

# Proposed amendments to the IDO for O-22-10

June 6<sup>th</sup>  
City Council Meeting

Amendment	Topic
B2	Living Lots
B7	Safe Outdoor Spaces – Zoning Districts
B11	Cannabis Provisions (citywide)
B13	Replacement of the Development Review Board
B14	Overnight Shelters
B16	Safe Outdoor Spaces – Department Review
B17	Safe Outdoor Spaces – NR-SU
B18	Safe Outdoor Spaces – District Caps (New)
B19	Safe Outdoor Spaces - Temporary
B20	Safe Outdoor Spaces – Option 2
B21	Application Decision Requirement
B22	Safe Outdoor Spaces – Additional Centers
B23	Safe Outdoor Spaces – Criminal History
B24	Safe Outdoor Spaces – Identification
B25	Safe Outdoor Spaces – Sex Offenders Prohibited
B26	Safe Outdoor Spaces – Council Districts
B27	Distance Separation for Light Vehicle Repair
B28	Major Public Open Space Definition Update
B29	Rescind LUPZ Amendment A2

***Published May 31<sup>st</sup>, 2022***

Always check the ABC-Zone webpage for the latest version of the amendment packet:  
<https://abc-zone.com/ido-annual-update-2021>

## B2 – Living Lots

### CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Brook Bassan

1. On Page 149, in Table 4-2-1, in the Temporary Use section, add a new use “Living Lot”. Add a “P” in the MX-T, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zone districts. Add “4-3(G)(5)” for the use specific standards column and renumber subsequent use specific standards as necessary
2. On Page 161, in Subsection 4-3(C)(8)(a) amend the use-specific standard for religious institution use as follows:  
Incidental activities, including but not limited to recreational, educational, overnight shelters, campgrounds [, and living lots] are allowed, provided that all of the following conditions are met.
3. On page 161, add use-specific standards as a new IDO Subsection 4-3(G)(5):  
4-3(G)(5) Living Lot

4-3(G)(5)(a) Lavatories with at least one toilet and one handwashing station for every 5 [occupants] [designated spaces] shall be provided and shall not be more than 300 feet in any direction of any [occupant] [designated space]. Portable toilets and handwashing stations may be provided to meet this requirement, but proof of a maintenance agreement shall be required demonstrating that they will be serviced at regular intervals.

4-3(G)(5)(b) This use is limited to 12 months, and the Temporary Use Permit may be extended twice for an additional 6 months each time. A new Temporary Use Permit pursuant to Subsection 14-16-6-5(D) shall not be approved within 6- months of the last date the use was allowed in a previous Temporary Use permit.]

4. In Subsection 7-1, Definitions, add in appropriate alphabetical order a new definition for “Living Lot” as follows:

## B2 – Living Lots

[Living Lot A lot, or a portion of a lot, developed to provide occupancy by tents, recreational vehicles, and/or light vehicles provided to occupants at no charge and which are following requirements and as limited by the use-specific standard in IDO Subsection 14-16-4-3(C)(10). See also *Light Vehicle or Recreational Vehicle Park*.]

**Explanation:** This amendment proposes to create a new use “Living Lot” that would allow for persons living in light vehicles, recreational vehicles, or tents a piece of property to live on. This use would require that toilets and handwashing stations be provided, but those facilities could be non-permanent. This use would be allowed in all of the mixed-use zones and non-residential zones permissively. This use would be temporary in nature and could not occur for more than 12 months at a time, with the potential for two 6-month extensions.

This amendment does not conflict with the Safe Outdoor Space use as approved by the LUPZ committee, but would offer another land use tool for accommodating persons living in light vehicles, RVs, or tents with minimal requirements.

Since this amendment was first considered on May 2<sup>nd</sup> the following changes have been made:

- The bathroom calculation was changed from “per person” to “per designated space”
- This use was changed to a Temporary Use

# **B7 – Safe Outdoor Spaces – Zoning Districts**

## **CITY COUNCIL of the CITY OF ALBUQUERQUE**

**June 6<sup>th</sup>, 2022**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10**

**AMENDMENT SPONSORED BY COUNCILOR Isaac Benton**

1. In Table 4-2-1, in the Civic and Institutional Uses category, amend the allowed zones in which a Safe Outdoor Space can occur from “C” to “P” in the MX-M and MX-H zone districts.
2. Amend 4-3(C)(9) to add a new use-specific standard as follows and re-letter subsequent sections:

[4-3(C)(9)(a) This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) within the Downtown Center, Main Street areas, and Urban Centers.]

### **Explanation:**

Note: This amendment does not reference page numbers to be amended because the text it is proposing to change what was passed at the LUPZ committee.

Per the amendment on Safe Outdoor Spaces (SOS) that passed at LUPZ, SOS are conditional in the MX-M and MX-H zone districts. This amendment proposes to make safe outdoor spaces permissive in the MX-M and MX-H zone district. It also proposes to require a Conditional Use Approval through the Zoning Hearing Examiner for any Safe Outdoor Space occurring in the Downtown Center, Main Street Areas, or Urban Centers.

**Note: This amendment conflicts with Amendment B22 which proposes to require the conditional use approval in the Downtown Center, Main Street Areas, Urban Centers and Activity Centers and Employment CenterBs.**

# **B11 – Cannabis Provisions - Citywide**

## **CITY COUNCIL of the CITY OF ALBUQUERQUE**

**June 6<sup>th</sup>, 2022**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10**

**AMENDMENT SPONSORED BY COUNCILOR Trudy Jones**

1. Amend the IDO pursuant to Exhibit A to this amendment.

**Explanation:** This amendment seeks to add additional provisions to cannabis-related uses in the IDO based on feedback and recommendations from a consultant the Planning Department hired to assist with the implementation and enforcement of adult use cannabis in Albuquerque. The amendment:

- Adds a requirement that cannabis consumption areas occur within fully enclosed portions of a building when the consumption is via smoking or vaporizing.
- Adds a size limitation on cannabis retail to 10,000 square feet if located in the MX-T zone. Other, non-cannabis, retail uses in the MX-T zone are already subject to the same limitation.
- Adds a requirement for a Letter of Availability from the ABCWUA for all Cannabis-derived Products Manufacturing and Cannabis cultivation. Applicants are already required to provide this paperwork for their approval by the state, this will also require it be submitted with their zoning application to the city.

## IDO Annual Update 2021 - Exhibit to Amendment B11

Page	Section	Change / Discussion	Explanation
178 R	4-3(D)(35)(k)	<b>Cannabis Retail</b> Revise as follows: "In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, <u>in which case this use shall not exceed 10,000 square feet of gross floor area.</u> "	Adds a size limit on cannabis retail in MX-T, consistent with general retail in MX-T.
178 R	4-3(D)(35)	<b>Cannabis Retail</b> Add a new use-specific standard to (j) as follow and rnumber subsequent use-specific standards: <u>"Licensed on-site consumption areas that allow smoking or vaporizing must be conducted withi the fully enclosed portion of a building"</u>	Adds a use-specific standard to cannabis retail to require cannabis consumption areas to be conducted indoors.
187 R	4-3(E)(2)	<b>Cannabis Cultivation</b> Add a new subsection as follows: <u>"A Letter of Availability from the ABCWUA, including estimate of volume of water to be used annually for operations, shall be provided with application materials."</u>	Adds a requirement to provide the Water Availability statement, which the applicant already has to get, with the zoning application.
188 R	4-3(E)(3)	<b>Cannabis-derived Products Manufacturing</b> Add a new subsection as follows: <u>"A Letter of Availability from the ABCWUA, including estimate of volume of water to be used annually for operations, shall be provided with application materials."</u>	Adds a requirement to provide the Water Availability statement, which the applicant already has to get, with the zoning application.

# B13 – Replacement of the Development Review Board

## CITY COUNCIL of the CITY OF ALBUQUERQUE

May 16<sup>th</sup>, 2022

FLOOR AMENDMENT NO: \_\_\_\_\_ TO O-22-10 and Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

*Please see attached Exhibit 1 to this amendment for a full review of all proposed changes*

1. Amend Exhibit A to O-22-10, pursuant to Exhibit 1 to this amendment, including but not limited to:
  - a. Strike all occurrences of the phrase “Development Review Board” and/or “DRB” in the IDO and replace with “DHO”, “City Engineer”, or “ABCWUA”
  - b. Amend all texting that reads “Waiver – DRB” to “Waiver – DHO”
  - c. Strike all references to Site Plan – DRB
  - d. Create a Development Hearing Officer role and definition
2. Amend Section 3 of O-22-10 as follows:

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect one month after publication by title and general summary except for those changes in Amendment B13 to Exhibit A which shall take effect [90] [180] days after publication by title and general summary.

**Explanation:** This amendment has been revised since its initial publication for the May 2<sup>nd</sup> City Council meeting to include the following changes:

- Increase the effective period of this change from 90 days to 180 days
- Page 390 of Exhibit 1: Requirement that the City Council appoint the DHO by recommendation of the Administration
- Page 400 of Exhibit 1: Requirement for a pre-submittal meeting to be offered to the applicable neighborhood associations for multi-family development more than 100 units and/or commercial development more than 50,000 square feet for Site Plan – Administrative decisions.
- Page 461 of Exhibit 1: Requirement that a Notice of Decision be made available for Site Plan – Administrative decisions

## **B13 – Replacement of the Development Review Board**

This amendment proposes to remove the Development Review Board (DRB) as a review and decision-making body. Some decisions the DRB makes today will be made administratively, some will be reviewed by the EPC, and some will be heard by a new body called the Development Hearing Officer (DHO). There are some decisions the DRB currently makes that are required to occur at a public hearing where public testimony can be taken and considered – the DHO or EPC will be the bodies for those decisions that require a public hearing. Currently, the DRB is comprised of city employees who both review/analyze a request and then also fill the role of making a final determination on that request. There is no other review and approval body in the City that operates in this way and this makes it challenging for those staff members who are expected to “wear multiple hats”. Procedurally, it’s difficult for staff to wear these multiple hats and which has resulted in the DRB process becoming cumbersome. This restructuring will help streamline the development process for most application types that are required to be considered by the DRB today. The other major reviewing bodies in the IDO are:

- The Zoning Hearing Examiner (ZHE) has staff who receives and reviews applications and then provides a summary of information to the ZHE for that person to make a decision.
- The Environmental Planning Commission (EPC) receives staff reports from appropriate city staff members who analyze the request and submit a recommendation to the EPC body for them to make a decision.
- The Landmarks Commission (LC) receives staff reports from appropriate city staff members who analyze the request and submit a recommendation to the LC body for them to make a decision.
- The City Council receives staff support who provide an analysis of the request to the body for them to make a decision.

The DHO will be a person on-contract to the City, much like the ZHE role and they will be required to have a background in engineering, planning, and/or law. This person will receive staff support from the members who sit on the DRB today – those staff members will utilize their professional expertise to provide a recommendation to the DHO on applications they are to consider. The DHO will hold public hearings and take public testimony on those actions that this person will consider. For example, if the DHO holds public hearings two times a month, in between those biweekly meetings applicants will be able to meet with the appropriate staff members regarding their applications. By the time the application reaches the DHO, any technical changes or deficiencies in the application should be remedied through these meetings with the staff, hopefully leading to a smooth public hearing process with minimal deferrals. Today, it



## B13 – Replacement of the Development Review Board

takes an applicant an average of four DRB hearings before an approval is issued. This proposed process with the DHO should hasten this timeline.

Public notice will not change for decisions by the DHO – the notice will mirror the required notice as listed for those DRB decisions in the IDO today. Site Plans that will be considered via Site Plan – Admin will follow notice requirements for Site Plan – Admin in the IDO today and any site plans required to be considered by the EPC will follow notice requirements for Site Plan – EPC in the IDO today.

DRB decisions found in table 6-1-1 will instead be reviewed and considered by the following:

Decision	New reviewing body / process
Site Plan - DRB	<ul style="list-style-type: none"><li>• Site Plan – DRB decisions without a master development plan will be reviewed via the Site Plan – Admin process</li><li>• Site Plan – DRB decisions within a master development plan will be reviewed via the Site Plan – EPC process</li></ul>
Subdivision of Land - Minor	<ul style="list-style-type: none"><li>• Development Hearing Officer</li></ul>
Subdivision of Land - Major	<ul style="list-style-type: none"><li>• Development Hearing Officer</li></ul>
Vacation of easement, private way, or public right-of-way	<ul style="list-style-type: none"><li>• Development Hearing Officer</li></ul>
Waiver - DRB	<ul style="list-style-type: none"><li>• Waiver – DRB will be renamed “Waiver – DHO” and considered by the Development Hearing Officer</li></ul>
Various responsibilities of the DRB in Section 5 of the IDO	<ul style="list-style-type: none"><li>• See Exhibit 1 to amendment B13</li></ul>

Edges) designed to protect abutting properties from potential adverse impacts of development.

3. If the Master Development Plan does not specify development standards, or if there is no Master Development Plan but development is allowed pursuant to Subsection 14-16-2-5(B)(3)(e) below, standards in Part 14-16-5 (Development Standards) apply. If Development Standards for the NR-BP zone district are not specified or if an IDO standard specifies that it is “per approved plan” in the NR-BP zone district, development shall meet the Development Standards established for the NR-C zone district.

**2-5(B)(3)(d) Development on Properties with NR-BP Zoning and Master Development Plans**

All permits and approvals for property within a Master Development Plan area shall be consistent with the Master Development Plan, as amended. Where the Master Development Plan is silent, other IDO standards apply.

1. Once a Master Development Plan has been approved, development can be approved through a Site Plan pursuant to the applicability, procedures, and criteria in Subsection 14-16-6-5(G) (Site Plan – Administrative), ~~14-16-6-6(I) (Site Plan – DRB)~~, or 14-16-6-6(J) (Site Plan – EPC), as applicable.<sup>12</sup>
2. Master Development Plans are on file at the City Planning Department.
3. See also Subsection 14-16-6-4(X) (Expiration of Approvals).

**2-5(B)(3)(e) Development on Properties with NR-BP Zoning but without a Master Development Plan**

1. For properties zoned NR-BP that are less than 20 acres without a Master Development Plan, unsubdivided lots can be subdivided pursuant to Subsection 14-16-6-6(K) (Subdivision of Land – Minor).
2. For properties zoned NR-BP that are less than 20 acres without a Master Development Plan, development can be approved through a Site Plan pursuant to the applicability, procedures, and criteria in Subsection 14-16-6-5(H) (Site Plan – Administrative), ~~14-16-6-6(J) (Site Plan – DRB)~~, or 14-16-6-6(K) (Site Plan – EPC), as applicable.<sup>13</sup>
3. For properties zoned NR-BP that are 20 acres or more, development requires a Master Development Plan to be reviewed and approved by the Environmental Planning Commission (EPC) pursuant to the procedures in Subsection 14-16-6-6(F) (Master Development Plan).

<sup>12</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

<sup>13</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

to Parks and Recreation Department, or NR-PO-A and dedicated to the City.

4. Major Public Open Space, open space, and trails shall be provided consistent with the Rank 2 Major Public Open Space Facility Plan, the Rank 2 Facility Plan for Arroyos, and the Rank 2 Bikeways and Trails Facility Plan. Any Major Public Open Space dedications must be acceptable to and are subject to approval by the Open Space Division of the City Parks and Recreation Department.
5. Any treatment for a major arroyo shall be designed per the standards in the Rank 2 Facility Plan for Arroyos.

**2-6(B)(5)(e) Creation of Distinct Neighborhoods**

No area of the Planned Community in which more than 70 percent of the lots are occupied by a Household Living use as shown in Table 4-2-1 shall contain more than 100 contiguous acres unless it is separated from other adjacent residential development areas by a significant natural or man-made feature, including any of the following:

1. Clearly visible bluffs, rock outcroppings, or landforms designated as open space.
2. Major drainages, arroyos, or designated open spaces at least 100 feet in width.
3. An arterial street.
4. A collector street with a median at least 14 feet in width.
5. Non-residential uses allowed per Table 4-2-1.

**2-6(B)(6) Provisions for Specific Areas**

Provisions and regulations applicable to each approved PC zone district are specified in Framework Plans and associated Site Plans, on file at the City Planning Department.

**2-6(B)(7) Development on Properties with PC Zoning and Framework Plans**

Once a Framework Plan has been approved, development can be approved through a Site Plan pursuant to the applicability, procedures, and criteria in Subsection 14-16-6-5(G) (Site Plan – Administrative), ~~14-16-6-6(F) (Site Plan – DRB)~~, or 14-16-6-6(J) (Site Plan – EPC), as applicable. <sup>16</sup>

<sup>16</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

Part 14-16-4: Use Regulations

4-3: Use-specific Standards

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- 4-3(D)(35)(b) Establishments with a valid license from the State under the medical cannabis program as of April 1, 2022 pursuant to Sections 26-2B-1 to 26-2B-10 NMSA 1978 (the Lynn and Eric Compassionate Use Act) are entitled to continued and uninterrupted operations and are allowed permissively as a cannabis retail use after issuance of a license(s) from the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978. These establishments are not subject to the distance separation requirements in Subsection (c) or (d) below or the prohibition in Subsection (h) below.
- 4-3(D)(35)(c) If located within 600 feet of ~~any other~~ ~~another~~ cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.
- 4-3(D)(35)(d) This use is prohibited within 300 feet of any school or child day care facility.
- 4-3(D)(35)(e) This use shall not include a storage or display area outside of fully enclosed portions of a building.
- 4-3(D)(35)(f) Cannabis products or cannabis paraphernalia shall not be displayed within 5 feet of a window or door.
- 4-3(D)(35)(g) A locked vault or safe or other secured storage structure shall be installed in the building, bolted to the floor or walls, to store cash and cannabis products overnight.
- 4-3(D)(35)(h) A drive-through or drive-up facility is prohibited as accessory to cannabis retail, pursuant to IDO Subsection 14-16-4-3(F)(4).
- 4-3(D)(35)(i) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(35), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed to include ~~commercial~~ licensed on-site cannabis consumption, which is licensed separately by the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978.
- 4-3(D)(35)(j) If the cannabis retail establishment is licensed by the State for ~~commercial~~ on-site cannabis consumption, and smoking or vaporizing is proposed to occur on-site, ~~an a cannabis~~ odor control plan approved by the City is required pursuant to Subsection 14-16-6-5(G) (Site Plan – Administrative), ~~Subsection 14-16-6-6(I) (Site Plan – DRB)~~, or Subsection 14-16-6-6(J) (Site Plan – EPC), as applicable.<sup>40</sup>

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<sup>40</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

Part 14-16-4: Use Regulations

4-3: Use-specific Standards

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- 4-3(E)(1)(b) If located in any Mixed-use zone district, this use shall not exceed 10,000 square feet of gross floor area.

