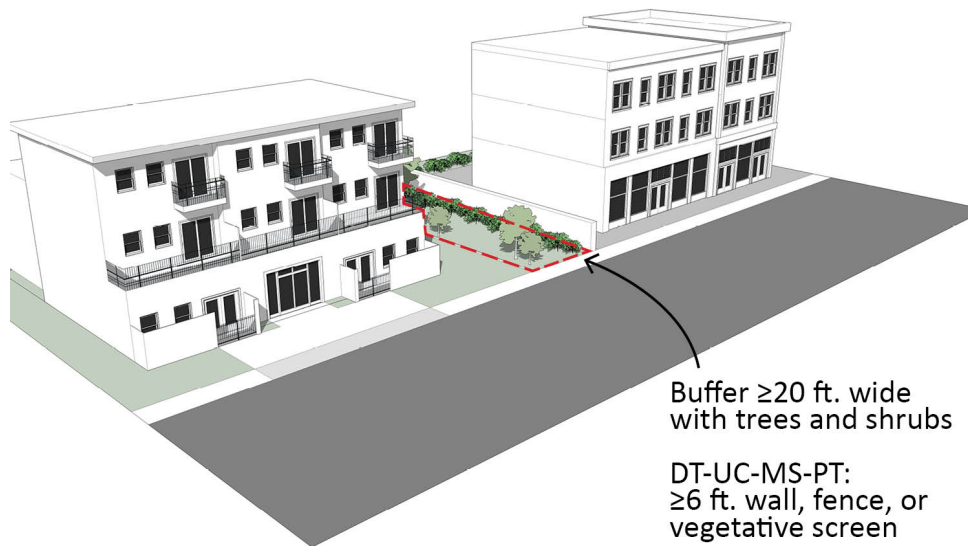


## Exhibit A to Amendment B24 – Edge Buffer Landscaping

- ~~d. The wall, fence, or vegetative screen shall be placed at least 6 feet inside the property line.~~
- ~~e. If a wall or fence is provided, the side facing the R-A, R-1, R-MC, or R-T zone district shall be at least as finished in appearance as the side facing the proposed development. Three (3) small shrubs per 25 feet of street frontage shall be provided between the wall and the property line of the R-A, R-1, R-MC, or R-T zone district.~~
- ~~3. For buildings over 30 feet in height, a landscape buffer area at least 10 feet wide shall be provided. One (1) deciduous tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity shall be provided for every 25 feet of street frontage, with spacing designed to minimize sound, light, and noise impacts.]~~

### 5-6(E)(3) Development Next to a Multi-family Residential Zone District

Where mixed-use or non-residential development other than industrial development occurs on any lot abutting or across an alley from a lot in the R-ML or R-MH zone districts with 1 or more multi-family dwellings, a buffer shall be provided along the lot line, as specified for the relevant area below. *[Delete figure as no longer accurate or necessary.]*



#### 5-6(E)(3)(a) General

[An edge buffer area at least 20 feet wide shall be provided on the subject property along the property line between the two properties.]

1. [If a wall at least 3 feet in height is provided or exists along the property line between the two properties, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.]
2. [If no wall is provided or exists, 1 A landscape buffer area at least 20 feet wide shall be provided on the lot with the mixed-use or non-residential development. One (1)] tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity and 3 shrubs shall be



provided for every 25 feet ~~[along the lot line of street frontage]~~, with spacing designed to minimize sound, light, and noise impacts.

3. ~~[If a wall is constructed in a landscape buffer area next to a multi-family dwelling in any R-ML or R-MH zone district, the wall shall be placed at least 3 feet inside the lot line, and 3 shrubs per 25 feet of street frontage shall be provided between the wall and the multi-family dwelling.]~~

**5-6(E)(3)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas**

An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided ~~[at the property line between the two properties and both of the following requirements shall be met:~~

- a. ~~One (1) tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.~~
- b. ~~The side facing the multi-family development shall be at least as finished in appearance as the side facing the mixed-use, or non-residential development.~~
- c. ~~If there is an existing wall between the two properties, it may count toward satisfying the requirements of Subsection 14-16-5-6(E)(2)(b)2 if it meets, or is improved to meet, the height and design standards above.]~~

~~[If a wall or fence is provided, the side facing the multi-family dwelling shall be at least as finished in appearance as the side facing the mixed-use or non-residential development.]~~

**5-6(E)(4) Industrial Development Adjacent to Non-industrial Development**

**5-6(E)(4)(a) Applicability**

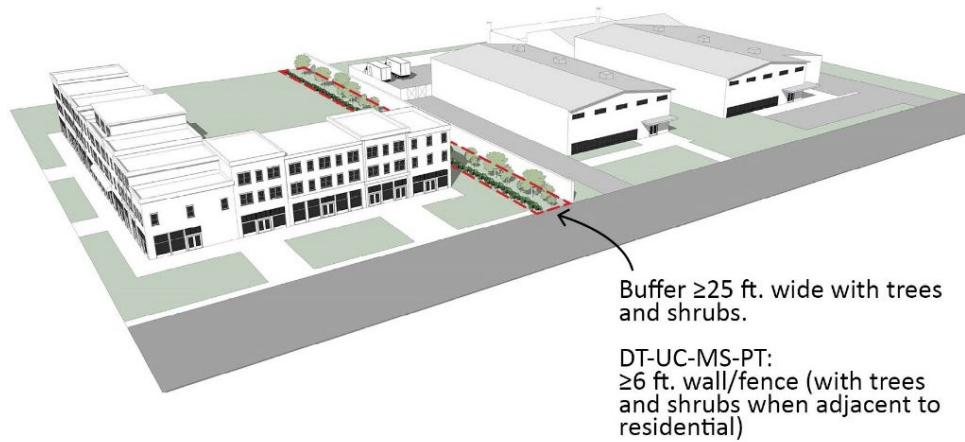
Where a lot with industrial zoning or development is adjacent to a lot with non-industrial zoning or development, as described in Subsections 1 and 2 below, a buffer shall be provided as specified for the relevant areas in Subsections (b) and (c) below. ~~[Delete figure as no longer accurate or necessary.]~~

