

City Council Amendments to the Integrated Development Ordinance (IDO) 2019 IDO Annual Update Submitted July 24, 2019		
Amendment	Title	IDO Section(s)
A	Barbed Wire	<ul style="list-style-type: none"> • 5-7 Walls and Fences • 6-8 Nonconformities
B	Cannabis Retail, Cultivation, and Manufacturing Revised Aug.	<ul style="list-style-type: none"> • 4-2 Use Table • 4-3 Use Specific Standards • 7-1 Definitions
C	Civil Enforcement Procedures	<ul style="list-style-type: none"> • 6-9 Violations, Enforcements, and Penalties
D	Cluster Development	<ul style="list-style-type: none"> • 4-3 Use Specific Standards • 7-1 Definitions
E	Contextual Standards	<ul style="list-style-type: none"> • 5-1 Dimensional Standards
F	Cottage Development	<ul style="list-style-type: none"> • 4-3 Use-specific Standards
G	Drive-Through	<ul style="list-style-type: none"> • 5-5 Parking and Loading
H	General Retail Small	<ul style="list-style-type: none"> • 4-3 Use Specific Standards • 7-1 Definitions
I	To the Maximum Extent Practicable	<ul style="list-style-type: none"> • Multiple
J	MX-M Liquor Retail	<ul style="list-style-type: none"> • 4-2 Use Table • 4-3 Use Specific Standards
K	Neighborhood Edge	<ul style="list-style-type: none"> • 5-9 Neighborhood Edge
L	Non-Residential Zone Standards	<ul style="list-style-type: none"> • 5-7 Walls and Fences • 5-11 Building Design
M	North 4th CPO	• Section 3 Overlays
N	NR-C	<ul style="list-style-type: none"> • 4-2 Use Table • 4-3 Use Specific Standards
O	Outdoor Dining	<ul style="list-style-type: none"> • 4-3 Use-specific Standards
P	Primary Building Frontage Requirement	<ul style="list-style-type: none"> • 5-1 Dimensional Standards
Q	Procedures Revised Aug.	<ul style="list-style-type: none"> • 6-4 General Procedures
R	Site Lighting	<ul style="list-style-type: none"> • 5-8 Outdoor Lighting
S	Stub Streets and Cul-de-Sacs	<ul style="list-style-type: none"> • 5-3 Access and Connectivity
T	Transit Parking Reduction	<ul style="list-style-type: none"> • 5-5 Parking and Loading
U	West Central VPO	• Section 3 Overlays

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Pat Davis, City Councilor

SUBJECT: IDO Annual Update Amendment – Barbed Wire Regulations

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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 also 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, including public utility structures, APD, and CABQ Transit who were previously exempt from this provision. This amendment would hold public utilities, APD, and CABQ Transit to the same standard we hold private properties to.

- **Action:**

On Page 276, in section 5-7(E)(1)(c), amend the text as follows:

5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar materials are prohibited in and abutting any Residential or Mixed-use zone district, ~~[Zone district or lot containing a Residential use in any Mixed-use zone district,]~~

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 but shall not be visible from a ~~public street~~, City park or trail or Major Public Open Space. ~~Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.~~

On Page 435, 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 1st, 2023.] ~~[within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner]~~

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Isaac Benton, City Councilor

SUBJECT: IDO Annual Update Amendment – Cannabis Retail, Cultivation, and Manufacturing

DATE: August 30th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

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

Changes depicted by purple text in this amendment reflect clarifying edits that were made after the amendment was submitted to EPC in July but before the September EPC hearing.

- **Action:**

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

Cannabis Retail: A retail sales establishment licensed by the state ~~[selling to sell]~~ cannabis for recreational consumption. ~~[Cannabis retail facilities 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 product, ointments and tinctures.]