**4-3(E)(2) Cannabis Cultivation<sup>49</sup>**

- 4-3(E)(2)(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. For the purposes of the IDO, all measurements for this use shall be from the lot(s) that include the cannabis cultivation establishment to be licensed by the State as a “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.
- 4-3(E)(2)(b) Establishments with a valid license from the State under the medical cannabis program as of April 1, 2022 pursuant to Sections 26-2B-1 to 26-2B-10 NMSA 1978 (the Lynn and Eric Compassionate Use Act) are entitled to continued and uninterrupted operations and are allowed permissively or, where allowed as a conditional use in Table 4-2-1, as an approved conditional use, after issuance of a license(s) from the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978. These establishments are not subject to the distance separation requirements in Subsection (c) below.
- 4-3(E)(2)(c) Within 300 feet of a school or child day care facility, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except as specified in Subsection (b) above.
- 4-3(E)(2)(d) This use must be conducted within the fully enclosed portions of a building, with the following exceptions.
1. In any Non-residential zone district, an incidental storage area is allowed outside of the fully enclosed portions of a building but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).
  2. In any Non-residential zone district, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required in order to conduct any other specific activities outside of the fully enclosed portions of a building.
- 4-3(E)(2)(e) A cannabis An odor control plan approved by the City is required pursuant to Subsection 14-16-5-6(G) (Site Plan – Administrative), Subsection 14-16-6-6(I) (Site Plan – DRB), or Subsection 14-16-6-6(J) (Site Plan – EPC), as applicable.<sup>50</sup>
- 4-3(E)(2)(f) In any Mixed-use zone district, this use shall not exceed 10,000 square feet of gross floor area ~~and all activities shall be conducted within the fully enclosed portions of a building.~~

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<sup>49</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially for consistency with the IDO and to clarify that only Non-residential zone districts can have outdoor activities associated with this use.

<sup>50</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

Part 14-16-4: Use Regulations

4-3: Use-specific Standards

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4-3(E)(2)(g) [This use is prohibited in the Old Town - HPO-5.](#)<sup>51</sup>

**4-3(E)(3) Cannabis-derived Products Manufacturing**<sup>52</sup>

4-3(E)(3)(a) Cannabis-derived 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. For the purposes of the IDO, all measurements for this use shall be from the premises that includes an establishment licensed by the State as a “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.

4-3(E)(3)(b) Establishments with a valid license from the State under the medical cannabis program as of April 1, 2022 pursuant to Sections 26-2B-1 to 26-2B-10 NMSA 1978 (the Lynn and Eric Compassionate Use Act) are entitled to continued and uninterrupted operations. After issuance of a license(s) from the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978, these establishments are allowed permissively or, where allowed as a conditional use in Table 4-2-1, as an approved conditional use. These establishments are not subject to the distance separation requirements in Subsection (c) below.

4-3(E)(3)(c) Within 300 feet of a school or child day care facility, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except as specified in Subsection (b) above.

4-3(E)(3)(d) This use must be conducted within the fully enclosed portions of a building, [with the following exceptions](#).

1. [In any Non-residential zone district](#), an incidental storage area is allowed outside of the fully enclosed portions of a building but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).
2. [In any Non-residential zone district](#), a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) [is required in order](#) to conduct any [other](#) specific activities outside of the fully enclosed portions of a building.

4-3(E)(3)(e) [A cannabis An](#) odor control plan approved by the City is required, pursuant to Subsection 14-16-6-5(G) (Site Plan – Administrative), ~~Subsection 14-16-6-6(I) (Site Plan – DRB)~~, or Subsection 14-16-6-6(J) (Site Plan – EPC), as applicable, if any of the following activities will be occurring on the property:<sup>53</sup>

1. Oil activation.
2. Distillation.

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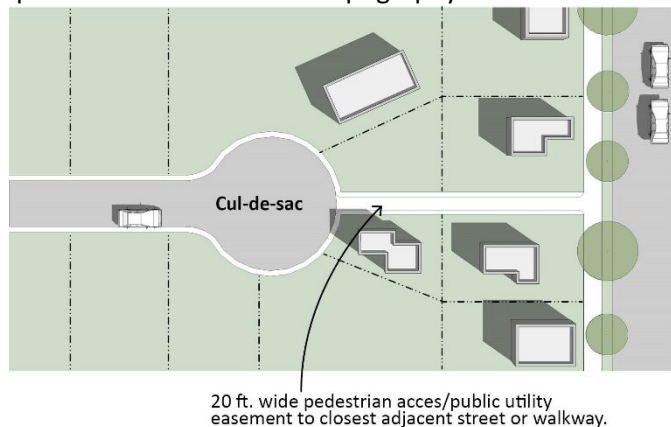
<sup>51</sup> 2021 IDO Annual Update – Small Area Text Amendments – EPC REVIEW. EPC Recommended Condition #1.

<sup>52</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially for consistency with the IDO and to clarify that only Non-residential zone districts can have outdoor activities associated with this use.

<sup>53</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

including but not limited to size or shape or lots, topography, surrounding development patterns, and physical characteristics.

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 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.



#### 5-3(E)(1)(e) Street Signs and Lights

1. Street name signs and traffic control signs shall be required as specified in the DPM.
2. Street lights on local streets are required to be installed at the applicant's expense and provided as approved in the Infrastructure Improvements Agreement (IIA) pursuant to Subsection 14-16-5-4(O).

#### 5-3(E)(1)(f) Private Ways<sup>70</sup>

Private ways to provide access to subdivision lots shall be created only where public right-of-way would not better serve public purposes and where private ways can adequately serve all identified transportation, utility, and stormwater handling requirements. Private ways shall be subject to [all of](#) the following requirements.

1. Private ways may be platted only where the [City Engineer Development Review Board \(DRB\)](#) determines that such ways will clearly function as a local street.

<sup>70</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).



2. ~~Private ways providing access to a lot that does not abut a public right of way may be platted only when approved by the DHO DRB.~~<sup>71</sup>
3. The City Engineer DRB may require private ways to include public or private utility easements, including easements for stormwater drainage.
4. If a private way is approved, it shall clearly be identified as such on the final plat, which shall also state the beneficiaries and maintenance responsibilities of the private way. Any legal instrument intended to assure future maintenance of such private way, such as an instrument creating a homeowners association, shall be included in the subdivider's submittals to the DHO DRB pursuant to Subsections 14-16-6-6(K) (Subdivision of Land – Minor) and 14-16-6-6(L) (Subdivision of Land – Major).
5. All storm drain systems within private ways shall remain private unless they receive water from public facilities and the runoff is drained downstream to another public facility.

**5-3(E)(2) Connections to Adjacent Land<sup>72</sup>**

- 5-3(E)(2)(a) Where land adjacent to a proposed subdivision ~~the new subdivision~~ has been platted with stub streets, or with a street ending at a street between the new subdivision and the adjacent land, the streets in the proposed subdivision ~~new subdivision streets~~ shall be designed to align with those streets to allow through circulation, unless ~~deemed impracticable by the City Engineer DRB~~ requires otherwise due to physical constraints, natural features, or traffic safety concerns, pursuant to Subsection 14-16-1-7(B)(2).
- 5-3(E)(2)(b) Where adjacent land has not been platted, subdivisions shall be designed with stub street(s) intended as future through connection(s) to adjacent land, ~~provided according to~~ pursuant to the block lengths in Table 5-4-1, unless ~~deemed impracticable by the City Engineer DRB~~ requires otherwise due to physical constraints, natural features, or traffic safety concerns, pursuant to Subsection 14-16-1-7(B)(2).

<sup>71</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Deleted editorially as unnecessary because access is covered by the review/decision process for subdivisions.

<sup>72</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised to City Engineer for consistency with current practice.



**5-3(E)(3) Driveways, Drive Aisles, and Access<sup>73</sup>****5-3(E)(3)(a) General**

1. Every lot shall have sufficient access to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing to access the property for its intended use.
2. Driveways, drive aisles, and access points shall be constructed to the standards of the DPM.
3. Driveway and drive aisle entrances and other openings onto streets shall be constructed so that:
  - a. Vehicles may safely enter and exit from the lot.
  - b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
  - c. Shared driveways and drive aisles are established to minimize the number of access points to streets.

**5-3(E)(3)(b) Residential Development**

1. There shall be no direct driveway access from any low-density residential development lots to any arterial street or interstate highway unless no alternative access is feasible.
2. Multi-family residential development on sites greater than 5 acres shall include a minimum of 2 through-access drives, unless deemed impracticable by the City Engineer DRB due to physical constraints or natural features.

**5-3(E)(3)(c) Mixed-use and Non-residential Development**

1. Each property shall have no more than 2 access points on any one street unless deemed necessary by the City Engineer DRB to increase traffic safety or avoid traffic congestion.
2. Drive aisles shall be located at least the minimum distance from street intersections required by the DPM.

**5-3(E)(4) Bicycle Facilities along Streets<sup>74</sup>**

Each street designated in the Metropolitan Transportation Plan and/or the Rank 2 Bikeways and Trails Facility Plan as an existing or proposed route to accommodate bicycles shall be incorporated into the development and shall be designed to comply with the standards of the DPM. The DHO may increase the public Public 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.

<sup>73</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>74</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity.

**Part 14-16-5: Development Standards**

5-4(D): Existing Agreements and Covenants

**5-4: Subdivision of Land**

5-3(E)(4): Bicycle Facilities along Streets<sup>73F</sup>

- 5-4(C)(2) No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the City. The Development Hearing Officer (DHO) ~~Development Review Board (DRB)~~ is responsible for making determinations regarding unsuitability of land for subdivision.<sup>75</sup>
- 5-4(C)(3) The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public infrastructure or private facilities, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.
- 5-4(C)(4) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Site Design to Avoid Sensitive Lands) unless encroachment into those sensitive lands is corrected or mitigated to the satisfaction of the City.
- 5-4(C)(5) The general layout of lots, roads, driveways, drive aisles, utilities, drainage facilities, and other services within proposed subdivisions shall be designed to avoid making compliance with the standards of the applicable zone district difficult or infeasible.
- 5-4(C)(6) In the PD and NR-SU zone districts, and for development in any zone district on a site 5 acres or greater adjacent to Major Public Open Space, an approved Site Plan – EPC is required prior to any platting action. In the PC zone district, an approved Framework Plan is required prior to any platting action. Subsequent platting must conform to the approved plans.
- 5-4(C)(7) In the NR-BP zone district, a Master Development Plan is required for lots 20 acres or more prior to platting action. For lots less than 20 acres zoned NR-BP, a Site Plan is required prior to development, but the property may be subdivided before or after a Site Plan is approved. Once a Master Development Plan or Site Plan is approved, subsequent platting must conform to the approved plan.

**5-4(D) EXISTING AGREEMENTS AND COVENANTS**

Subdivision regulations do not repeal, annul, or in any way interfere with existing private agreements or restrictive covenants applicable to a property. However, subdivision approvals are not required to be consistent with those private agreements or restrictive covenants. Where the standards in this Section 14-16-5-4 impose a different standard than those imposed by a private agreement or restrictive covenants, the standards in this Section 14-16-5-4 shall apply for purposes of City development approval and enforcement. Enforcement of any private agreements or restrictive covenants applicable to a property is the responsibility of the parties to that agreement, and not the City. See Section 14-16-1-9 (Relationship to Private Agreements and Covenants).

<sup>75</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

Local Street	≤600	≤2,640	As appropriate
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**5-4(F) LOT DESIGN AND LAYOUT****5-4(F)(1) Avoidance of Sensitive Lands**

- 5-4(F)(1)(a) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Site Design to Avoid Sensitive Lands).
- 5-4(F)(1)(b) Lots within floodplains or Special Flood Hazard Areas shall comply with Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the requirements of the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA). 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.

**5-4(F)(2) Access to Public Streets**

- 5-4(F)(2)(a) All lots shall have frontage on a street unless deemed impracticable due to topography or other constraints and a Waiver – [DHO DRB](#) for an alternative layout and access provisions is approved pursuant to Subsection 14-16-6-6(P).<sup>76</sup>
- 5-4(F)(2)(b) Residential lots shall avoid layouts where the rear lot line is adjacent to a collector or arterial street. Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.
- 5-4(F)(2)(c) In the case of cluster or cottage development or manufactured home communities in zone districts where those uses are allowed, the provisions in Subsections (a) and (b) above apply to the entire project site, not to individual lots within the project site.

**5-4(F)(3) Lot Dimensions**

- 5-4(F)(3)(a) Lot sizes shall comply with all applicable standards in this IDO, including but not limited to Section 14-16-5-1 (Dimensional Standards).
- 5-4(F)(3)(b) The Planning Director is authorized to make those adjustments to required lot dimensions shown in Subsection 14-16-5-2(C) (Site Design to Avoid Sensitive Lands).
- 5-4(F)(3)(c) Cluster developments shall be subdivided pursuant to the standards in Section 14-16-5-1 (Dimensional Standards) and Subsection 14-16-4-3(B)(2) (Dwelling, Cluster Development) and the approval procedures in Subsections 14-16-6-6(K) (Subdivision of Land – Minor) and 14-16-6-6(L)6-6(L) (Subdivision of Land – Major), as applicable.

<sup>76</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

5-4(F)(3)(d) Tracts for open space, drainage, landscaping, or other communal purposes shall have their use, beneficiaries, and maintenance responsibilities clearly noted on the subdivision plat.

**5-4(F)(4) Remainder Lots Prohibited**

No subdivision shall result in any remainder lot that does not meet the standards of this IDO.

**5-4(G) WATER AND SANITARY SEWER SYSTEMS**

- 5-4(G)(1) The applicant shall install, at his/her own expense, necessary infrastructure to connect all lots within a proposed subdivision to the Albuquerque Bernalillo County Water Utility Authority's (ABCWUA's) water supply and sanitary sewer systems.
- 5-4(G)(2) Public water and sanitary sewer systems shall meet the standards of the DPM and conform to any adopted facility plans and Section 7 of the ABCWUA Legislation and Ordinances (Water and Wastewater System Expansion).
- 5-4(G)(3) ~~At the time of preliminary plat review, the DRB~~ The ABCWUA will determine whether water and sanitary sewer infrastructure improvements are to be publicly or privately owned and maintained, based on considerations of system capacity and public health, safety, and welfare.<sup>77</sup>

**5-4(H) STORMWATER MANAGEMENT**

- 5-4(H)(1) The applicant shall install, at his/her own expense, all site features and infrastructure necessary to retain, detain, and/or infiltrate stormwater to ensure that the new subdivision does not result in surface flooding or unnecessary burden on the City's infrastructure. Stormwater management for all subdivisions shall comply with all of the following:
- 5-4(H)(1)(a) Applicable standards in the DPM.
- 5-4(H)(1)(b) Applicable standards in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control).
- 5-4(H)(1)(c) The requirements of AMAFCA.
- 5-4(H)(2) 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.

**5-4(I) ELECTRICAL AND COMMUNICATION LINES**

**5-4(I)(1) Distribution Lines 12 Kilovolts or Less<sup>78</sup>**

New communications lines, new single-phase electrical distribution lines carrying 12 kilovolts (kV) or less, and all other lower voltage electrical lines shall be installed underground within subdivisions approved under this IDO. ~~The DHO DRB may grant a Waiver – DHO DRB pursuant to Subsection 14-16-6-6(P) if it is determined that no significant public purpose would be served by requiring the~~

<sup>77</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with current practice.

<sup>78</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Waiver language moved to specific procedure for waivers in Subsection 6-6(P).

~~new construction to be placed underground and that 1 or more of the following conditions exists.~~

~~5-4(I)(1)(a) The lot is already served by an overhead distribution line.~~

~~5-4(I)(1)(b) All adjacent areas are already served by overhead distribution facilities.~~

~~5-4(I)(1)(c) Subsurface conditions make underground lines economically unreasonable.~~

**5-4(I)(2) Distribution Lines between 12 Kilovolts and 40 Kilovolts<sup>79</sup>**

New electrical 3-phase distribution lines carrying above 12 kV, but less than 40 kV, shall be installed underground. ~~within subdivisions approved under this IDO that have underground distribution lines unless a Waiver — DHO DRB is granted pursuant to Subsection 14-16-6-6(P) if it is determined that no significant public purpose would be served by requiring that the new construction to be placed underground and that 1 or more of the following conditions exists.~~

~~5-4(I)(2)(a) The immediate or adjacent area is presently served by overhead lines.~~

~~5-4(I)(2)(b) Subsurface conditions make underground lines economically unreasonable.~~

**5-4(I)(3) Distribution Lines Over 40 Kilovolts**

Electrical lines that carry 40 kV or more are not regulated by this IDO, but rather the Facility Plan for Electric System Transmission and Generation, as amended.