1. Where any development in an NR-LM or NR-GM zone district is adjacent to any lot that is not in an NR-LM or NR-GM zone district.
2. Where light manufacturing; heavy manufacturing; special manufacturing; natural resource extraction; non-linear portions of an electric utility, **drainage facility**, or other major utility; or any primary use in the Waste and Recycling category in Table 4-2-1 is developed on a lot abutting a vacant lot or a lot with a use other than one of these specified uses.<sup>3</sup>

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<sup>3</sup> Revised per EPC Condition #1 (Tech Edits).

## Exhibit A to Amendment B24 – Edge Buffer Landscaping



### 5-6(E)(4)(b) General<sup>4</sup>

1. A [a landscaped] edge buffer area at least 25 feet wide shall be provided [on the subject property along the property line between the two adjacent properties along the adjacent property line]. For drainage facilities, a landscape[d edge] buffer [area] at least 15 feet wide shall be provided [on the subject property along the property line between the two adjacent properties along the adjacent property line], unless a smaller [edge] buffer area is approved by the City Engineer as necessary on a particular lot.
  - a. [If a wall at least 3 feet in height is provided or exists along the landscaped edge buffer area, one of the following requirements shall be met:
    - i. If the wall is located on the property line, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.
    - ii. Where the edge buffer area is across the street from the lot with non-industrial zoning or development, the wall may be set back from the property line if both of the following requirements are met:
      - a. Landscaping that meets the requirements in Subsection b. below shall be provided between the wall and the street.
      - b. The landscaping shall be maintained by the owner of the subject property.]
  - b. [If no wall is provided or exists, 1 A landscape buffer area at least 20 feet wide shall be provided on the lot with the mixed-use or non-residential development. One (1)] tree at least 8 feet tall at the time of planting and 5 shrubs shall be provided for every 20 feet [along the lot line of street frontage], with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.

<sup>4</sup> Revised per EPC Condition #1 (Tech Edits) and EPC Condition #30.a.

**5-6(E)(4)(c) Downtown, Urban Centers, and Main Street and Premium Transit Areas**

1. An opaque wall or fence at least 6 feet tall shall be provided [on the subject property] along any lot line abutting or across an alley from the non-industrial development.
  - a. [One (1) tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.]
  - b. The side of the wall facing the non-industrial development shall be at least as finished in appearance as the side facing the industrial use.
  - c. [If there is an existing wall between the two properties, it may count toward satisfying the requirements of Subsection 14-16-5-6(E)(4)(c)1 if it meets, or is improved to meet, the height and design standards above.]
  - d. [If the adjacent non-industrial development includes residential uses, the wall shall be placed at least 3 feet inside the property line, and 3 shrubs per 25 feet of street frontage shall be provided between the wall and the adjacent residential use.]
2. [If a wall is constructed in a landscape buffer area abutting any non-industrial use, the wall shall be placed at least 3 feet inside the lot line, and 3 shrubs per 25 feet of street frontage shall be provided between the wall and the abutting non-industrial use.]

## B25 – Planned Development

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

August 12<sup>th</sup>, 2020

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 548, revise the definition for Residential Zone District as follows:

#### **Residential Zone District**

Any zone district categorized as Residential in Part 14-16-2 of this IDO [For the purposes of any Use-specific Standard in Section 14-16-4-3, this includes any lot zoned PD with a Site Plan approved prior to the adoption of this IDO that allows one or more residential uses and that is developed with at least 50% of any residential use.]

**Explanation:** This amendment is in response to concerns raised at the June 24<sup>th</sup> LUPZ and proposes to revise the definition for Residential Zone District to include properties zoned PD that have an approved pre-IDO Site Plan, and are developed with residential use(s). This is intended to ensure that the protections of the IDO for residential uses is extended to those areas that are developed with residential uses, but have PD zoning. These areas with PD zoning, an approved site plan, and developed with residential uses are generally former SU-1 zoned properties and would have been considered residential under the previous zone code.

This definition revision would apply only to the section of the IDO on Use Specific standards (14-16-4-3) as this is the section that uses the phrase “Residential Zone District” to call for different processes, buffers, etc. when in proximity to a Residential Zone District as a protection for developed residential uses. In many instances the Use Specific standards also reference residential uses in a Mixed Use district.

The following uses have a Use Specific standard that references the term Residential Zone District:

- Equestrian Facility
- Kennel
- Adult Entertainment or Adult Retail
- Bed & Breakfast
- Campground or Recreational Vehicle Park
- Carwash
- Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair

## B25 – Planned Development

- Light Vehicle Fueling Station
- Light Vehicle Repair
- Light Vehicle Sales and Rental
- Outdoor Vehicle Storage
- Paid Parking Lot or Parking Structure
- Medical or Dental Clinic
- Personal and Business Services, Small or Large
- Self-storage
- Building and Home Improvement Materials Store
- General Retail
- Helipad
- Railroad Yard
- Natural Resource Extraction
- Wireless Telecommunications Facility
- Agriculture Sales Stand
- Animal Keeping
- Dwelling Unit, Accessory (With or Without Kitchen)
- Home Occupation
- Mobile Food Truck
- Outdoor Animal Run
- Circus

Note that the following uses refer to residential uses in addition to or instead of residential zone district:

- Heavy manufacturing
- Natural Resource Extraction
- Wireless Telecommunications Facility