In section 7-1 Definitions, amend the definition of General Retail 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.*

Add the following uses to table 4-2-1 Allowable Uses and create new use-specific standards for each use as follows:

- a) 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.
 - b. Add an “A” to the following zones: NR-LM and NR-GM
- b) 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.]
- c) Add the use “Cannabis Cultivation Facility” under the “Manufacturing, Fabrication, and Assembly” sub-section.
 - a. Add a “P” in the following zones: NR-C, NR-LM, NR-BP, and NR-GM
- d) 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 1,000 feet of any school, residential zone district, and child day care facility.
 - c. An air filtration plan approved by the City's Environmental Health Department is required.]
- e) Add the use "Cannabis-infused Products Manufacturing" under the "Manufacturing, fabrication, and assembly" sub-section.
 - a. Add a "P" in the following zones: NR-C, NR-BP, NR-LM, NR-GM
- f) 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 1,000 feet of any school, residential zone district, and child day care facility.
 - c. An air filtration plan approved by the City's Environmental Health Department is required.]

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Don Harris, City Councilor

SUBJECT: IDO Annual Update Amendment – Civil Enforcement Procedures

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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:
 - Uniform Housing Code
 - Angel's Law (Dangerous Dogs)
 - HEART Ordinance (both criminal and civil)
 - Noise Ordinance
- **Actions:**
 - 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.

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 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.

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).]

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Cynthia Borrego, City Councilor and Ken Sanchez, City Councilor

SUBJECT: IDO Annual Update Amendment – Cluster Development

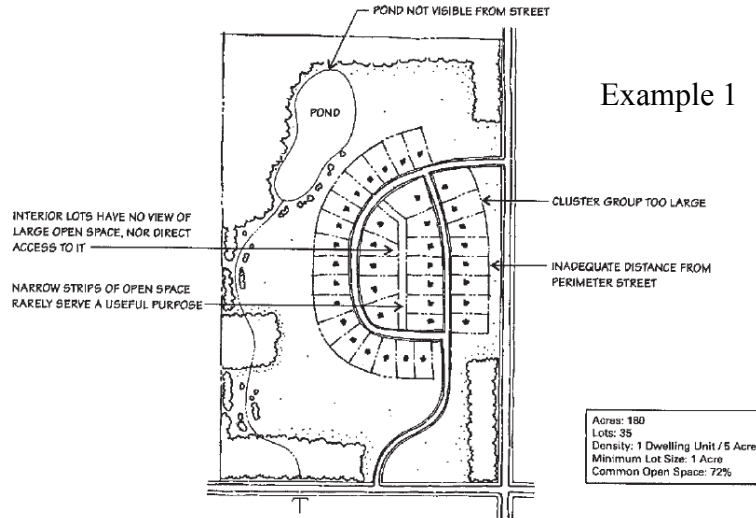
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

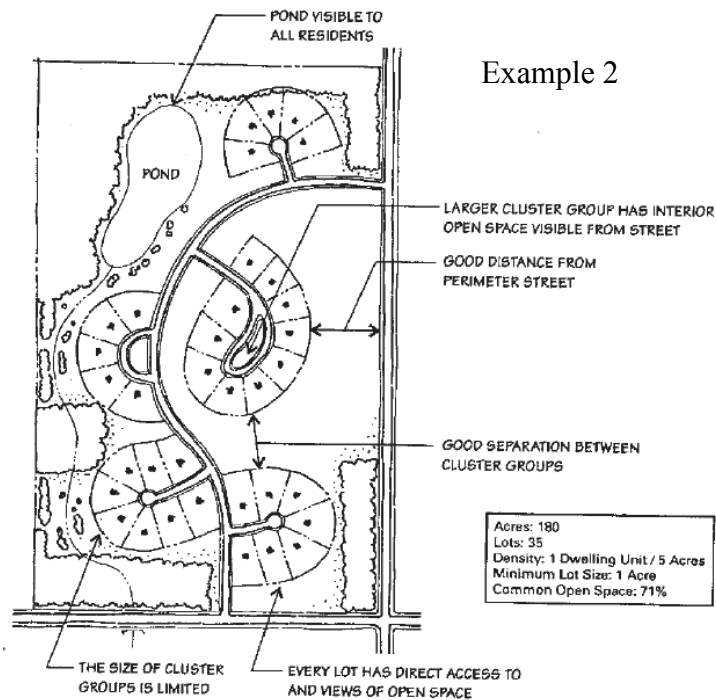
- **Purpose:** The purpose of these proposed amendments is to refine regulations related to Cluster Development to clarify what the City envisions when a property intends to develop under the Cluster Development regulations. First, this amendment proposes to create a new definition for “*cluster groups*”. 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 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:



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

- Action:**

Create a new definition titled, "Cluster Group" in the appropriate section of Chapter 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, Cluster Development.]