**5-4(I)(4) Safety Clearances from Buildings and Other Structures**

Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety. Greater setbacks and/or reduced heights may be required for compliance with the National Electrical Safety Code (NESC) along lot lines that abut, are adjacent to, or within properties that contain overhead power lines and/or electric utility easements. Electric service provision from the Public Service Company of New Mexico (PNM) will also depend on adequate structure clearance requirements as outlined in the PNM Electric Service Guide.

**5-4(J) GRADING AND EROSION CONTROL**

**5-4(J)(1) General**

5-4(J)(1)(a) Grading and erosion control practices shall comply with the DPM.

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 proposed subdivision above the grade of nearby property shall be avoided. Significant cuts near the edges of a proposed subdivision to lower the grade within the development shall be avoided.

<sup>79</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Waiver language moved to specific procedure for waivers in Subsection 6-6(P).

lands (including masonry fences and retaining walls but excluding pavement).

5-4(K)(4)(c) Rights-of-way and easements required for drainage, flood control, and erosion control shall conform to the standards in the DPM.

#### 5-4(K)(5) Limits on Dedication

The City shall not require the dedication of land or payment of fees-in-lieu of dedication of land in an amount beyond that necessary to serve the needs of the proposed development or in an amount that is not roughly proportionate to the impacts of that development on those public facilities listed in Subsection 14-16-5-4(K)(1) above.

#### 5-4(L) EASEMENTS OR RIGHTS-OF-WAY<sup>80</sup>

5-4(L)(1) The ~~DHO~~ ~~DRB~~ may require easements public rights-of-way for public infrastructure or private facilities. Public rights-of-way and easements shall conform to the standards in the DPM.

5-4(L)(2) Easements or public rights-of-way for public infrastructure shall be granted or dedicated, respectively, in accordance with the minimum standards and requirements set forth in the DPM.

5-4(L)(2)(a) All easements or rights-of-way designated for public infrastructure shall be granted or dedicated, respectively, for a specific purpose.

5-4(L)(2)(b) ABCWUA easements shall exclude other underground utilities, unless specifically allowed and approved on a case-by-case basis by the ABCWUA.

5-4(L)(3) Utility easements may be required along any lot line, with some exceptions for water and sanitary sewer easements, or as specified in the DPM.

5-4(L)(4) Development adjacent to electric utility easements and/or distribution facilities must comply with safety clearance requirements in Section 14-16-5-4(I)(4) (Safety Clearances from Buildings and Other Structures).

5-4(L)(5) Easements may be jointly used for private facilities with approval from the ~~DHO~~ ~~DRB~~ as specified in the DPM and in Subsection 14-16-6-6(K) (Subdivision of Land – Minor) or Subsection 14-16-6-6(L)6-6(L) (Subdivision of Land – Major).

#### 5-4(M) MONUMENTATION

All subdivisions shall provide monumentation of survey points as required by the DPM.

#### 5-4(N) IMPROVEMENTS REQUIRED<sup>81</sup>

5-4(N)(1) The subdivider shall install and construct all improvements required by this Subsection 14-16-5-4(N), Subsection 14-16-1-7(B)(2), and the DPM. Required improvements shall be installed and constructed as shown on the approved preliminary plat and/or as specified in an Infrastructure Improvements Agreement (IIA) between the subdivider and the City. The City may accept

<sup>80</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>81</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to add a cross reference to Subsection 1-7(B)(2) and to the City Engineer for consistency with the IDO and with current practice.

commitments to provide improvements or services by the County and/or by franchised and/or private utility systems where the City Engineer DRB determines that acceptance of such commitments will result in timely provisions of required improvements or services needed to serve the subdivision imposing burdens on surrounding properties or the city as a whole and will adequately protect the public health, safety, and welfare.

- 5-4(N)(2) The City Engineer determines the timing of construction Construction of some or all infrastructure ~~may be waived by the DRB~~ for Bulk Land Subdivisions ~~pursuant to Subsection 14-16-6-6(L)(2)(a) (Deviations and Waivers),~~ where further subdivision or Site Plan approval is required or expected, ~~and a commitment to provide the waived and the required~~ infrastructure will be provided can be included at that time in that future subdivision or Site Plan approval.

#### 5-4(O) INFRASTRUCTURE IMPROVEMENTS AGREEMENT<sup>82</sup>

Upon approval of a plat and/or Site Plan and prior to recording, the subdivider shall execute an Infrastructure Improvements Agreement (IIA) to guarantee completion of required improvements. The timing, format, and required contents of the IIA shall comply with Subsection 14-16-6-4(R), Subsections 14-16-6-6(K) (Subdivision of Land – Minor), and Subsection 14-16-6-6(L)6-6(L) (Subdivision of Land – Major), as applicable, and the DPM.

#### 5-4(P) ADDITIONAL DESIGN CRITERIA AND CONSTRUCTION STANDARDS<sup>83</sup>

In addition to the standards set forth in this Section 14-16-5-4, the City shall maintain technical standards for infrastructure improvements in the DPM, pursuant to Subsection 14-16-1-7(A)(4). Such technical standards for infrastructure improvements shall contain the minimum acceptable design criteria and specifications for the construction of such improvements. Such technical standards may be updated periodically and may vary for improvements based on the classification of streets or other improvements and the extent and characteristics of the area to be served by the improvements. All subdivisions shall comply with additional design criteria and construction standards applicable to the proposed development.

<sup>82</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to add a cross reference to Subsection 6-4(R), where IIA requirements were moved editorially.

<sup>83</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to add a cross reference to Subsection 1-7(A)(4), which establishes this requirement.



## Part 14-16-6: Administration and Enforcement

## 6-1: Procedures Summary Table

## Part 14-16-6 Administration and Enforcement

### 6-1 PROCEDURES SUMMARY TABLE

Table 6-1-1 lists the types of development applications authorized by this IDO. For each type of application, the table indicates what type of notice is required, whether pre-application meetings with Planning staff or Neighborhood Associations are required, which City bodies review and make a decision on the application, and in which cases a public hearing meeting or quasi-judicial hearing is required. At a public meeting, the reviewing body may or may not allow public comment at its discretion; at a public hearing, public testimony is allowed, and a record of the proceeding is created. At a quasi-judicial hearing, the additional procedures pursuant to Subsection 14-16-6-4(N)(3) are also followed.

**Table 6-1-1: Summary of Development Review Procedures<sup>130</sup>**

X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend  
AD = Appeal Review and Decision [ ] = Public Hearing Meeting < > = Quasi-judicial Public Hearing

Section	Public Notice					Mtgs		Review and Decision-making Bodies							Specific Procedures
	6-4(K)					6-4(B)	6-4(C)	6-2							
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff <sup>(1)</sup>	DHO DRB	LC	EPC	ZHE	LUHO	City Council <sup>(2)</sup>	
Application Type															
Administrative Decisions															
Archaeological Certificate								D					<AR>	<AD>	6-5(A)
Historic Certificate of Appropriateness – Minor			X	X				D		<AD>			<AR>	<AD>	6-5(B)
Permit – Sign															
Permit				X	X			D					<AR>	<AD>	6-5(C)
Alternative Signage Plan			X	X	X			D					<AR>	<AD>	6-5(C)
Permit – Temporary Use								D					<AR>	<AD>	6-5(D)
Permit – Temporary Window Wrap		X						D					<AR>	<AD>	6-5(E)
Permit – Wall or Fence – Minor				X	X			D					<AR>	<AD>	6-5(F)
Site Plan – Administrative <sup>[3]</sup>			X	X	X		X <sup>[7]</sup>	D					<AR>	<AD>	6-5(G)
Wireless Telecommunications Facility Approval		X						D					<AR>	<AD>	6-5(H)
Decisions Requiring a Public Meeting or Hearing															
Conditional Use Approval	X	X	X	X	X	X	X	R				<D>	<AR>	<AD>	6-6(A)
Demolition Outside of an HPO <sup>[4]</sup>	X	X	X	X	X	X	X	R		<D>			<AR>	<AD>	6-6(B)
Expansion of Nonconforming Use or Structure		X	X	X	X	X	X	R				<D>	<AR>	<AD>	6-6(C)
Historic Certificate of Appropriateness – Major	X	X	X	X	X	X		R		<D>			<AR>	<AD>	6-6(D)
Historic Design Standards and Guidelines	X	X	X	X	X	X	X	R		<D>			<AR>	<AD>	6-6(E)

<sup>130</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). All DRB decisions except Site Plan – DRB get replaced with DHO as decision-maker. Site Plan – DRB is removed, and what DRB decided is proposed to be decided as Site Plan – Administrative.



Part 14-16-6: Administration and Enforcement

6-1: Procedures Summary Table

Table 6-1-1: Summary of Development Review Procedures <sup>130</sup>														
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend AD = Appeal Review and Decision [ ] = Public Hearing Meeting < > = Quasi-judicial Public Hearing														
Section	Public Notice					Mtgs		Review and Decision-making Bodies						
	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>	DHO DRB	LC	EPC	ZHE	LUHO	City Council <sup>(2)</sup>
Master Development Plan	X	X	X	X	X	X	X	R			<D>		<AR>	<AD>
Permit – Carport		X	X	X	X							<D>	<AR>	<AD>
Permit – Wall or Fence – Major		X	X	X	X							<D>	<AR>	<AD>
Site Plan – DRB <sup>131</sup>	X	X	X	X	X	X	X	R	[D]				<AR>	<AD>
Site Plan – EPC	X	X	X	X	X	X	X	R			<D>		<AR>	<AD>
Subdivision of Land – Bulk Land	X	X	X	X	X	X		R	<D> [D]				<AR>	<AD>
Subdivision of Land – Minor				X	X			R	<D> [D]				<AR>	<AD>
Subdivision of Land – Major	X	X	X	X	X	X		R	<D> [D]				<AR>	<AD>
<b>Subdivision of Land – Major</b>														
Bulk Land Subdivision	X	X	X	X	X	X		R	<D> [D]				<AR>	<AD>
Preliminary Plat	X	X	X	X	X	X		R	<D> [D]				<AR>	<AD>
Final Plat					X			R	<D> [D]				<AR>	<AD>
<b>Vacation of Easement, Private Way, or Public Right-of-way</b>														
Vacation of Public or Private Easement or Private Way <sup>(5)</sup>						X		R	<D> [D]				<AR>	<AD>
Vacation of Public Right-of-way – City Council	X	X	X	X	X	X	X	R	<D> [D]					<D>
Vacation of Public Right-of-way – DHO DRB	X	X	X	X	X	X	X	R	<D> [D]				<AR>	<AD>
Variance – EPC	X	X	X	X	X	X	X	R			<D>		<AR>	<AD>
Variance – ZHE	X	X	X	X	X		X	R				<D>	<AR>	<AD>
Waiver – DHO DRB				X	X		X	R	<D> [D]				<AR>	<AD>
Waiver – Wireless Telecommunications Facility	X	X	X	X	X			R			<D>		<AR>	<AD>
<b>Policy Decisions</b>														
Adoption or Amendment of Comprehensive Plan	X	X		X	X	X		R			[R] <R>			[D] <D>
Adoption or Amendment of Facility Plan	X	X		X	X	X		R			[R] <R>			[D] <D>

<sup>131</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

## Part 14-16-6: Administration and Enforcement

## 6-1: Procedures Summary Table

Table 6-1-1: Summary of Development Review Procedures <sup>130</sup>															
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend AD = Appeal Review and Decision [ ] = Public Hearing Meeting < > = Quasi-judicial Public Hearing															
Section	Public Notice					Mtgs		Review and Decision-making Bodies							
	6-4(K)					6-4(B)	6-4(C)	6-2							
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff <sup>[1]</sup>	DHO DRB	LC	EPC	ZHE	LUHO	City Council <sup>[2]</sup>	Specific Procedures
Application Type															
Adoption or Amendment of Historic Designation	X	X	X	X	X	X	X	R		<R>				<D>	6-7(C)
Amendment to IDO Text – Citywide	X	X		X	X	X		R			[R] <R>			[D] <D>	6-7(D)
Amendment to IDO Text – Small Area	X	X		X	X	X	X	R			<R>			<D>	6-7(E)
Annexation of Land	X	X	X	X	X	X		R			<R>			<D>	6-7(F)
Zoning Map Amendment – EPC	X	X	X	X	X	X	X	R			<D>		<AR>	<AD>	6-7(G)
Zoning Map Amendment – Council <sup>[6]</sup>	X	X	X	X	X	X	X	R			<R>			<D>	6-7(H)
<p>[1] May include Planning Department staff, Historic Preservation Planner, Impact Fee Administrator, Floodplain Administrator, City Engineer, Parks and Recreation Department staff, or others, depending on the type of application involved and delegation of responsibilities granted.</p> <p>[2] When a LUHO decision on an appeal is reviewed by City Council, the City Council will only hold a hearing if it does not uphold the LUHO decision.</p> <p>[3] See Subsections 14-16-6-4(K)(4)(b) and 14-16-6-4(K)(5)(a) for exceptions to posted sign and electronic mail requirements for any Site Plan – Administrative for low-density residential development in that subdivision within 2 years after the approval for Subdivision of Land – Major.</p> <p>[4] This procedure applies only if the Historic Preservation Planner determines, pursuant to Subsection 14-16-6-6(B)(2) (Demolition Outside of an HPO Procedure), that a hearing is necessary.</p> <p>[5] This procedure is for easements on a plat only.</p> <p>[6] Includes creation or amendment of text or map for APO, CPO, or VPO Zones.</p> <p>[7] Required for applications that meet the thresholds established in Subsection 14-16-6-4(C)(1)(b).</p>															

6-2(C)(1)(g) Five (5) members who are actively involved in land development activities either as developers, consultants, or planners or as representatives of community organizations.

**6-2(C)(2) Responsibilities**

The DPM Executive Committee is authorized to adopt changes to the DPM pursuant to those procedures set forth in the DPM.

**6-2(D) DEVELOPMENT HEARING OFFICER DEVELOPMENT REVIEW BOARD<sup>132</sup>**

**6-2(D)(1) Membership and Qualifications**

The Development Hearing Officer (DHO) shall have sufficient professional experience in engineering, planning, and/or law to review comments provided by staff from agencies, departments, stakeholders, and the public prior to final decisions about private development and ensure that zoning and technical standards, including but not limited to those regarding land use, zoning, infrastructure, and transportation, have been met.

**6-2(D)(2) Appointment**

The Mayor shall recommend candidate(s) for appointment with the advice and consent of the City Council.

**6-2(D)(3) Responsibilities**

The DHO conducts hearings and makes findings and final decisions on those types of applications shown as a DHO decision in Table 6-1-1.

~~The Development Review Board (DRB) is a board made up of staff members from City Departments and Agencies relevant to reviewing private development to ensure that technical standards, including but not limited to those regarding land use, zoning, infrastructure, and transportation, have been met.~~

**~~6-2(D)(4) Membership~~**

~~The DRB membership includes:~~

~~6-2(D)(4)(a) City Planning Department Director (Chair).~~

~~6-2(D)(4)(b) City Engineer designee for hydrology (who may also function as a designee for AMAFCA).~~

~~6-2(D)(4)(c) City Engineer designee for transportation.~~

~~6-2(D)(4)(d) Zoning Enforcement Officer.~~

~~6-2(D)(4)(e) Parks and Recreation Department representative.~~

~~6-2(D)(4)(f) ABCWUA representative.~~

**~~6-2(D)(5) Responsibilities~~**

~~The DRB has the responsibility to make decisions on those types of applications shown as DRB responsibilities in Table 6-1-1.~~

**6-2(E) ENVIRONMENTAL PLANNING COMMISSION**

The EPC is a 9-member board nominated by City Council members and appointed by the Mayor with the advice and consent of the City Council. The EPC is the "City Planning

<sup>132</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

**6-2(E)(3) Responsibilities**

The EPC has the responsibility to:

- 6-2(E)(3)(a) Make recommendations or decisions on those application types shown as EPC responsibilities in Table 6-1-1.
- 6-2(E)(3)(b) Review and decide Extraordinary Facilities in City Parks and Open Space pursuant to Part 14-13-3 of ROA 1994 (Environmental Planning Commission) and the Rank 2 Major Public Open Space Facility Plan.<sup>134</sup>
- 6-2(E)(3)(c) Make recommendations for programming of capital improvements for the City pursuant to Article 2-12 of ROA 1994 (Capital Improvements) and the resolution establishing priorities for each biannual capital improvement plan, designation of land desirable and needed for public purposes, adoption of air and water quality standards, and other appropriate matters.
- 6-2(E)(3)(d) Review any recommendations, concerns, or comments provided by commenting agencies, departments, stakeholders, and the public prior to final decisions.
- 6-2(E)(3)(e) Study urban and regional planning and means of protecting and improving the environment and promote the understanding of planning and environmental matters among public officials and residents of the city.
- 6-2(E)(3)(f) Advise the Mayor, City Council, and City staff concerning the development and revision of community goals, Community Planning Area assessments, plans for urban development and protection of the environment, policies on development and protection of the environment, ordinances appropriate for affecting such plans and policies, and annexations to the City.
- 6-2(E)(3)(g) Perform those duties and responsibilities and exercise those powers that may be delegated to it by the City Council through this IDO or independently of this IDO.
- 6-2(E)(3)(h) Form standing committees or task forces from EPC members in order to carry out the assigned duties, responsibilities, and powers of the EPC.

**6-2(F) FLOODPLAIN ADMINISTRATOR<sup>135</sup>**

The Floodplain Administrator is the public official(s) designated by the City Engineer to coordinate the community's participation in the National Flood Insurance Program. The Floodplain Administrator is responsible for administering and enforcing the provisions of Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), which may affect the processing of applications under this IDO for property in a Special Flood Hazard Area.

<sup>134</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially to provide cross references. Organized subsections to keep similar items together.

<sup>135</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity.

**6-2(G) IMPACT FEE ADMINISTRATOR<sup>136</sup>**

The Impact Fee Administrator is the public official(s) designated by the Planning Director ~~has authority~~ to interpret and enforce all provisions of Article 14-19 of ROA 1994 (Impact Fees) and related rules and regulations in order to carry out the general administration of all impact fees. The Impact Fee Administrator shall have the responsibility to:

- 6-2(G)(1) Establish a fee applicable to the most nearly equivalent land use on the fee schedule when no equivalent type of land use is present in either the impact fee schedule or in this IDO, or when a land use has been previously determined to be a miscellaneous land use.
- 6-2(G)(2) Establish the impact fee applicable to a particular development using the procedures described in Article 14-19 of ROA 1994 (Impact Fees) and related rules and regulations.
- 6-2(G)(3) With respect to an independent fee determination described in more detail in the DPM, the Impact Fee Administrator shall do all of the following:
  - 6-2(G)(3)(a) Conduct a pre-application meeting with the applicant and representatives of appropriate departments of the City.
  - 6-2(G)(3)(b) In accordance with the requirements of Article 14-19 of ROA 1994 (Impact Fees), review the independent fee determination study for sufficiency, methodology, technical accuracy, and findings.
  - 6-2(G)(3)(c) In accordance with the requirements of Article 14-19 of ROA 1994 (Impact Fees), establish the amount of the impact fee as a result of the independent study based on the procedures described in Article 14-19 of ROA 1994 (Impact Fees) and any associated administrative rules.
- 6-2(G)(4) Determine exemptions from the requirement to pay an impact fee or reduction in the amount of the fee, based on this IDO, Article 14-19 of ROA 1994 (Impact Fees), and the DPM.
- 6-2(G)(5) Determine the availability and the amount of any refund of an impact fee.
- 6-2(G)(6) Calculate the additional impact fee due in the event of a change of use, redevelopment, or modifications of an existing use.
- 6-2(G)(7) Calculate and grant credits for contributions, dedications, or improvements that may be used to offset any impact fee otherwise due.
- 6-2(G)(8) Maintain separate interest-bearing accounts clearly identifying the payer and category of capital improvements within the service area in which the fee was collected.
- 6-2(G)(9) Ensure that a notice of impact fee assessment is included on the final plat.

**6-2(H) LANDMARKS COMMISSION**

The Landmarks Commission (LC) is a 7-member board appointed by the Mayor to promote the preservation of Albuquerque's historic and architectural character and to administer the development requirements for designated City historic districts and landmarks pursuant to

<sup>136</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity and consistency.

the consideration of the City Council. City Council shall review for adoption any associated resolutions and/or ordinances.

## **6-3(F) NEIGHBORHOOD ASSOCIATIONS**

### **6-3(F)(1) Recognized and Non-recognized Neighborhood Associations**

Neighborhood Associations may register with the City as Recognized or Non-recognized Neighborhood Associations pursuant to Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition).

### **6-3(F)(2) Responsibilities of the City**

The City shall provide the following services:

- 6-3(F)(2)(a) Provide an initial response within 7 business days of receipt of any correspondence received from any Neighborhood Association that requests an answer, definition, or status of any City project within their boundaries.
- 6-3(F)(2)(b) Provide Neighborhood Associations with information about appropriate City officials or agencies to contact for more information about development projects, applications, public ~~meetings or~~ hearings, or review and processing steps for applications of interest to any Neighborhood Association. <sup>137</sup>
- 6-3(F)(2)(c) Consult with Neighborhood Associations about current and emerging trends or concerns in the neighborhoods, and about any changes to the ABC Comp Plan, as amended, or this IDO desired by the Neighborhood Association, as part of the City's CPA assessment process.
- 6-3(F)(2)(d) Provide a City Leaders Academy on at least an annual basis to inform Neighborhood Association members, officials, and other stakeholders about the City's planning, zoning, subdivision, and development approval processes.
- 6-3(F)(2)(e) Adopt rules and guidelines as necessary to implement this Subsection 14-16-6-3(F) (Neighborhood Associations).

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<sup>137</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

**6-4 GENERAL PROCEDURES****6-4(A) INTERPRETATION**

The ZEO has authority to interpret this IDO, including the authority to determine its applicability to specific properties or situations and the authority to interpret the boundaries of zone districts and Overlay zones on the Official Zoning Map.

**6-4(B) PRE-APPLICATION MEETING**

- 6-4(B)(1) The purpose of a pre-application meeting is to provide an opportunity for an applicant and City staff to discuss applicable submittal requirements and procedures; the scope, features, and potential impacts of the proposed development on surrounding neighborhoods and infrastructure systems; the consistency or inconsistency of the proposed application with the ABC Comp Plan, as amended; applicable requirements and standards in this IDO; and applicable requirements and standards in the DPM and to identify primary contacts for the applicant and staff. For subdivision applications, this pre-application meeting is referred to as a A-sketch plat review by the DRB meets the requirement of a pre-application meeting.<sup>138</sup>
- 6-4(B)(2) A pre-application meeting with City staff is required for those types of applications indicated in Table 6-1-1, and those types of applications will not be accepted until a pre-application meeting is held.
- 6-4(B)(3) In addition, the Planning Director may require a meeting before City acceptance of any other type of application listed in Table 6-1-1 if the Director determines that the application is of unusual size or complexity or has the potential to create significant impacts on surrounding areas.

**6-4(C) PRE-SUBMITTAL NEIGHBORHOOD MEETING<sup>139</sup>**

- 6-4(C)(1) For ~~those types of~~ applications that meet any of the following conditions where Table 6-1-1 requires a meeting with a neighborhood to be offered, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject property no more than 90 days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.
- 6-4(C)(1)(a) Table 6-1-1 requires a meeting with a neighborhood to be offered for that type of application.
- 6-4(C)(1)(b) The application is a Site Plan – Administrative proposing a new building or multiple new buildings that include a total of any of the following:
1. More than 100 multi-family residential dwelling units.
  2. More than 50,000 s.f. of non-residential development.

<sup>138</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity.

<sup>139</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added to require a Pre-submittal Neighborhood Meeting for the larger developments that currently require this meeting, even though the Site Plan – DRB is proposed to be reviewed and decided as a Site Plan – Administrative.



6-4(F)(4) No fee shall be required for an application submitted by the City.

#### 6-4(G) APPLICATION COMPLETENESS

6-4(G)(1) On receiving a development application, the Planning Director shall determine whether the application is complete. A complete application is one that contains all information and application materials required by this IDO, the DPM, and any administrative checklist for that type of development, in sufficient detail and readability to evaluate the application for compliance with applicable review standards in this IDO.

6-4(G)(2) Incomplete applications shall be rejected.

6-4(G)(3) If the Planning Director determines that an application is incomplete, the Planning Director shall notify the applicant in writing of the missing, incomplete, or unreadable materials within 5 business days after receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Planning Director determines the application is complete. If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 60 calendar days after being notified of submittal deficiencies, the application shall be considered abandoned, and any application fees that have been paid and have not been expended during initial review shall be refunded.

6-4(G)(4) No development application shall be reviewed for compliance with this IDO or scheduled for a public ~~meeting or~~ hearing by any decision-making body until it is determined to be complete. <sup>141</sup>

6-4(G)(5) On determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this IDO.

#### 6-4(H) CUMULATIVE IMPACTS ANALYSIS REQUIREMENTS

6-4(H)(1) A cumulative impacts analysis is required prior to approval of a Site Plan – EPC for any development in the Railroad and Spur Small Area that meets the criteria in Subsection 14-16-5-2(F)(1). The cumulative impacts analysis shall be submitted as part of the application materials and is subject to the application completeness requirements of Subsection 14-16-6-4(G).

6-4(H)(2) The cumulative impacts analysis shall include all of the following:

6-4(H)(2)(a) A list of other uses listed in Subsection 14-16-5-2(F)(1)(c) that are within 660 feet in any direction of the subject property.

6-4(H)(2)(b) A Traffic Impact Study, pursuant to Subsection 14-16-5-2(F)(2)(c).

6-4(H)(2)(c) A list, estimated amount, and storage location of hazardous materials, as defined by federal regulation, to be used for operations, including but not limited to fuels.

6-4(H)(2)(d) A summary of sewer and storm water discharge, including volumes.

<sup>141</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.



6-4: General Procedures

- 6-4(H)(2)(e) A Letter of Availability from the ABCWUA, including estimate of volume of water to be used annually for operations.
- 6-4(H)(2)(f) The operating hours of the facility, including but not limited to times when there may be delivery or movement of freight vehicles to and from the property and activities that generate noise and occur outdoors.
- 6-4(H)(2)(g) A list of and copies of all permits required for the use.
- 6-4(H)(3) The cumulative impacts analysis shall identify any efforts to avoid, minimize, or mitigate any impacts as outlined in Subsections 14-16-5-2(F)(2) and 14-16-6-4(H)(2) and/or propose civic or environmental benefits that outweigh the expected impacts.

**6-4(I) TRAFFIC IMPACT STUDY REQUIREMENTS**

- 6-4(I)(1) A traffic impact study may be required pursuant to standards in the DPM or Subsection 14-16-5-2(F)(2)(c). The extent of the study or report will depend on the location of the project, the amount of traffic generated from the development, and the existing conditions in the project area.
- 6-4(I)(2) A scoping meeting with the City Engineer may be scheduled to determine whether a traffic impact study is required.
- 6-4(I)(3) If a traffic impact study is required, it shall be submitted as part of the application materials and is subject to the application completeness requirements of Section 14-16-6-4(G).

**6-4(J) REFERRALS TO COMMENTING AGENCIES<sup>142</sup>**

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

**6-4(J)(1) General**

City departments or agencies or other governmental or quasi-governmental agencies whose services, properties, facilities, interests, or operations may be affected.

**6-4(J)(2) Development Hearing Officer Applications**

The following representatives provide comments and make recommendations for Development Hearing Officer Development Review Board applications and, in the case of subdivisions, sign the final subdivision plat.

- 6-4(J)(2)(a) ABCWUA.
- 6-4(J)(2)(b) City Engineer designee for hydrology (who may also function as a designee for AMAFCA).
- 6-4(J)(2)(c) City Engineer designee for transportation.
- 6-4(J)(2)(d) Parks and Recreation Department.

<sup>142</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity.

6-4(J)(2)(e) Planning Director.

6-4(J)(2)(f) Zoning Enforcement Officer.

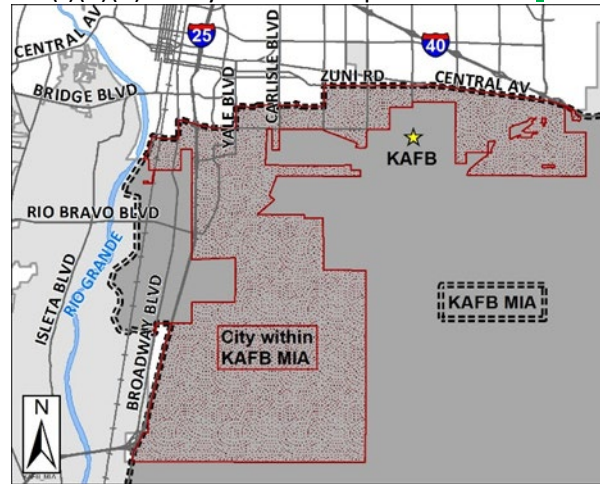
**6-4(J)(3) Residential Development**

Albuquerque Public Schools (APS). The City shall not approve any Subdivision application that contains any residential use without providing APS an opportunity to review and comment.<sup>143</sup>

**6-4(J)(4) Development in the Kirtland Air Force Base Military Influence Area**

6-4(J)(4)(a) Kirtland Air Force Base staff.

6-4(J)(4)(b) City Aviation Department staff.



**6-4(J)(5) Development in the Airport Protection Overlay Zone**

City Aviation Department.

**6-4(J)(6) Development within 660 feet of the Petroglyph National Monument**

6-4(J)(6)(a) National Park Service.

6-4(J)(6)(b) Open Space Division of the City Parks and Recreation Department.

**6-4(K) PUBLIC NOTICE**

Notice that is published, mailed, electronically mailed, posted by sign, or posted on the City's website shall be required as shown in Table 6-1-1 for different types of applications under this IDO, and shall comply with the standards below. Notice shall also be provided pursuant to ONC administrative instructions and the requirements of Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition).

**6-4(K)(1) Content of the Notice**

6-4(K)(1)(a) All notice required by Table 6-1-1 shall include, at a minimum, all of the following information:

1. The address of the property listed in the application.
2. The name of the property owner.
3. The name of the applicant (if different from the property owner).

<sup>143</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to use defined term.

4. A short summary of the approval being requested (e.g. Conditional Use Approval to allow a particular use, Zoning Map Amendment from an existing zone district to a specified district, a Site Plan – EPC for a particular project, etc.).
5. Whether a public ~~meeting or~~ hearing will be required, and if so the date, time, and place of the public ~~meeting or~~ hearing. <sup>144</sup>
6. An address, telephone number, or website where additional information about the application can be obtained.

6-4(K)(1)(b) For mailed or electronic mail notice, the following additional information, at a minimum, shall be included using the relevant notification form provided by the Planning Department. Information included as an attachment or as a link to a website where such information is available is acceptable.

1. A Zone Atlas page indicating the subject property.
2. Architectural drawings, elevations of the proposed building(s), or other illustrations of the proposed application, as relevant.
3. An explanation of any deviations, Variances, or Waivers being requested, if any.
4. The summary of the pre-submittal neighborhood meeting, if one occurred.
5. For notice associated with a Site Plan application, a site plan that shows, at a minimum, the following information shall be included:
  - a. The location of proposed buildings and landscape areas.
  - b. Access and circulation for vehicles and pedestrians.
  - c. The maximum height of any proposed structures, with building elevations.
  - d. For residential development: The maximum number of proposed dwelling units.
  - e. For non-residential development: The total gross floor area of the proposed project and the gross floor area for each proposed use.

#### 6-4(K)(2) Published

Where Table 6-1-1 requires published notice, the City shall publish a notice in a newspaper of general circulation within the city at least 15 calendar days before the public ~~meeting or~~ hearing. If initial notice of a public ~~meeting or~~ hearing has been provided, additional notice shall not be required if the public ~~meeting or~~ hearing is begun and then continued to a specific date, or for an appeal of the decision. <sup>145</sup>

<sup>144</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>145</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

**6-4(K)(3) Mailed****6-4(K)(3)(a) General Requirements**

1. For the purposes of providing mailed notice, First-class Mail shall constitute reasonable attempt to notify, with the following exceptions:
  - a. In the case of an application for a subject property less than 10 acres to request an Annexation of Land or Zoning Map Amendment, the letters to property owners within 100 feet in any direction of the subject property must be sent by Certified Mail.
  - b. In the case of an application for a subject property 10 acres or more to request an Annexation of Land or Zoning Map Amendment, if the notice by First-class Mail to a property owner is returned undelivered, the City shall attempt to discover that owner's most recent address, and the applicant shall remit the notice by Certified Mail, return receipt requested, to that address.
2. Mailed notice shall be provided at the applicant's expense.
3. The applicant shall be required to provide evidence that required notices have been mailed at least 3 calendar days before a weekly public ~~meeting or~~ hearing or at least 15 calendar days before a monthly public ~~meeting or~~ hearing. <sup>146</sup>

**6-4(K)(3)(b) Notice to Neighborhood Associations**

Where Table 6-1-1 requires mailed notice, the applicant shall mail a notice to the 2 contact addresses on file with the ONC for Neighborhood Associations as follows:

1. For applications related to a citywide Policy Decision: all Neighborhood Associations.
2. For applications related to a Wireless Telecommunications Facility (WTF): any Neighborhood Association within 1,320 feet (¼ mile) in any direction of the subject property.
3. For all other applications: any Neighborhood Association whose boundaries include or are adjacent to the subject property or small area.
4. For applications where Table 6-1-1 requires electronic mail notice, mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file for that representative.

**6-4(K)(3)(c) Notice to Property Owners**

For Administrative Decisions, Decisions Requiring a Public ~~or~~ Meeting Hearing, Amendments to Zoning Map, Adoption or Amendment

<sup>146</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

of Historic Designation, or Annexation of Land as shown in Table 6-1-1, the applicant shall mail a notice to all of the following:<sup>147</sup>

1. The owner of the property listed in the application.
2. All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the subject property. Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.

**6-4(K)(3)(d) Notice for Amendment to IDO Text – Small Area**

For an application for an Amendment to IDO Text – Small Area as shown in Table 6-1-1, the applicant shall mail a notice to all of the following, in addition to Neighborhood Associations pursuant to Subsection 6-4(K)(3)(b)3:

1. The owners of the properties within the small area.
2. All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.

**6-4(K)(3)(e) Notice for Appeals**

Mailed notice is not required for appeals of those decisions where Table 6-1-1 requires mailed notice of the initial application.