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 is limited to 15 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.]

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Isaac Benton, City Councilor

SUBJECT: IDO Annual Update Amendment – Contextual Standards

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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).

- **Actions:** Page 192 Section 5-1(C)(2)(b)1. Revise as follows:

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 that block [,unless the lot is 10,000 square feet or larger and located within UC-MS-PT areas or within 1,320 feet of UC-MS-PT areas, in which case the new low-density residential development may be constructed on a lot 50 percent of the average of the size of such lots.]

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Isaac Benton, City Councilor

SUBJECT: IDO Annual Update Amendment – Cottage Development

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.
- **Actions:** Page 136, Section 4-3(D)(3)(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 minumim project size is reduced to 10,000 square feet.]

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Trudy Jones, City Councilor

SUBJECT: IDO Annual Update Amendment – Drive-through lanes – Revised

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.

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 subsections (b), (c), and (d) address the location of the drive-through service window, order board, and other audible electronic devices.

Note: the text in red notes the changes proposed in the proposed update when this was first presented to the public in April 2019, revisions for this July amendment are shown in blue.

- **Action:**

On page 250, amend Section 5-5(I)(1)(b) and 5-5(I)(1)(f), strike 5-5(I)(1)(e), and create a new 5-5(I)(1)(g) as follows. Renumber subsequent sections as necessary:

- **5-5(I)(1)(b)** 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)(1)(e)** [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]
- **5-5(I)(1)(f)** 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)(1)(g)]** 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.]

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Trudy Jones, City Councilor
SUBJECT: IDO Annual Update Amendment – General Retail Small
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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 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.
- **Actions:**
 - Page 156, Section 4-3(D)(34) 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.]

- Page 159, Section 4-3(D)(35) Grocery Store, revise subsection (b) as follows:
In the MX-L zone, this use is limited to establishments of no more than [30,000] ~~[45,000]~~ square feet of gross floor area.
- Page 464, Section 7-1 Definitions, General Retail, revise the category for General Retail, Small and Medium to read as follows:
 1. **General Retail, Small:** An establishment with no more than [25,000] ~~[40,000]~~ square feet of gross floor area.
 2. **General Retail, Medium:** An establishment of more than [25,000] ~~[40,000]~~ square feet of gross floor area and no more than 50,000 square feet of gross floor area.

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Brad Winter, City Councilor and Ken Sanchez, City Councilor
SUBJECT: IDO Annual Update Amendment – “To The Maximum Extent Practicable”
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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 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.

- **Actions:**

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

Page	Section	Text & Changes	Action
71	3-4(C)(5)(a)	Floodplain All development shall comply with all adopted drainage policies, including restrictions on development in the 100-year floodplain. 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.	Strike the phrase entirely as depicted in red text.
79	3-4(E)(5)(a)3	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.	Amend the language as proposed in red text.
122	3-6(D)(5)(c)	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, to the maximum extent practicable.	Strike the phrase entirely as depicted in red text.
167	4-3(E)(10)(a)3.c	Located on existing vertical structures, including utility poles and public utility structures to the maximum extent practicable.	Strike the phrase entirely as depicted in red text.

Page	Section	Text & Changes	Action
173	4-3(F)(4)(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 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.	Keep "maximum extent practicable language". Add additional criteria after the "maximum extent practicable" language as depicted in underlined red text.
198	5-2(C)(1)	5-2(C)(1)(b) Steep slopes 5-2(C)(1)(c) Unstable Soils 5-2(C)(1)(j) Significant Archaeological Sites	Amend the language as proposed in red text.
198	5-2(C)(1)	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> To the maximum extent practicable, 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	5-2(C)(2)	Street crossings of irrigation ditches and drains shall be minimized <u>avoided.</u> to the maximum extent practicable.	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.

Page	Section	Text & Changes	Action
198	5-2(C)(3)	Street crossings of sensitive lands shall be minimized <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	5-2(F)(5)	Street crossings of acequias shall be minimized <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.
209	5-3(C)(2)(a)	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.	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	5-3(C)(2)(b)	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), to the maximum extent practicable.	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.