**6-4(K)(3)(f) Notice for Expiration or Termination of Resident Occupancy in Mobile Home Dwellings or Manufactured Homes**<sup>148</sup>

Changes of use in or rezoning of subject property that will result in expiration or termination of resident occupancy require notice pursuant to Subsection 14-16-2-3(C)(3)(g) (R-MC Zone District Standards) for any of the following:

1. Changes of use in or rezoning of a subject property in the R-MC zone district manufactured home communities that will result in expiration or termination of resident occupancy.
2. Pursuant to Subsection 14-16-6-8(C)(7)(d), changes of use in or rezoning of a subject property that includes any mobile home dwelling in any zone district.
3. Pursuant to Subsection 14-16-4-3(B)(1)(b)4.d, changes of use in or rezoning of developments that include 2 or more manufactured homes in any zone district.

**6-4(K)(4) Posted Sign**

Where Table 6-1-1 requires posted sign notice, the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 15 calendar days before the

<sup>147</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>148</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to clarify applicability and add cross references to relevant Subsections.

public ~~meeting or~~ hearing, as applicable, and for the appeal period of 15 calendar days following any decision, required pursuant to Subsection 14-16-6-4(V)(3)(a)1.<sup>149</sup>

6-4(K)(4)(a) Signs shall be furnished by the City.

6-4(K)(4)(b) For a period of 2 years after a Subdivision of Land – Major is approved, required posted signs for any Site Plan – Administrative for low-density residential development within that subdivision may be provided on kiosks with weather protection, constructed at the applicant's expense, where signs can be posted for as long as construction is active, in lieu of posting individual signs on each lot.

1. The kiosks must be located on private property at all entrances to the subdivision.
2. The sign content required pursuant to Subsection 14-16-6-4(K)(1)(a) must be shown but can be consolidated if applicable to multiple lots.
3. A map that clearly identifies the lots with applications for Site Plan – Administrative must be included.

6-4(K)(4)(c) Posted sign notice is not required for appeals of those decisions where Table 6-1-1 requires a posted sign for the initial application.

#### **6-4(K)(5) Electronic Mail**

Where Table 6-1-1 requires electronic mail notice, the applicant shall send an electronic mail notice to the e-mail addresses on file with the ONC for each Neighborhood Association whose boundaries include or are adjacent to the subject property.

6-4(K)(5)(a) For applications where mailed notice to Neighborhood Associations is also required pursuant to Subsection 14-16-6-4(K)(3)(b), electronic mail notice fulfills the mailed notice requirement in that Subsection. If any Neighborhood Association representatives do not have an e-mail address on file with the ONC, mailed notice to those representatives is required.

6-4(K)(5)(b) For a period of 2 years after a Subdivision of Land – Major is approved, a Site Plan – Administrative for low-density residential development within that subdivision is exempt from the electronic mail notice requirement. After that time, electronic mail notice is required.

6-4(K)(5)(c) Electronic mail notice is not required for appeals of those decisions where Table 6-1-1 requires electronic mail notice of the initial application.

<sup>149</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

**6-4(K)(6) Web Posting**

Where Table 6-1-1 requires web posting notice, the City shall post a notice on the City's website. The notice shall generally be in the form of a meeting or hearing agenda or a Notice of Decision.

**6-4(K)(7) Documentation of Good Faith Effort Required<sup>150</sup>**

- 6-4(K)(7)(a) In any case where an applicant is required to provide mailed, posted, or electronic notice, the applicant shall be required to submit evidence that timely notice has been made, including the dates on which notice was provided, a copy of the text of the notice provided, and a list of those addresses and e-mail addresses to which mailed and electronic notice has been sent.
- 6-4(K)(7)(b) In any case where mailed notice is returned to sender or email notice is returned as undeliverable, the applicant shall request updated information from the City and re-send any required notice to the updated address, if different.
- 6-4(K)(7)(c) Failure to provide evidence of timely mailing or electronic notice of required notices to Neighborhood Associations shall result in postponement of the public ~~meeting or~~ hearing unless the City receives written notice from each Neighborhood Association required to receive mailed notice that it has received notice and has no objection to the hearing proceeding as scheduled, or unless Subsection (d) below applies.
- 6-4(K)(7)(d) Failure to provide evidence of required mailed notice to any individual other than a Neighborhood Association representative may result in the postponement of further review of the application unless the City determines that those parties required to receive mailed notice have received notice of the public ~~meeting or~~ hearing or unless Subsection (e) below applies.
- 6-4(K)(7)(e) If the applicant provides evidence that the required notices were timely provided, then failure of a property owner or Neighborhood Association to receive actual notice due to changes of address since the latest update to the City or County real estate records, or due to changes of e-mail addresses since those were last provided to the City, or due to errors in postal delivery or newspaper publishing, or for other reasons beyond the control of applicant or City, shall not be grounds for a delay of application review or public ~~meetings or~~ hearings, or for appeal of the resulting decision.

**6-4(L) POST-SUBMITTAL FACILITATED MEETING****6-4(L)(1) Requesting a Post-submittal Facilitated Meeting**

- 6-4(L)(1)(a) Once an application for a decision listed in Table 6-1-1 is accepted as complete by the City Planning Department, property owners

<sup>150</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.



within 330 feet and Neighborhood Associations within 660 feet in any direction of the subject property may request a post-submittal facilitated meeting, except for Site Plan – Administrative applications for new low-density residential development as identified by Subsection 14-16-6-5(G)(1)(e)1.a, which are not subject to this provision.

6-4(L)(1)(b) Requests for a post-submittal facilitated meeting shall be submitted to the Planning Director in writing and must include, at a minimum, the following:

1. Why a post-submittal facilitated meeting is being requested.
2. What specific items are requested to be discussed.
3. What outcomes are wanted from the discussion.

6-4(L)(1)(c) The Planning Director shall notify the applicant of a request for a post-submittal facilitated meeting, if requested by a party other than the applicant, within 2 business days.

#### **6-4(L)(2) Criteria for Delaying a Decision**

The City will delay the decision on the application to allow a post-submittal facilitated meeting as follows:

##### **6-4(L)(2)(a) Administrative Decisions**

The following apply to all requests for a post-submittal facilitated meeting associated with an Administrative Decision as shown in Table 6-1-1.

1. One facilitated meeting can be requested and required.
2. A facilitated meeting shall be requested no more than 10 days after any public notice has been provided as required pursuant to Table 6-1-1.
3. A final decision by City staff will not be made until after the post-submittal facilitated meeting has taken place and the meeting summary has been received and reviewed by City staff.

##### **6-4(L)(2)(b) Decision Requiring a Public ~~Meeting or~~ Hearing and Zoning Map Amendment – EPC<sup>151</sup>**

The following apply to all requests for a post-submittal facilitated meeting associated with a Decision Requiring a Public ~~Meeting or~~ Hearing as shown in Table 6-1-1 and for a Zoning Map Amendment – EPC.

1. One post-submittal facilitated meeting can be requested and required. If a development involves applications for decisions by multiple decision-making bodies, one facilitated meeting can be requested and required per decision-making body.
2. If the request is made at least 15 calendar days prior to the scheduled meeting or hearing, the post-submittal facilitated

<sup>151</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.



meeting shall be required and completed before the application can be heard by the decision-making body. The decision-making body shall defer the case at the public ~~meeting or~~ hearing until the post-submittal facilitated meeting has taken place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.

3. If the request is made fewer than 15 calendar days before the scheduled meeting or hearing, or at such a meeting or hearing, or if an additional post-submittal meeting is requested, the applicant can agree to a post-submittal facilitated meeting and ask for a deferral or continuance of the case at any time. A deferral fee will be charged.

#### **6-4(L)(3) Timing of a Post-submittal Facilitated Meeting**

- 6-4(L)(3)(a) Once notified by the Planning Director about the request for a post-submittal facilitated meeting, the applicant shall contact the City's Alternative Dispute Resolution (ADR) office to request the post-submittal facilitated meeting within 2 business days. The City shall assign a facilitator, who shall schedule the post-submittal facilitated meeting to take place within 15 calendar days of the request to ADR. The facilitator shall attempt to contact all Neighborhood Associations whose boundaries include or are adjacent to the subject property.
- 6-4(L)(3)(b) If reasonable attempts have been made to accommodate the schedules of the applicant, the Neighborhood Associations, and the requester (if different), and no post-submittal facilitated meeting has occurred, the application shall proceed in the relevant review/decision process. If no post-submittal facilitated meeting occurs, the facilitator shall provide documentation of the attempt to schedule the post-submittal facilitated meeting and that no post-submittal facilitated meeting was scheduled within the time allotted.
- 6-4(L)(3)(c) If a post-submittal facilitated meeting occurs, the facilitator shall submit a post-submittal facilitated meeting report, including but not limited to the meeting location, date, and time; attendees; and a summary of the discussion to the Planning Department within 7 calendar days of the post-submittal facilitated meeting.

#### **~~6-4(M) PUBLIC MEETINGS~~**<sup>152</sup>

~~A public meeting is less formal than a public hearing and is not quasi-judicial. Where Table 6-1-1 indicates that a public meeting is required, the review or decision-making body shall discuss the application in a public meeting, but it shall be up to the discretion of the reviewing body whether public questions, statements, or discussion on the application shall be allowed.~~

<sup>152</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings vs. public hearings pursuant to Table 6-1-1. This subsection would no longer be needed.

**6-4(N) PUBLIC HEARINGS****6-4(N)(1) Requirement<sup>153</sup>**

The DHO, EPC, LC, LUHO, ZHE, and City Council shall conduct public hearings as necessary on those types of applications where Table 6-1-1 requires a public hearing.

**6-4(N)(2) Procedures Governed by Administrative Rules**

Each entity listed in Section 14-16-6-2 (Review and Decision-making Bodies) is authorized to create rules, procedures, or practices governing its conduct of public hearings, but each public hearing (other than appeal hearings) shall include an opportunity for all parties to the hearing to be heard regarding the application. A record shall be kept of each person asking questions or offering testimony about the application.

**6-4(N)(3) Quasi-judicial Hearings**

For decisions that would result in changes to property rights or entitlements on a particular property or affecting a small area, or are otherwise not considered legislative decisions involving policy or regulatory changes that would apply citywide or to a large area, the decision-making body shall conduct a quasi-judicial hearing to make a discretionary decision. Quasi-judicial hearings shall be subject to the additional provisions in this Subsection 14-16-6-4(N)(3).

**6-4(N)(3)(a) Appearance of Record**

An appearance of record in a hearing is made through a written statement of the person's name and address, signed by the person or by his/her agent, and submitted to the relevant decision-making body prior to the termination of public comment on the case.

**6-4(N)(3)(b) Conduct**

1. A party to the hearing shall be afforded an opportunity to present evidence and argument and to question witnesses on all relevant issues, but the decision-making body may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning.
2. The decision-making body may call witnesses and introduce papers of its own volition during the public hearing.
3. All testimony at the hearing shall be under oath or affirmation.
4. Nothing in this IDO shall prohibit interested members of the public from testifying at public hearings other than appeal hearings before the decision-making body.
5. A full record of the hearing will be made by sound recording or transcription; any person shall have the opportunity to listen to, copy, or transcribe the recording during business hours.

<sup>153</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

- 6-4(N)(5)(d) The ZHE and the LUHO shall make a decision and present findings and recommendations about each application within 15 calendar days after the close of the public hearing.
- 6-4(N)(5)(e) The LC and EPC shall make a decision at the public hearing and shall issue a written decision with findings necessary to the decision within 15 calendar days after the close of the public hearing.
- 6-4(N)(5)(f) The City Council shall make a decision about each application at a public hearing and shall adopt findings no later than its next scheduled meeting.

**6-4(N)(6) Public Notice of Decision**

- 6-4(N)(6)(a) For Decisions Requiring a Public ~~Meeting or~~ Hearing and Policy Decisions (pursuant to Table 6-1-1), a Notice of Decision, including a list of any conditions attached to any permit or approval, shall be sent to each party to the matter and to any other person who has entered an appearance and requested a copy of the decision. The Notice of Decision shall be posted on the City website as soon as practicable and not more than 3 business days after the final action on the matter by any decision making officer or body other than the City Council. Notices of decision by the City Council must be posted within 10 days of the final action.<sup>154</sup>
- 6-4(N)(6)(b) For decisions to continue or defer a hearing, the time and place shall be announced at the hearing without the need for the applicant or the City to provide additional notice.

**6-4(O) GENERAL CRITERIA FOR REVIEW AND DECISION**

- 6-4(O)(1) For all applications, the decision-making body identified in Table 6-1-1 shall review the applicant's justification for the request and only approve the request if it finds that the justification is sound based on substantial evidence.
- 6-4(O)(2) Where Sections 14-16-6-5 (Administrative Decisions), 14-16-6-6 (Decisions Requiring a Public ~~Meeting or~~ Hearing), or 14-16-6-7 (Policy Decisions) list specific review and decision criteria for the approval of an application, the decision-making body identified in Table 6-1-1 shall only approve the application if it finds that those criteria have been met.<sup>155</sup>
- 6-4(O)(3) Where this IDO does not list additional or more specific criteria for the review and decision on applications, the application shall be recommended for approval (or approval with conditions) or shall be approved (or approved with conditions) if the review or decision-making body determines that the application complies with all applicable standards in this IDO, other adopted City regulations or policies that may be applicable, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

<sup>154</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>155</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

## 6-4: General Procedures

- 6-4(O)(4) Any application identified in Table 6-1-1 may be denied to an applicant who meets any of the following criteria:
- 6-4(O)(4)(a) Has not complied with all applicable statutes of the State of New Mexico, provisions of the Charter of the City of Albuquerque, or City ordinance.
  - 6-4(O)(4)(b) Is in default or has defaulted on a written agreement with the City.
  - 6-4(O)(4)(c) Has failed to pay fees, charges, taxes, special assessments, and other debts or obligations that are due from the applicant and payable to the City regarding any matter.

**6-4(P) DEVIATIONS**

When an application is submitted, the applicant may request a deviation to IDO Standards, up to the limits listed in Table 6-4-1.

**Table 6-4-1: Allowable Deviations**

Standard	Maximum Allowable Deviation (Cumulative of Earlier Approved Deviations)	
	General	Lot ≤10,000 sq. ft. in any Mixed-use or Non-residential zone district in an Area of Change
Lot size, minimum		10%
Lot width, minimum		10%
Front setback, minimum		15%
Side setback, minimum	15%	50%
Rear setback, minimum	10%	50%
Building height, maximum		10%
Off-street parking spaces, minimum	5%	15%
Wall and fence height		6 in.
Any other numerical standard		10%
Any standard cited in an application for "reasonable accommodation" or "reasonable modification" under the federal Fair Housing Act Amendments of 1998 (or as amended)	The minimum deviation necessary to comply with the federal Fair Housing Act	

- 6-4(P)(1) For standards in the following subsections, requests for deviations beyond these thresholds or to standards not included in Table 6-4-1 will be reviewed and decided as Waivers pursuant to the following:
- 6-4(P)(1)(a) Subsection 14-16-6-6(P) (Waiver – [DHO DRB](#))<sup>156</sup> for deviations from standards Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), except for the following standards:
    1. Subsection 14-16-5-5(F)(2)(a)3, which requires a Permit – Carport for carports in any front or side setback pursuant to Subsection 14-16-6-6(G).
    2. Standards related to front yard parking in Subsection 14-16-5-5(F)(1)(a)6, Subsection 14-16-5-5(F)(2)(a)2, or Table 5-5-6,

<sup>156</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

which require a Variance – ZHE pursuant to Subsection 14-16-6-6(O).

- 6-4(P)(1)(b) Subsection 14-16-6-6(Q) (Waiver – Wireless Telecommunications Facility) for deviations from IDO standards applicable to the erection or installation of a WTF.
- 6-4(P)(2) For all other IDO standards, requests for exceptions beyond these thresholds will be reviewed and decided as Variances pursuant to the following:
- 6-4(P)(2)(a) Subsection 14-16-6-6(N) (Variance – EPC) for exceptions to all other IDO standards associated with a Site Plan – EPC.
- 6-4(P)(2)(b) Subsection 14-16-6-6(N) (Variance – EPC) for exceptions to the following VPO standards:<sup>157</sup>
1. Coors Boulevard – VPO-1
    - a. Subsection 14-16-3-6(D)(4) (Setback Standards)
    - b. Subsection 14-16-3-6(D)(5)(b) (Building and Structure Height (View Plane))
  2. Northwest Mesa Escarpment – VPO-2  
Subsection 14-16-3-6(E)(3) (Building and Structure Height)
- 6-4(P)(2)(c) Subsection 14-16-6-6(O) (Variance – ZHE) for exceptions to all other IDO standards associated with a Site Plan – Administrative ~~or Site Plan – DRB.~~<sup>158</sup>
- 6-4(P)(3) The relevant decision-making body identified in Table 6-1-1 may approve a requested deviation that is within the limits listed in Table 6-4-1 if that decision-making body determines that all of the following requirements are met:
- 6-4(P)(3)(a) The applicant's site is subject to site constraints not generally shared by surrounding properties or the site was platted or developed in an unusual pattern when compared to abutting properties (e.g. the property was developed with orientation or access facing a different street than abutting lots) that would prevent the development of a permissive land use in a type of structure generally found on sites of a similar size in the surrounding area.
- 6-4(P)(3)(b) The site constraints were not created by the actions of the property owner or another interested party.
- 6-4(P)(3)(c) The request is for a single site and is not part of a pattern of similar requests for adjacent properties or for nearby sites by the same property owner or within the same subdivision, Framework Plan area, or Master Development Plan area.
- 6-4(P)(3)(d) The approval of the requested deviations will not cause material adverse impacts on surrounding properties.