Page	Section	Text & Changes	Action
209	5-3(C)(5)(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 to the maximum extent practicable . Access location and design shall be coordinated with City Parks and Recreation Department.	Strike the phrase entirely as depicted in red text.
215	5-3(E)(4)	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 to the maximum extent practicable 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	5-4(E)(1)(c)	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 to the maximum extent practicable .	Strike the phrase entirely as depicted in red text.
219	5-4(F)(2)(b)	Residential lots shall avoid layouts where the rear lot line is adjacent to an arterial or collector street to the maximum extent practicable . 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	5-4(F)(3)(c)	Through lots shall be avoided to the maximum extent practicable.	Strike the subsection entirely and renumber subsequent as necessary.

Page	Section	Text & Changes	Action
220	5-4(H)(2)	To the maximum extent practicable , 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	5-4(J)(1)(b)	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 to the maximum extent practicable . Significant cuts near the edges of proposed new subdivisions to lower the grade within the development shall be avoided to the maximum extent practicable .	Strike the phrases entirely as depicted in red text.
243	5-5(F)(2)(b)3	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, to the maximum extent practicable .	Strike the phrases entirely as depicted in red text.
254	5-6(C)(5)(f)	Permeable weed barriers shall be used to optimize permeability and stormwater infiltration to the maximum extent practicable .	Strike the phrases entirely as depicted in red text.

Page	Section	Text & Changes	Action
257	5-6(C)(13)(c)	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 to the maximum extent practicable in light of any applicable stormwater treatment requirements.	Strike the phrases entirely as depicted in red text.
259	5-6(D)(1)(b)	Trees shall be planted to align with street frontage landscaping on abutting lots to the maximum extent practicable.	Delete this provision entirely, as it conflicts with the Street Stree Ordinance.

Page	Section	Text & Changes	Action
341	6-4(E)(1)(a)	The owner of that property or an agent of the property owner with the written consent of the property owner. 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 extent practicable. In the case that not all of the property owners have consented in writing to the application, or</u> 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.	Amend the language as proposed in red text.
395	6-6(F)(3)(d)	The Master Development Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.	Amend the language as proposed in red text.
396	6-6(G)(3)(c)	The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.	Amend the language as proposed in red text.
397	6-6(H)(1)(b)	<u>4. Any application for development that has not avoided Sensitive Lands per the Sensitive Lands analysis required in Subsection 5-2(C)</u>	Add a new applicability provision as depicted in red text. Re-number subsequent provisions as necessary.

Page	Section	Text & Changes	Action
398	6-6(H)(3)(e)	The application mitigates any significant adverse impacts on <u>the project site and</u> the surrounding area to the maximum extent practicable.	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 hundred (100) 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.

CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Pat Davis, City Councilor
SUBJECT: IDO Annual Update Amendment – MX-M Liquor Retail
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** To revise Table 4-2-1 Allowable Uses to make “Liquor Retail” a Conditional Use in the MX-M zone, unless accessory to a Grocery Store. Liquor Retail is a use that is often incompatible with adjacent land uses. The MX-M zone is mapped on many major corridors within the city, and often in close proximity to sensitive uses such as residential uses. By making Liquor Retail a Conditional Use this would allow for more consideration of whether a liquor retail use is appropriate in each location. A Grocery Store is defined in the IDO as:
An establishment that sells a wide variety of goods organized in departments, including but not limited to fresh produce, meat and dairy, canned and packaged food items, small household goods, and similar items, with more than 50 percent of the gross floor area devoted to the sale of food products for home preparation and consumption. See also *General Retail*.
- **Actions:**
 - Page 132, Table 4-2-1 revise as follows: Replace the P for Liquor Retail in the MX-M zone with C.
 - Page 161, Section 4-3(D)(36)(f), revise as follows: In the MX-M zone district, this use is conditional unless accessory to a grocery store [permissive], except in the following mapped areas, where it is prohibited unless accessory to a grocery store as noted.

CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Isaac Benton, City Councilor
SUBJECT: IDO Annual Update Amendment – Neighborhood Edge
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.
- **Actions:**
 - Page 287, Section 5-9(f)(1) revise as follows and revise the accompanying illustration accordingly:

5-9(F)(1) 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.

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Trudy Jones, City Councilor

SUBJECT: IDO Annual Update Amendment – Requirements in Non-Residential Zones

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.
- **Action**
 - In table 5-7-1 on Page 276, create a new subsection to read:
[In the NR-C or NR-BP zone districts where wall height is restricted to 3 feet by Table 5-7-1, a taller wall up to 6 feet in height is allowed pursuant to the following provisions, except where a taller wall is prohibited pursuant to 5-7(F).
 1. A wall or fence taller than 3 feet must be set back 5 feet from the property line
 2. Any portion of a wall or fence that is taller than 3 feet must contain view fencing of no more than 50% opaque materials.]

- In table 5-7-1 on Page 272, add a new footnote for "Wall in the front or street side yard" as follows: [A wall taller than 3ft. is allowed in the NR-C and NR-BP zone districts pursuant to Subsection 5-7(D)(3)(f).
- **Purpose:** 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 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.
- **Action:** Page 294, 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 a use from the Industrial 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.]

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Trudy Jones, City Councilor
SUBJECT: IDO Annual Update Amendment – NR-C
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.
- **Actions:**
 - Page 132, Table 4-2-1 revise as follows: Replace the C for Construction contractor facility and yard for the NR-C zone with P.
 - Page 153, 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).]

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Pat Davis, City Councilor

SUBJECT: IDO Annual Update Amendment – Outdoor Dining – Revised

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.

Note: the text in red notes the changes proposed in the proposed update when this was first presented to the public in April 2019, revisions for this July amendment are shown in blue.

- **Actions:**
 - Establish an outdoor dining sidewalk encroachment permit that requires the following:
 - An application fee of \$250.00 for a 10 year permit
 - An Annual Fee of \$1.00 per square foot of public right-of-way used on the sidewalk (minimum \$25.00 per year).
 - Certificate of Liability Insurance for \$1,000,000 (million) dollars, with the City as the Certificate Holder
 - Exhibit showing the portion of the public right-of-way to be encroached for the outdoor dining area. The exhibit shall be to scale and shall illustrate how the area maintains 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.

- Revise Page 182, 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 vault.]~~

4. [3.] Before and after the immediately abutting primary business's hours of operation, 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. [After the immediately abutting primary business's hours of operation, 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:

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 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 at least 6 feet in width.

4. Before and after the immediately abutting primary business's hours of operation, 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. After the immediately abutting primary business's hours of operation, 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.]

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Ken Sanchez, City Councilor

SUBJECT: IDO Annual Update Amendment – Primary Building Requirement

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.
- **Action:** On Page 194, 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

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Brad Winter, City Councilor and Pat Davis, City Councilor

SUBJECT: IDO Annual Update Amendment – Procedural Changes – Revised

DATE: August 30th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** The purpose of this proposed amendment is to make various changes to the procedures chapter of the IDO. These changes are intended to make for a more transparent, accessible development process. These changes include directing the Planning Department to create notification forms that applicants will be required to use when sending out neighborhood notification, including outreach to a neighborhood for a meeting request. The purpose of making this process more explicit is to ensure that neighborhood associations and property owners receive notice that contains ample information to understand the request. Currently, the city's website contains examples of what a good notification letter looks like, however these "templates" are not required to be used by any one applicant.

Additionally, this amendment proposes to make changes to the facilitated meeting process. Pre-IDO, there was no process to deny the request for a facilitated meeting from the City. The IDO granted purview over this process to the Planning Director. This amendment proposes to revert this process back to the pre-IDO process, which will allow anyone to request a facilitated meeting from the City.

Note: the text in red notes the changes proposed in the proposed update when this was first presented to the public in April 2019, revisions for this July amendment are shown in blue.

Changes depicted by purple text in this amendment reflect clarifying edits that were made after the amendment was submitted to EPC in July but before the September EPC hearing.