<sup>157</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to clarify applicability and add cross references to relevant Subsections.

<sup>158</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

- 6-4(P)(3)(e) The requested deviation is not for an Overlay zone standard, and the approval of any requested deviation will not result in a violation of any Overlay zone standard.
- 6-4(P)(4) In the case of a request for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended), the criteria in Subsections (a), (b), (c), (d), and (e) above do not need to be met, and the relevant decision-making body shall approve any deviation necessary to comply with the requirements of the federal Fair Housing Act Amendments.
- 6-4(P)(5) Any deviations granted that are associated with a Site Plan or Subdivision Plat shall be noted on the approved Site Plan or Subdivision Plat.<sup>159</sup>

**6-4(Q) CONDITIONS ON APPROVALS**

- 6-4(Q)(1) If Table 6-1-1 or IDO Subsections 14-16-6-4(Y) (Amendments of Approvals) or 14-16-6-4(Z) (Amendments of Pre-IDO Approvals) authorize City staff to make a decision on an application, City staff may impose conditions necessary to bring the application into compliance with the requirements of this IDO or other adopted City regulations.
- 6-4(Q)(2) If Table 6-1-1 or IDO Subsections 14-16-6-4(Y) (Amendments of Approvals) or 14-16-6-4(Z) (Amendments of Pre-IDO Approvals) authorizes the ZHE, EPC, DHO ~~DRB~~, LC, or City Council to make a decision on an application, the decision-making body may impose conditions on the approval necessary to bring the application into compliance with the requirements of this IDO, other adopted City regulations, or the specific review criteria for that type of application, provided that the following criteria are met.<sup>160</sup>
- 6-4(Q)(2)(a) All conditions are reasonably related to the purposes of this IDO or mitigating the negative impacts of the proposed development or land use as determined by the reviewing entity.
- 6-4(Q)(2)(b) Where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any conditions imposed are roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
- 6-4(Q)(3) Any conditions shall be listed in or attached to the permit or approval document, and violation of any condition on a permit or approval shall be a violation of this IDO.
- 6-4(Q)(4) Any conditions shall be met within 1 year of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the

<sup>159</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to reflect current practice.

<sup>160</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).



**6-4(R)(2) Infrastructure Improvements Agreement<sup>161</sup>**

Before a final plat may be approved After approval of the Preliminary Plat, the applicant shall provide to the City an Infrastructure Improvements Agreement (IIA) based on the required infrastructure that complies with the following standards and all applicable standards in the DPM.

- 6-4(R)(2)(a) The IIA shall specify the time period within which the improvements necessary to provide required access, public services, and public amenities required of the applicant are to be completed, which time period will end not later than 2 years after execution of the IIA.
- 6-4(R)(2)(b) An IIA for sidewalks that have received an adjustment for temporary deferral of installation shall have a time period that will end 4 years after execution of the IIA, unless extended by the DRB for good cause, as described in the DPM.<sup>162</sup>
- 6-4(R)(2)(c) The City Engineer DRB may extend the time periods listed in Subsections 14-16-6-4(R)(2)(a) and 14-16-6-4(R)(2)(b) above for a period of less than 1 year for good cause shown.
- 6-4(R)(2)(d) If a Preliminary Plat approval expires under the terms of this IDO without a Final Plat having been approved, the IIA automatically lapses, and no further improvements are required or approved.
- 6-4(R)(2)(e) After execution of an IIA approved by the City, the applicant may proceed with the construction of all required improvements.

**6-4(R)(3) Construction Plans<sup>163</sup>**

Before a final plat may be approved After approval of the Preliminary Plat, the applicant shall present construction plans and specifications for all required infrastructure (which shall conform to the approved Preliminary Plat) to the City Engineer for approval, together with a proposed IIA pursuant to 6-4(R)(2) above between the subdivider and the City specifying all infrastructure proposed for construction. Construction plans and specifications shall meet all applicable requirements of the DPM or other technical standards adopted by the City.

**6-4(S) DEDICATIONS<sup>164</sup>**

- 6-4(S)(1) Dedication of public areas, as required by Subsection 14-16-5-4(K), or by other City policy requirements shall be free and clear of any liens or encumbrances and be in fee simple unless one of the following applies.

<sup>161</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Moved editorially to general procedures to reference the section in both minor and major subdivision subsections to eliminate duplication. Revised editorially to apply to both minor and major subdivisions, since minor subdivisions do not require a preliminary plat.

<sup>162</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Deleted editorially as covered by following subsection (c).

<sup>163</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Moved editorially from Subdivision – Major to general procedures to reference the section in multiple both minor and major subsections to eliminate duplication. Revised editorially to apply to both minor and major subdivisions, since minor subdivisions do not require a preliminary plat.

<sup>164</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to move from Subdivision – Major to general procedures to reference the section in multiple both minor and major subsections to eliminate duplication.

- 6-4(S)(1)(a) The applicant demonstrates that fee simple dedication is legally infeasible.
- 6-4(S)(1)(b) The City Engineer ~~DRB~~ and the City Attorney find that a different type of dedication better accomplishes City policy or is provided for by specific ordinance.
- 6-4(S)(2) If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.
- 6-4(S)(3) When parks are dedicated, a deed to the land shall be delivered to the governmental body with jurisdiction over that type of park, as determined by the City.

**6-4(T) BUILDING AND CONSTRUCTION AND RELATED APPROVALS**

**6-4(T)(1) Declaratory Ruling**

- 6-4(T)(1)(a) Upon request, the ZEO shall issue a written declaratory ruling as to the applicability of the IDO to a proposed development or activity. In determining whether a use not specifically allowed by this IDO can be considered as allowable in a particular zone, the similarity to and compatibility with other allowable uses in that zone shall be determining factors.
- 6-4(T)(1)(b) If the ZEO determines that the request for a declaratory ruling is not applicable to a proposed development or activity, the ZEO is not required to issue a declaratory ruling.
- 6-4(T)(1)(c) Declaratory rulings may be appealed to City Council, with a recommendation by the LUHO, pursuant to Subsection 14-16-6-4(V) (Appeals).

**6-4(T)(2) Impact Fees**

- 6-4(T)(2)(a) Each applicant shall comply with Article 14-19 of ROA 1994 (Impact Fees) and the DPM regarding the payment of impact fees for a proposed development or land use.
- 6-4(T)(2)(b) Impact fee assessments may be appealed pursuant to Subsection 14-16-6-4(V)(3)(c) (Environmental Planning Commission – Appeal of an Impact Fee Assessment).

**6-4(T)(3) Fugitive Dust Control Construction Permit**

- 6-4(T)(3)(a) All development that will involve surface disturbance of an area equal to or greater than 32,670 square feet (¾-acre) requires review by the City Environmental Health Department pursuant to the Air Quality Regulations adopted by the Albuquerque-Bernalillo County Air Quality Control Board and found in Part 20.11.20 of the NMAC (Fugitive Dust Control) and the DPM. In case of a conflict with any standards in this IDO, those requirements prevail.
- 6-4(T)(3)(b) In order to obtain a fugitive dust control construction permit, the applicant must to do all of the following:
1. Discuss the project with a representative of the City Environmental Health Department Air Quality Program to



IDO or DPM. In case of a conflict between the provisions of this Subsection 14-16-6-4(S)(5) and the standards and procedures of the DPM, the DPM shall prevail.

6-4(T)(5)(b) This Subsection 14-16-6-4(S)(5) is not intended to affect planning or administrative processes that are not associated with physical changes to the lot other than to raise awareness of procedures related to landfill gases that must be undertaken prior to development.

6-4(T)(5)(c) A landfill gas mitigation approval is required for all of the following types of permits or applications on any property within a landfill gas buffer area pursuant to Subsection 14-16-5-2(I) (Landfill Buffers) in addition to any other applicable review and approval requirements:

1. Grading, Drainage, and Paving Approvals or Fugitive Dust Control Construction Permit.
2. Permit – Sign for new freestanding sign.
3. Permit – Wall or Fence – Minor.
4. Site Plan – Administrative.
5. Wireless Telecommunications Facility Approval for a new freestanding facility.
6. Master Development Plan.
- ~~7. Site Plan – DRB.~~<sup>165</sup>
8. Site Plan – EPC.
9. Subdivision of Land – Minor.
10. Subdivision of Land – Major.

6-4(T)(5)(d) In order to obtain a landfill gas mitigation approval, the applicant must to do all of the following:

1. The applicant shall provide an assessment and report performed and certified by a professional engineer with expertise in landfills and landfill gas to determine if landfill gases exist on the lot and whether there is a potential for the migration of landfill gases to impact the lot or other lots in the future.
2. If the assessment determines that landfill gases exist on the lot or there is a potential for the migration of landfill gases to impact the lot or other lots in the future, the report shall identify landfill gas mitigation measures that are adequate to address any existing or future risk in a landfill gas mitigation plan that meets the following requirements:
  - a. The applicant shall submit copies of the assessment, report, and landfill gas mitigation plan, approved by the City Environmental Health Department, with any

<sup>165</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

edge of that area falls within a public right-of-way, adjacent properties shall be included.

- b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.
- c. Where proximity is noted as “Includes or Is Adjacent,” the Neighborhood Association boundary includes or is adjacent to the subject property.
- d. For application types with no distance specified, the final decision may be appealed pursuant to the Subsection indicated in Table 6-4-2.

**Table 6-4-2: Standing for Appeals Based on Proximity to Subject Property**

Application Type	Property Owners within Distance Specified	Neighborhood Associations within Distance Specified
<b>Administrative Decisions</b>		
Archaeological Certificate	100 ft.	Includes or Is Adjacent
Declaratory Ruling	14-16-6-4(V)(2)(a)3	
Historic Certificate of Appropriateness – Minor	100 ft.	Includes or Is Adjacent
Impact Fee Assessment	14-16-6-4(V)(2)(a)4	
Permit – Sign		
<i>Permit</i>	100 ft.	Includes or Is Adjacent
<i>Alternative Signage Plan</i>	330 ft.	660 ft.
Permit – Temporary Use	100 ft.	Includes or Is Adjacent
Permit – Wall or Fence – Minor	100 ft.	Includes or Is Adjacent
Site Plan – Administrative	100 ft.	Includes or Is Adjacent
Subdivision of Land – Minor	100 ft.	Includes or Is Adjacent
Wireless Telecommunications Facility Approval	330 ft.	660 ft.
<b>Decisions Requiring a Public Meeting or Hearing<sup>166</sup></b>		
Conditional Use Approval	330 ft.	660 ft.
Demolition Outside of an HPO	330 ft.	660 ft.
Expansion of Nonconforming Use or Structure	100 ft.	Includes or Is Adjacent
Historic Certificate of Appropriateness – Major	330 ft.	660 ft.
Historic Design Standards and Guidelines	330 ft.	660 ft.
Master Development Plan	330 ft.	660 ft.
Permit – Carport	100 ft.	Includes or Is Adjacent
Permit – Wall or Fence – Major	100 ft.	Includes or Is Adjacent
<del>Site Plan – DRB<sup>167</sup></del>	<del>330 ft.</del>	<del>660 ft.</del>
Site Plan – EPC	330 ft.	660 ft.

<sup>166</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>167</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

**Table 6-4-2: Standing for Appeals Based on Proximity to Subject Property**

Application Type	Property Owners within Distance Specified	Neighborhood Associations within Distance Specified
Subdivision of Land – Major		
<i>Preliminary Plat</i> <sup>161</sup>	N/A	N/A
<i>Bulk Land Subdivision</i>	100 ft.	Includes or Is Adjacent
<i>Final Plat</i>	330 ft.	660 ft.
Vacation of Easement, Private Way, or Public Right-of-way		
<i>Vacation of Public or Private Easement</i>	100 ft.	Includes or Is Adjacent
<i>Vacation of Public Right-of-way – City Council</i>	330 ft.	660 ft.
<i>Vacation of Public Right-of-way – DHO DRB</i> <sup>168</sup>	100 ft.	Includes or Is Adjacent
Variance – EPC	330 ft.	660 ft.
Variance – ZHE	100 ft.	Includes or Is Adjacent
Waiver – DHO DRB <sup>169</sup>	100 ft.	Includes or Is Adjacent
Waiver – Wireless Telecommunications Facility	330 ft.	660 ft.
<b>Policy Decisions</b>		
Adoption or Amendment of Comprehensive Plan	14-16-6-4(V)(2)(a)3	
Adoption or Amendment of Facility Plan	14-16-6-4(V)(2)(a)4	
Adoption or Amendment of Historic Designation	330 ft.	660 ft.
Amendment to IDO Text – Citywide	14-16-6-4(V)(2)(a)4	
Amendment to IDO Text – Small Area	330 ft.	660 ft.
Annexation of Land	330 ft.	660 ft.
Zoning Map Amendment – EPC	330 ft.	660 ft.
Zoning Map Amendment – Council	330 ft.	660 ft.
[1] This decision is not appealable because it is not a final decision.		

**6-4(W)(2)(b) Appearance of Record Required**

- For Decisions Requiring a Public Meeting or Hearing and Policy Decisions (pursuant to Table 6-1-1), the appellant must have made an appearance of record to have standing to appeal, except in cases where an appellant is alleging improper notice.<sup>170</sup>
- An appearance of record can be made through any of the following:
  - The initial submittal of an application for a decision listed in Table 6-1-1.

<sup>168</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>169</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>170</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

- b. The submittal of written comments that include the eventual appellant's name and contact information about the subject case submitted to the relevant decision-making body during the review process within the deadline for written comments prior to the decision.
- c. Verbal comments made by the eventual appellant or appellant's agent provided at a public ~~meeting or~~ hearing about the subject case during the review process before the relevant decision-making body. <sup>171</sup>

**6-4(W)(3) Procedure****6-4(W)(3)(a) Filing an Appeal**

- 1. An appeal must be filed with the Planning Director within 15 calendar days, excluding holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays), after the decision.
  - a. The date that the decision was made is not included in the 15-day period for filing an appeal.
  - b. The Planning Director shall not accept appeals filed after the 15-day deadline in Subsection a above has passed.
- 2. For Declaratory Rulings, there is no deadline for appealing the decision.
- 3. The appeal shall specifically state the section of this IDO, City regulation, or condition attached to a decision that has not been interpreted or applied correctly.

**6-4(W)(3)(b) Landmarks Commission – Appeal of Historic Certificate of Appropriateness – Minor**

- 1. Once an appeal has been accepted by the Planning Director, the City Planning Department staff (Historic Preservation planner) shall prepare and transmit a record of the appeal together with all appeal material received from the appellant the property owner and appellant(s) and to the LC. The LC shall schedule a hearing on the matter within 45 calendar days of receipt. The Historic Preservation Planner shall notify the parties. Appellants and parties to the appeal may submit written arguments to the LC so long as the written argument is received by LC staff at least 10 calendar days prior to the hearing.
- 2. The LC may accept new evidence into the record if it appears that such additional evidence is necessary for the proper disposition of the matter and could not have been placed into the record during the previous decision-making process. New evidence that clarifies evidence already in the record, that is offered to contradict evidence in the record, or that is offered on a key factual issue, may be allowed or may justify remand.

<sup>171</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

# Exhibit 1 to Amendment B13 - As of 5/11/2022

## Part 14-16-6: Administration and Enforcement

6-4(Y): Expiration of Approvals

### 6-4: General Procedures

6-4(Y)(2): Expiration or Repeal of Approvals

Table 6-4-3: Permit and Approval Expirations	
Type of Approval	Period of Validity
<b>Administrative Decisions</b>	
Archaeological Certificate	Expires with associated development approval
Building Permit	1 year
Declaratory Ruling	Does not expire, unless the section(s) of the IDO to which the ruling relates is amended
Development Agreement	As stated in Development Agreement
Grading, Drainage, or Paving Approval	1 year
Historic Certificate of Appropriateness – Minor	1 year
Impact Fee Assessment	4 years
Permit – Sign / Alternative Signage Plan	1 year
Permit – Temporary Use	As stated in the Temporary Use Permit
Permit – Temporary Window Wrap	6 months, or until 50% or more of the gross floor area of the ground floor is leased, whichever occurs sooner
Permit – Wall or Fence – Minor	1 year
Site Plan – Administrative	5 years
Wireless Telecommunications Facility Approval	5 years
<b>Decisions Requiring a Public Meeting or Hearing<sup>172</sup></b>	
Conditional Use Approval	1 year after issuance if use is not begun, or 1 year after use is discontinued or fails to operate
Demolition Outside of an HPO	N/A
Expansion of Nonconforming Use or Structure	1 year
Historic Certificate of Appropriateness – Major	1 year
Historic Design Standards and Guidelines	Does not expire
Master Development Plan	7 years
Permit – Carport	1 year
Permit – Wall or Fence – Minor	1 year
Site Plan – DRB <sup>173</sup>	7 years
Site Plan – EPC	7 years
Subdivision of Land – Bulk Land	Does not expire once timely recorded
Subdivision of Land – Minor	Does not expire once timely recorded
Subdivision of Land – Major	
Preliminary Plat	1 year
Bulk Land Subdivision	1 year or until a Preliminary Plat is approved
Final Plat	Does not expire once timely recorded
Vacation of Easement, Private Way, or Public Right-of-way	1 year, if not platted
Variance – EPC	Expires with associated Site Plan
Variance – ZHE	1 year
Waiver – DHO DRB <sup>174</sup>	1 year, if not platted / Expires with associated Site Plan
Waiver – Wireless Telecommunications Facility	Does not expire

<sup>172</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>173</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

<sup>174</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

Table 6-4-3: Permit and Approval Expirations	
Type of Approval	Period of Validity
<b>Policy Decisions</b>	
Adoption or Amendment of Comprehensive Plan	Does not expire
Adoption or Amendment of Facility Plan	Does not expire
Adoption or Amendment of Historic Designation	Does not expire
Amendment to IDO Text – Citywide	Does not expire
Amendment to IDO Text – Small Area	Does not expire
Annexation of Land	Does not expire
Zoning Map Amendment – EPC	Does not expire
Zoning Map Amendment – Council	Does not expire

**6-4(Y)(3) Exceptions to Period of Validity**

- 6-4(Y)(3)(a) If the type and amount of development on the subject property meets the following thresholds, as applicable for the type of Site Plan or Master Development Plan approved, the approved plan will not expire.
1. **Site Plan – Administrative**  
If the Site Plan was approved for land on which on-site infrastructure did not exist at the time of approval, then at least 50 percent of the site area or 50 percent of the approved gross floor area has been developed.
  2. ~~Site Plan – DRB~~, Site Plan – EPC, or Master Development Plan
    - a. If the Site Plan or Master Development Plan was approved for land on which on-site infrastructure did not exist at the time of approval, then at least 75 percent of the required on-site drainage infrastructure for the property, or if the Plan defines more than one phase of development, then for the first defined phase, has been installed.<sup>175</sup>
    - b. If the Site Plan or Master Development Plan was approved for land on which at least 75 percent of required on-site drainage infrastructure was in place at the time of approval, then at least 25 percent of the approved gross floor area for primary buildings on the property, or if the Plan defines more than one phase of development, then for the first defined phase, has been constructed.
- 6-4(Y)(3)(b) Any permit or approval of a type listed in Table 6-4-3 that was approved by the City before the effective date of this IDO, shall expire on one of the following dates, whichever occurs sooner:
1. The date listed in that permit or approval or in any regulation of the City establishing an expiration of the permit or approval that was applicable before the effective date of this IDO.