- **Action:**

1. The Planning Department is hereby directed to create notification forms for the application types found in Table 6-1-1. These forms shall contain fields for an applicant to fill in and shall be as detailed as possible, including but not limited to the requirement to provide any available site plans or renderings, building and/or structure heights, building size, applicable public hearing dates, and other line items listed in 6-4(K)(6). These forms shall be maintained and accessible from the Planning Department's website.
2. Revise page 339, Section 6-4(C)(3) as follows:
A meeting request shall be sent to the 2 representatives on file at the Office of Neighborhood Coordination (ONC) for all applicable Neighborhood Associations via certified letter, return receipt requested, or via email [with timestamp, read receipt requested]. Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of [Subsection 14-16-6-4(K)(6) (Content of Notice) and] Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.
3. Amend section 6-4(K)(6) as follows:

6-4(K)(6) Content of the Notice

Each notice required by this Section 14-16-6-4(K) [shall be sent using a notification form provided by the Planning Department. Notification forms may be accessed on the City's website. Notification forms] shall include the address of the property listed in the application; the name of the property owner; the name of the applicant; a short summary of the approval being requested (e.g. Conditional Use Approval to allow a particular use, amendment to the Official Zoning Map from an existing zone district to a specified district, ~~[the maximum height of proposed structures, the maximum number of proposed dwelling units,]~~ and the approximate gross square footage of any proposed nonresidential uses, etc.); ~~[the maximum height of proposed structures, the maximum number or proposed dwelling units (if applicable), a site plan (if available),~~ whether a public hearing will be required, and if so the date, time, and place of the public hearing; and an address, telephone number, or website where additional information about the application can be obtained.

4. Amend section 6-4(D) as follows:

6-4(D)(1) For any applications listed in Table 6-1-1, [with the exception of Appeals], anyone may request ~~[and the City may require]~~ the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project~~[, based on the~~

~~complexity and potential impacts of a proposed project.]~~ [One facilitated meeting per final decision or recommendation is allowed.]

6-4(D)(2) ~~[If a facilitated meeting is required by the City]~~ [Upon request of a facilitated meeting], the City shall assign a facilitator, who shall attempt to [contact all Neighborhood Associations whose boundaries include or are adjacent to the subject project site to] schedule the facilitated meeting within 15 consecutive days [of the request]. The meeting shall occur within a period of [at least] ~~[no more less than]~~ 7 consecutive days prior to the next scheduled hearing or meeting of the decision-making body. [No final decision or recommendation shall be made until a facilitated meeting has been held or reasonable attempts to hold a facilitated meeting have been made.] If reasonable attempts have been made to accommodate the schedules of both the applicant and the Neighborhood Associations, and no meeting has occurred, the application may move forward in the relevant review/decision process.

6-4(D)(3) ~~[If the]~~ [After the facilitated] meeting occurs, the facilitator shall provide a facilitated meeting report, including but not limited to meeting location, date, and time; attendees; and a summary of the discussion. If no meeting occurs, the facilitator shall provide documentation of the attempt to schedule the meeting and that no meeting was scheduled within the time allotted.

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Pat Davis, City Councilor
SUBJECT: IDO Annual Update Amendment – Site Lighting Regulations
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** 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.

- **Actions:**

Page 282, Section 5-8 revise as follows:

- Revise the section title from Outdoor Lighting to Outdoor and Site Lighting
- Revise 5-8(B)(1) General as follows:

All ~~exterior lighting~~ sources of light visible from the exterior of a property 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.

- 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:

- Add a new section 5-8(D)(2) and renumber accordingly:

[All sources of light for mixed use and non-residential development, other than outdoor light fixtures as regulated below, that are visible from the property line shall not exceed 200 foot lamberts at the property line.]

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Cynthia Borrego, City Councilor

SUBJECT: IDO Annual Update Amendment – Stub Streets and Cul-de-Sacs

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** The purpose of these proposed amendments is to refine regulations related to cul-de-sacs and stub streets. Cul-de sacs and stub streets do not create a walkable, pedestrian-friendly environment and also may present problems with vehicular circulation in subdivisions. The first part of this amendment proposes to implement new regulations on cul-de-sacs that will help ensure longer cul-de-sacs and stub streets aren't constructed.