<sup>175</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

2. The date on which that type of permit or approval would expire if it were approved by the City on the effective date of this IDO.

#### **6-4(Y)(4) Extensions of Period of Validity**

##### **6-4(Y)(4)(a) General Provisions**

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that all of the following requirements are met:
  - a. The applicant or property owner submits a written request for the time extension before the expiration of the original permit or approval with the Planning Director.
  - b. The extension is considered and a decision made by the same decision-making body as the initial approval, except that no public ~~meeting or~~ hearing shall be required, if one would have been required under the IDO for the initial approval. <sup>176</sup>
2. If an application to extend the validity of a permit or approval listed in Table 6-4-3 is received before the permit or approval expires, but the decision-making body authorized to grant an extension does not meet between the date of the application and the date on which the permit or approval expires, the period of validity shall automatically be extended until the next meeting date of the body authorized to grant an extension.
3. Impact fee assessments and any Permit – Sign for an electronic sign may not be extended.

##### **6-4(Y)(4)(b) Additional Provisions for Extensions of Approved Site Plans<sup>177</sup>**

1. The decision-making body that originally approved the Site Plan may grant 1 extension of validity for a time not to exceed the original period of validity if it determines that at least 1 of the following provisions applies:
  - a. The Site Plan is still consistent with current or desired conditions on the property and surrounding areas and the owner intends to fully develop the site according to the Site Plan.
  - b. There is little flexibility in how the site can be developed.

<sup>176</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>177</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.



- c. There is a strong architectural or landscaping character on the site that should be preserved and that development according to the Site Plan will preserve that architectural or landscaping character.
2. An extension of an approved ~~Site Plan – DRB or~~ Site Plan – EPC for phased development of the site may be approved if the ~~EPC decision-making body~~ determines that all of the following provisions apply.
  - a. At last 50 percent of the first phase has been developed.
  - b. The extension of the Site Plan is for later phases of the Site Plan.
  - c. The Site Plan as previously approved is likely to be built in the future.
3. Any extension of a ~~Site Plan – DRB or~~ Site Plan – EPC shall require a new meeting with the ~~DRB or EPC, as applicable,~~ and may require an update of any Traffic Impact Study (TIS) prepared for that Site Plan if the prior TIS is more than 5 years old and the City Engineer determines that background or anticipated traffic volumes or patterns in the surrounding area have changed since the TIS was prepared.

**6-4(Y)(4)(c) Additional Provisions for Extensions of Preliminary Plats<sup>178</sup>**

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the ~~DHO DRB~~ for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.

**6-4(Z) AMENDMENTS OF APPROVALS**

After the City issues an approval under this IDO, the approval may be amended as described in this Subsection 14-16-6-4(Y).

**6-4(Z)(1) Applicability**

- 6-4(Z)(1)(a) This Subsection 14-16-6-4(Y) addresses applications for amendments to permits, approvals, or plans that comply with all Use-specific Standards in Section 14-16-4-3, all Development Standards in Part 14-16-5 (Development Standards), and all DPM standards applicable to the development. If the applicant is requesting an amendment that would require a Waiver or Variance from any of these standards, a separate request must be submitted pursuant to the relevant procedure, as follows:
  1. Subsection 14-16-6-6(P) (Waiver – ~~DHO DRB~~)<sup>179</sup> for exceptions to any standards in Section 14-16-5-4 (Subdivision of Land),

<sup>178</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>179</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).



- 6-4(Z)(2)(c) Requests to amend approvals shall be reviewed according to 1 of the following procedures:
1. Applications to amend an Administrative Decision (as listed in Table 6-1-1) may be approved by the same administrative body that made the decision being modified, provided that the administrative body determines that all of the criteria in Subsection 14-16-6-4(X)(2)(a) have been met.
  2. Applications to amend a Decision Requiring a Public ~~Meeting~~ <sup>180</sup> Hearing (as listed in Table 6-1-1) may be approved by the ZEO provided that the ZEO determines that all of the criteria in Subsection 14-16-6-4(X)(2)(a) have been met. <sup>180</sup>
  3. Applications to amend an approved Site Plan – DRB may be approved by the ZEO provided that the ZEO determines that all of the criteria in Subsection 14-16-6-4(X)(2)(a) have been met. <sup>181</sup>

Table 6-4-4: Allowable Minor Amendments		
Standard	Maximum Threshold (Cumulative of Earlier Approved Deviations and/or Amendments)	
	General	Lot ≤10,000 sq. ft. in any Mixed-use or Non-residential zone district in an Area of Change
Building gross floor area	10%	
Front setback, minimum	15%	
Side setback, minimum	15%	50%
Rear setback, minimum	10%	50%
Building height, maximum	Increase: 10% Decrease: any amount	
Wall and fence height	6 in.	
Any other numerical standard	10%	
Any <del>other</del> <sup>182</sup> addition or revision that would otherwise be decided as a Permit – Sign, Permit – Wall or Fence – Minor, or Site Plan – Administrative	Any amount that meets requirements specified in the approved Permit or Site Plan or, if the Permit or Site Plan is silent, the IDO	
All rooftop installations and ground-mounted installations of solar or wind energy generation on premises less than 5 acres	Any amount to accommodate the installation that does not affect the ability to meet requirements specified in the approved Site Plan or, if the Site Plan is silent, the IDO	
All additions or modifications of battery storage on premises less than 5 acres	Any amount to accommodate the addition that does not affect the ability to meet requirements specified in the approved Site Plan or, if the Site Plan is silent, the IDO	

<sup>180</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>181</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

<sup>182</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1.

**Table 6-4-4: Allowable Minor Amendments**

Standard	Maximum Threshold (Cumulative of Earlier Approved Deviations and/or Amendments)	
	General	Lot ≤10,000 sq. ft. in any Mixed-use or Non-residential zone district in an Area of Change
Changing the site layout of an electric facility other than an electric generation facility	Any amount to accommodate the change that does not affect the ability to meet requirements specified in the approved Site Plan or, if the Site Plan is silent, the IDO	
Any standard cited in an application for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended)	The minimum deviation necessary to comply with the federal Fair Housing Act Amendments	

**6-4(Z)(3) Major Amendments**

- 6-4(Z)(3)(a) All amendments to permits or approvals that do not qualify as minor amendments under Subsection (2) above may only be approved by the decision-making body that issued the permit or approval being amended, following the same procedure (including the payment of a new application fee, new process of staff referral, and any required public notice or public ~~meeting or~~ hearing) used to issue the original permit or approval.<sup>183</sup>
- 6-4(Z)(3)(b) Repeals are processed as major amendments for the purpose of this IDO.
- 6-4(Z)(3)(c) For decisions made by the Development Review Board, the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement) shall be followed, including any required application fee, public notice, referral to commenting agencies, and public meeting or hearing.<sup>184</sup>
- Major amendments to a Site Plan – DRB shall be reviewed and decided by City staff as a major amendment to a Site Plan – Administrative.
  - Major amendments to a Subdivision shall be reviewed and decided by the DHO as a major amendment of a Subdivision of Land – Bulk Land, Subdivision of Land – Minor, or Subdivision of Land – Major, as relevant.

<sup>183</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

<sup>184</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

## 6-4(AA) AMENDMENTS OF PRE-IDO APPROVALS

Approvals granted prior to the effective date of this IDO may be amended as described in this Subsection 14-16-6-4(Z).

### 6-4(AA)(1) Site Development Plans

This Subsection 14-16-6-4(Z) addresses applications for amendments to site development plans approved prior to the effective date of this IDO.

#### 6-4(AA)(1)(a) Minor Amendments

The Planning Director may grant minor amendments that meet all of the following requirements.

1. The existing site development plan specifies the requirements in place at the time of approval, and the requested change still meets the original requirements.
2. The requested change is within the thresholds for minor amendments established in Table 6-4-4, cumulative of prior deviations or minor amendments.
3. The requested change does not require major public infrastructure or significant changes to access or circulation patterns on the site, which would warrant additional review by the original decision-making body.
4. No deviations, Variances, or Waivers shall be granted for minor amendments.

#### 6-4(AA)(1)(b) Major Amendments<sup>185</sup>

All requested amendments that do not qualify as minor amendments pursuant to Subsection (a) above shall be subject to relevant IDO standards, unless a different procedure described below applies.

1. Except as noted in Subsection 2 below, major amendments shall be reviewed and decided by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement), including any required application fee, public notice, referral to commenting agencies, and public ~~meeting or~~ hearing.
2. For major amendments that involve any of the following, the relevant IDO procedures shall be followed, including any required application fee, public notice, referral to commenting agencies, and public ~~meeting or~~ hearing.
  - a. Any standard in the Site Development Plan that is covered by an IDO standard in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or any DPM standard.

<sup>185</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

**6-5(G) SITE PLAN – ADMINISTRATIVE<sup>188</sup> <sup>189</sup>**

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(G).

**6-5(G)(1) Applicability**

6-5(G)(1)(a) A Site Plan – Administrative may only be approved for development on legally platted or nonconforming lots and may not be approved for unsubdivided property.

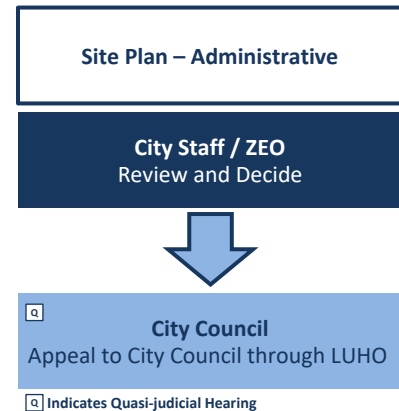
6-5(G)(1)(b) A Site Plan – Administrative may be approved for property with a prior-approved Site Plan, regardless of whether the prior-approved Site Plan is still valid pursuant to Subsection 14-16-6-4(Y), subject to allowable uses and development standards in this IDO. If any portions of the proposed boundary overlap with a prior-approved Site Plan that will remain in place, a Major Amendment shall be required as described in Subsection 14-16-6-5(G)(2)(b) below.

~~6-5(G)(1)(c) A Site Plan – Administrative may only be approved for development that does not require major public infrastructure or an Infrastructure Improvements Agreement (IIA) to comply with IDO or DPM standards, which require a Site Plan – DRB pursuant to Subsection 14-16-6-6(I).~~

6-5(G)(1)(d) A Site Plan – Administrative may only be approved for development that avoids sensitive lands identified in a sensitive lands analysis as required pursuant to Subsection 14-16-5-2(C). Otherwise, a Site Plan – EPC is required pursuant to Subsection 14-16-6-6(J).

6-5(G)(1)(f) Where adjacent to Major Public Open Space, a Site Plan – Administrative may only be approved for a project site of no more than 5 acres. Development on a project site over 5 acres and adjacent to Major Public Open Space requires a Site Plan – EPC pursuant to Subsection 14-16-6-6(J).

6-5(G)(1)(g) This Subsection 14-16-6-5(G) applies to any of the following developments on a lot or continuous lots in any zone district other than NR-SU or PD, which require a Site Plan – EPC pursuant to Subsection 14-16-6-6(J) development that meets any of the thresholds in Subsections 1 or 2 below:



<sup>188</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1.

<sup>189</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be replaced with Site Plan – Admin. Revised editorially for clarity.

- ~~1. A single lot less than 5 acres or multiple contiguous lots that total less than 5 acres for any of the following types of development:~~
2. All new low-density residential development.
3. All new multi-family residential development ~~containing no more than 50 dwelling units.~~
4. All conversions of existing non-residential development to a residential use ~~containing no more than 200 dwelling units.~~
5. All new non-residential development ~~with no more than 50,000 square feet of gross floor area, with the exception of development that includes a grocery store, which may be approved administratively with no more than a total of 70,000 square feet of gross floor area.~~
6. All new mixed-use development ~~that contains no more than 75 dwelling units and no more than 50,000 square feet of non-residential gross floor area.~~
7. All expansions that increase the number of dwelling units ~~by no more than 25 percent of the total~~ originally approved number of units or that expand non-residential gross floor area ~~by no more than 25 percent of the originally approved gross floor area.~~
- ~~8. Any of the following:~~
9. All development in the MX-FB zone district that is already mapped.
10. More than 5 mobile food trucks on 1 lot, pursuant to Subsection 14-16-4-3(F)(11)(d) (Mobile Food Truck), where mobile food trucks are accessory to a primary use, and any number of mobile food trucks on a premises with no other primary use, pursuant to Subsection 14-16-4-3(F)(11) (Mobile Food Truck).
11. A Permit – Temporary Use when a Site Plan is required pursuant to a Use-specific Standard in Section 14-16-4-3.
12. All electric utilities ~~except Electric Generation Facilities, as defined by the Facility Plan for Electric System Transmission and Generation, as amended, which require a Site Plan – DRB pursuant to Subsection 14-16-6-6(I).~~
13. All other major utility facilities with administrative approval according to an approved Facility Plan.
14. All new, redeveloped, or renovated City-owned or managed parks less than 10 acres, regardless of the zone district they are in, where the all of the following apply.
  - a. Only allowable uses as specified in Table 4-2-1, except for any collocated City facility, are proposed.

- b. The project does not include lighting over 45 feet, illuminated signs, amplified outdoor sound, or over 150 parking spaces.
- 15. Any City-owned or managed Major Public Open Space facility that is not designated as an Extraordinary Facility pursuant to the Rank 2 Major Public Open Space Facility Plan or that is a renovation of a facility previously approved as an Extraordinary Facility.
- 16. Any property in the NR-PO-C zone district of any size that is not part of a proposed development that would meet the applicability standards to be processed ~~as a Site Plan – DRB or~~ as a Site Plan – EPC.
- 17. All City BioPark facilities, which are regulated by the BioPark Master Plan and managed by City Cultural Services.

~~6-5(G)(1)(h) Development on a lot in an NR-SU or PD zone district requires a Site Plan – EPC pursuant to Subsection 14-16-6-6(J).~~

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

6-5(G)(2)(a) A Pre-submittal Neighborhood Meeting is required for applications that meet the threshold established in Subsection 14-16-6-4(C)(1)(b).

6-5(G)(2)(b) An application for a Site Plan – Administrative is typically submitted with an application for a building permit. The ZEO shall review the application and make a decision on the Site Plan – Administrative as part of the zone check during building permit review.

1. An initial review with comments shall be completed within 10 business days of the receipt of a complete application.
2. A Notice of Decision shall be sent to the applicant and to any other person who has submitted written comments and/or requested a copy of the decision.
3. The Notice of Decision shall be posted on the City website as soon as practicable and not more than 3 business days after the final action on any applicable building permit application.

6-5(G)(2)(c) If the boundary of a proposed site plan includes only a portion of the boundary of a prior-approved Site Plan that is still valid pursuant to Subsection 14-16-6-4(X), the prior-approved Site Plan must be amended through a Major Amendment pursuant to Subsection 14-16-6-4(Y) or Subsection 14-16-6-4(Z), as applicable, to remove the overlapping area proposed in a new site plan before an application for a new site plan that includes that overlapping area can be decided, because only one site plan shall apply to any property.

6-5(G)(2)(d) Site Plans shall be reviewed administratively for compliance with conditions of approval and zoning standards prior to the issuance of a building permit.