- **Action:**

1. Amend section 5-3(E)(1)(d) as follows:

5-3(E)(1)(d) Stub Streets and Cul-de-Sacs Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions:

[1. Cul-de-sacs are allowed where necessary to avoid those types of sensitive lands listed in Section 14-16-5-2(C), or where vehicular safety factors make a connection impractical, including but not limited to size or shape or lots, topography, surrounding development patterns, and physical characteristics and are limited to 100 feet in length.]

2. Permanent stub streets are allowed only where a connection to an existing street and a future road extension is not possible or feasible. Where allowed, stub streets are limited to ~~[150]~~ [100] feet in length.

3. Mid-block "bubble" cul-de-sacs without throats are allowed.

4. Whenever cul-de-sacs are created, 1 20 foot wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or

walkway, unless the city engineer determines that public access in that location is not practicable due to site or topography constraints.]

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager
FROM: Trudy Jones, City Councilor
SUBJECT: IDO Annual Update Amendment – Transit Parking Reduction
DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** To revise the parking reductions as they apply to Transit. Prior to the IDO there was a reduction of 10% available to development adjacent to any transit route within the city. This was not carried over. The transit parking reductions in the IDO, while increasing the reductions when applied, limited where transit reductions could be applied significantly. This amendment would broaden the applicability of transit parking reductions. As written it is not clear whether the 30% reduction in Section 5-5(C)(5)(c)1. applies to the frequency of the route or the frequency of the buses (serving any route) stopping at the transit stop. If the language applies to the frequency of the route, this limits the scope to only the Rapid Ride Routes that serve Central Avenue, and a portion Coors Boulevard and Louisiana Boulevard. If this applies to the frequency of buses (serving any route) stopping at the transit stop this applies to Central Avenue, San Mateo Boulevard, some stops on Coors, and small sections of 4th Street, Montgomery Boulevard, and Lomas Boulevard, however this is not consistent along routes and would not serve the needs of most transit riders. In general transit riders are looking for frequency of a particular route, as they are trying to get from A to B, rather than the frequency of when a bus in general appears at a stop. This amendment would clarify the language to make it clear that the 30% reduction applies the route frequency and would increase the peak service frequency from headways of 15 minutes to 30 minutes in order to incorporate more of the heavily used transit routes in the city.
- **Actions:**
 - Page 236, Section 5-5(C)(5)(c) 1. revise as follows:

The minimum number of off-street parking spaces required may be reduced by 30 percent if the proposed development is located within 1,320 feet of any transit stop or transit station with a transit route with a peak service frequency of 30

~~[45]~~ minutes or better~~[, or may be reduced by 10 percent if the proposed development is located within 1,320 feet of any transit stop or transit station].~~

CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

FROM: Klarissa Peña, City Councilor

SUBJECT: IDO Annual Update Amendment – VPO 3 West Central

DATE: July 24th, 2019

Acting Director Williams and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission in July of 2019 for the 2019 IDO Annual Update.

- **Purpose:** The purpose of this proposed amendment is to establish regulations within along the West Central Avenue corridor to protect views of the eastern landscape. The IDO potentially allowed for more building height along West Central, which could have impact on views to the east as one is traveling down the mesa. Establishing a new View Protection Overlay will ensure those views aren't impacted by development. The new VPO proposes to limit heights and require minimum setbacks.
- **Action:**

3-6(F)(1) Applicability

The VPO-3 standards apply in the following mapped area. [Insert map that follows the following boundary: Atrisco Blvd to the East, the City limits to the West, and every parcel in between that has a property line abutting Central Avenue.]

3-6(F)(2): Protected Views

Views protected by this VPO-3 are looking toward the Sandia Mountains.

3-6(F)(3) Structure Height

Structure height within the VPO shall be limited to 30 feet. No height bonuses allowed by Table 5-1-2 for Workforce Housing or Structured Parking shall be allowed.

3-6(F)(4) Setbacks

Setbacks from the right-of-way of Central Avenue, minimum: 10 feet.
Setbacks from the right-of-way of Central Avenue, maximum: 30 feet.

3-6(F)(5) Parking and Loading

Section 5-5(F)(1)(b)(1) Downtown, Urban Centers, Main Street Areas, and Premium Transit Areas does not apply in this VPO.]