- 6-5(G)(2)(e) The ZEO may grant deviations to IDO standards as part of this approval within the thresholds established in Section 14-16-6-4(P) (Deviations). Beyond these thresholds, a Variance to IDO standards (other than to standards in Sections 14-16-5-3, 14-16-5-4, or 14-16-5-5) requires review and approval by the ZHE per Subsection 14-16-6-6(O) (Variance – ZHE).
- 6-5(G)(2)(f) Any request for a Waiver to IDO standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) requires review and approval by the DHO DRB pursuant to Subsection 14-16-6-6(P) (Waiver – DHO DRB).
- 6-5(G)(2)(g) A Site Plan – Administrative may not be approved until after any necessary Variances or Waivers are obtained.
- 6-5(G)(2)(h) Any Variances, Waivers, or deviations granted that are associated with a Site Plan shall be noted on the approved Site Plan.<sup>193</sup>
- 6-5(G)(2)(i) If the Site Plan will replace a prior-approved Site Plan, the project number, case number, site boundary, and date of the Notice of Decision of the original approval shall be noted on the Site Plan.
- 6-5(G)(2)(j) A Site Plan – Administrative may not be approved until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
- 6-5(G)(2)(k) For properties in the NR-PO zone district, the ZEO shall coordinate the review with Parks and Recreation and/or Cultural Services staff, as applicable.

**6-5(G)(3) Review and Decision Criteria**

An application for Site Plan – Administrative shall be approved if it meets all of the following criteria.

- 6-5(G)(3)(a) The Site Plan complies with all applicable standards in 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.
- 6-5(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 or the applicant has agreed to install required infrastructure and public improvements pursuant to Subsection Subsection 14-16-1-7(B)(2) and 14-16-5-4(N) and/or a signed an Infrastructure Improvements Agreement (IIA) pursuant to Subsection 14-16-5-4(O) to add adequate capacity.
- 6-5(G)(3)(c) If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any IDO standards applicable in the zone district the subject property is in.

<sup>193</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially for consistency with Subsection 14-16-6-6(P)(2)(e) [new].



Exhibit 1 to Amendment B13 - As of 5/11/2022

**Part 14-16-6: Administration and Enforcement**

6-5(G): Site Plan – Administrative 187F 188F

6-5: Administrative Decisions

6-5(G)(3): Review and Decision Criteria

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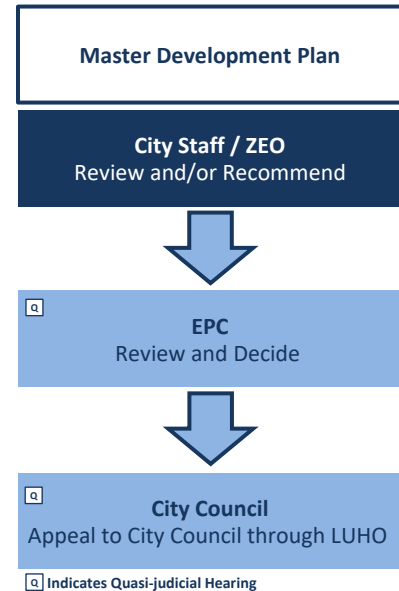
6-5(G)(3)(d) If the subject property is within an approved Framework Plan, the Site Plan shall meet any relevant standards in the Framework Plan in addition to any IDO standards applicable to the type of development.

## 6-6(F) MASTER DEVELOPMENT PLAN

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

### 6-6(F)(1) Applicability

- 6-6(F)(1)(a) A Master Development Plan may only be approved for a site 20 acres or greater in the NR-BP zone district.
- 6-6(F)(1)(b) An application for a Master Development Plan may be for legally platted lots, nonconforming lots, or unsubdivided land.



### 6-6(F)(2) Procedure<sup>195</sup>

- 6-6(F)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the EPC.
- 6-6(F)(2)(b) The EPC shall conduct a public hearing on the application and shall make a decision on the application.
- 6-6(F)(2)(c) ~~The EPC may delegate authority to the DHO DRB for technical review of compliance with conditions of approval and DPM standards.~~<sup>196</sup>
- 6-6(F)(2)(d) The EPC may grant a Variance to IDO standards as part of this approval pursuant to Subsection 14-16-6-6(N) (Variance – EPC).
- 6-6(F)(2)(e) If the Master Development Plan is associated with a zone change to NR-BP, approval of the Master Development Plan is contingent on approval of the zone change pursuant to Subsection 14-16-6-7(H) (Zoning Map Amendment – Council).
- 6-6(F)(2)(f) Master Development Plans shall be reviewed administratively for compliance with conditions of approval, zoning standards, and DPM standards prior to the issuance of a building permit.

### 6-6(F)(3) Review and Decision Criteria

An application for a Master Development Plan shall be approved if it meets all of the following criteria.

- 6-6(F)(3)(a) The Master Development Plan is consistent with the ABC Comp Plan, as amended.

<sup>195</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to reflect current practice and for consistency with language in Site Plan – EPC.

<sup>196</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Deleted editorially for consistency with the elimination of the DRB. City staff will complete the technical review, much as Current Planning staff checks for compliance with zoning standards as common practice following EPC decisions. This review is captured under Subsection 6-6(F)(2)(f).

~~6-6(I) — SITE PLAN — DRB~~<sup>200</sup>

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

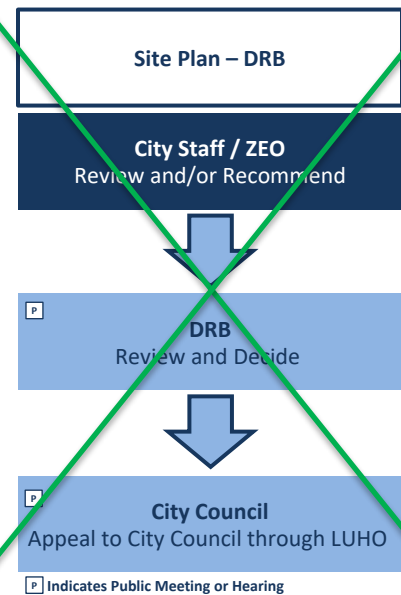
~~6-6(I)(1) — Applicability~~

~~6-6(I)(1)(a) — A Site Plan — DRB may only be approved for legally platted or nonconforming lots, and may not be approved for unsubdivided property.~~

~~6-6(I)(1)(b) — A Site Plan — DRB may be approved for property with a prior approved Site Plan, regardless of whether the prior approved Site Plan is still valid pursuant to Subsection 14-16-6-4(Y), subject to allowable uses and development standards in this IDO. If any portions of the proposed boundary overlap with a prior approved Site Plan that will remain in place, a Major Amendment shall be required as described in Subsection 14-16-1-1(A)(1)(a) below.~~

~~6-6(I)(1)(c) — This Subsection 14-16-6-6(I) applies to any of the following:~~

- ~~1. — Any application that does not qualify for consideration as a Site Plan — Administrative under Subsection 14-16-6-5(G), including any application that requires major public infrastructure or an Infrastructure Improvements Agreement (IIA) in order to comply with standards in this IDO or the DPM, with the following exceptions:~~
  - ~~a. — If the project is located in the NR-SU or PD-zone districts, a Site Plan — EPC pursuant to Subsection 14-16-6-6(J) is required.~~
  - ~~b. — Any application for a site 5 acres or greater that is adjacent to Major Public Open Space requires a Site Plan — EPC pursuant to Subsection 14-16-6-6(J).~~
  - ~~c. — Any application for a project in the Railroad and Spur Small Area that requires a cumulative impact analysis pursuant to Subsections 14-16-5-2(F) and 14-16-6-4(H) requires a Site Plan — EPC pursuant to Subsection 14-16-6-6(J).~~



<sup>199</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to create subsections for clarity.

<sup>200</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be replaced with Site Plan – Admin.

- ~~d.—Any application that does not avoid sensitive lands identified in a sensitive lands analysis as required pursuant to Subsection 14-16-5-2(C) requires a Site Plan—EPC pursuant to Subsection 14-16-6-6(J).~~
- ~~2.—Any application for a cluster development for which the applicant requests DRB review, provided that the Planning Director concurs with that request.~~
- ~~3.—Any application for an electric utility for which the applicant requests DRB review, provided that the Planning Director concurs with that request.~~
- ~~4.—Any application for a new electric generation facility, as defined by the Facility Plan for Electric System Transmission and Generation, as amended.~~
- ~~5.—Any application for any other major utility within any zone district where approval by the DRB is required by an adopted Facility Plan.~~

**~~6-6(I)(2) — Procedure~~**

- ~~6-6(I)(2)(a) — The City Planning Department staff shall review the application and forward a recommendation to the DRB.~~
- ~~6-6(I)(2)(b) — If the boundary of a proposed site plan includes only a portion of the boundary of a prior approved Site Plan that is still valid pursuant to Subsection 14-16-6-4(Y), the prior approved Site Plan must be amended through a Major Amendment pursuant to Subsection 14-16-6-4(Z) or Subsection 14-16-6-4(AA), as applicable, to remove the overlapping area proposed in a new site plan before an application for a new site plan that includes that overlapping area can be decided, because only one site plan shall apply to any property.~~
- ~~6-6(I)(2)(c) — A Site Plan—DRB may not be approved until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).~~
- ~~6-6(I)(2)(d) — The DRB shall conduct a public meeting on the application and shall make a decision on the application.~~
- ~~6-6(I)(2)(e) — The DRB may grant deviations to IDO standards as part of this approval within the thresholds established in Subsection 14-16-6-4(P) (Deviations).~~
- ~~6-6(I)(2)(f) — The DRB may grant a Waiver to standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) as part of this approval pursuant to Subsection 14-16-6-6(P) (Waiver—DRB).~~
- ~~6-6(I)(2)(g) — Any Variances, Waivers, or deviations granted associated with a Site Plan shall be noted on the approved Site Plan.<sup>203</sup>~~

<sup>203</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially for consistency with Subsection 14-16-6-6(P)(2)(e) [new].

~~6-6(I)(2)(h) — If the Site Plan will replace a prior approved Site Plan, the project number, case number, site boundary, and date of the Notice of Decision of the original approval shall be noted on the site plan.~~

~~6-6(I)(2)(i) — The DRB may delegate authority to relevant City staff to determine technical review of compliance with conditions of approval, zoning standards, and technical standards.~~

~~6-6(I)(2)(j) — Site Plans shall be reviewed administratively for compliance with conditions of approval and zoning standards prior to the issuance of a building permit.~~

~~**6-6(I)(3) — Review and Decision Criteria**~~

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

~~6-6(I)(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(I)(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 maximum extent practicable.~~

~~6-6(I)(3)(c) — If the subject property 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 subject property is in.~~

6. Any application for development for which the applicant requests EPC review, provided that the Planning Director concurs with that request.
7. Any application for an electric utility within any zone district where EPC approval is required by the Facility Plan for Electric Transmission.
8. Any application involving a major utility as a primary use of the site unless specified otherwise in an adopted Facility Plan.

**6-6(J)(2) Procedure<sup>206</sup>**

- 6-6(J)(2)(a) For Extraordinary Facilities in the NR-PO-B sub-zone, the Open Space Advisory Board shall review the application and make a recommendation to the EPC.
- 6-6(J)(2)(b) The City Planning Department staff shall review the application and forward a recommendation to the EPC.
- 6-6(J)(2)(c) City Planning Department staff shall refer the application for comment and forward any comments received from commenting agencies pursuant to Subsection 14-16-6-4(J) to the EPC.<sup>208</sup>
- 6-6(J)(2)(d) If the boundary of a proposed site plan includes a portion of the boundary of a prior-approved Site Plan that is still valid pursuant to Subsection 14-16-6-4(Y), the prior-approved Site Plan must be amended through a Major Amendment pursuant to Subsection 14-16-6-4(Z) or Subsection 14-16-6-4(AA), as applicable, to remove the overlapping area proposed in a new site plan before an application for a new site plan that includes that overlapping area can be decided, because only one site plan shall apply to any property.<sup>209</sup>
- 6-6(J)(2)(e) A Site Plan – EPC may not be approved until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
- 6-6(J)(2)(f) The EPC may grant deviations to IDO standards as part of this approval within the thresholds established in Section 14-16-6-4(P) (Deviations).<sup>210</sup>
- 6-6(J)(2)(g) The EPC may grant a Variance to IDO standards (other than to standards in Sections 14-16-5-3, 14-16-5-4, or 14-16-5-5) as part of this approval per pursuant to Subsection Section 14-16-6-6(N) (Variance – EPC).<sup>211</sup>

<sup>206</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>208</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with other proposed changes.

<sup>209</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1.

<sup>210</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with Site Plan - Administrative.

<sup>211</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with Waiver - DHO.

- 6-6(J)(2)(h) Any request for a Waiver to IDO standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) requires review and approval by the DHO pursuant to Subsection 14-16-6-6(P) (Waiver – DHO DRB).<sup>212</sup>
- 6-6(J)(2)(i) A Site Plan – EPC may not be approved until after any necessary Variances or Waivers are obtained.<sup>213</sup>
- 6-6(J)(2)(j) Any Variances, Waivers, or deviations granted that are associated with a Site Plan shall be noted on the approved Site Plan.<sup>214</sup>
- 6-6(J)(2)(k) If the Site Plan will replace a prior-approved Site Plan, the project number, case number, site boundary, and date of the Notice of Decision of the original approval shall be noted on the site plan.
- 6-6(J)(2)(l) The EPC shall conduct a public hearing on the application and shall make a decision on the application.
- ~~6-6(J)(2)(m) The EPC may delegate authority to the DHO DRB to determine technical review of compliance with conditions of approval and DPM standards.~~<sup>215</sup>
- 6-6(J)(2)(n) Site Plans shall be reviewed administratively for compliance with conditions of approval, DPM standards, and zoning standards prior to the issuance of a building permit.<sup>216</sup>

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

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

- 6-6(J)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.
- 6-6(J)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the subject property and any related development agreements and/or regulations.
- 6-6(J)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.
- 6-6(J)(3)(d) 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

<sup>212</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with Waiver - DHO.

<sup>213</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with Site Plan - Administrative.

<sup>214</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially for consistency with Subsection 14-16-6-6(P)(2)(e) [new].

<sup>215</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Deleted editorially for consistency with the elimination of the DRB. City staff will complete the technical review, much as Current Planning staff checks for compliance with zoning standards as common practice following EPC decisions. This review is captured under Subsection 6-6(J)(2)(n).

<sup>216</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially to reflect current practice.



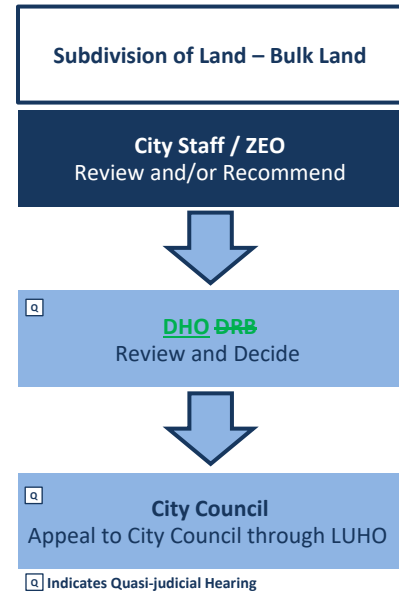
**6-6(K) SUBDIVISION OF LAND – BULK LAND<sup>217</sup>**

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

**6-6(K)(1) Applicability**

- 6-6(K)(1)(a) This Subsection 14-16-6-6(K) applies to any application for a subdivision of land or combination of previously subdivided lots that is not eligible to be processed as a Subdivision of Land – Minor pursuant to Subsection 14-16-6-6(L) or a Subdivision of Land – Major pursuant to Subsection 14-16-6-6(M).
- 6-6(K)(1)(b) This Subsection 14-16-6-6(K) applies to any application for a bulk land subdivision for either of the following.<sup>218</sup>

1. A single lot at least 5 acres or multiple contiguous lots that total at least 5 acres; in an R-A, R-1, R-MC, R-T, or PC zone district; and designated for residential development.
2. A single lot at least 20 acres or multiple contiguous lots that total at least 20 acres; in an R-ML, R-MH, or PC zone district or any Mixed-use or Non-residential zone district; and designated for mixed-use or non-residential development.



**6-6(K)(2) Procedure**

- 6-6(K)(2)(a) The subject property bulk land subdivision will require further review during the subsequent Subdivision or Site Plan review and decision approval process in order to use the land for development and/or building purposes. Approval of a Bulk Land Subdivision does not indicate that land within that subdivision complies with applicable IDO Subdivision or Site Plan standards.
- 6-6(K)(2)(b) The plat shall reflect the applicant's agreement that building permits shall not be issued for any area within the Bulk Land Subdivision before a Preliminary Plat and Final Plat have been approved and the Final Plat for the subject property area has been recorded.
- 6-6(K)(2)(c) City Planning Department staff shall refer the application to commenting agencies pursuant to Subsection 14-16-6-4(J).

<sup>217</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity and for consistency with current practice.

<sup>218</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1.

- 6-6(K)(2)(d) Required commenting agencies pursuant to Subsection 14-16-6-4(J) The City Planning Department staff shall review the application and forward any comments and a recommendation to the DHO DRB.
- 6-6(K)(2)(e) The DHO DRB shall conduct a public hearing meeting and make a decision on the application.
- 6-6(K)(2)(f) The date of the DHO approval shall be recorded on the original drawing of the final plat, and verification of compliance with conditions of approval and shall be dated and verified by the signatures of the required commenting agencies pursuant to Subsection 14-16-6-4(J)(2) members of the DRB and certifications required by the DPM.
- 6-6(K)(2)(g) When all conditions of approval are satisfied, the City Engineer DRB shall accept the revised Final Plat. The applicant shall may then record it with the Bernalillo County Clerk as soon as possible, but in no case more than 30 consecutive days 5 business days from the date of the last signature on the plat or the subdivision shall be voided.<sup>219</sup>
1. A plat that is not recorded in a timely manner is not valid, may not be used as the basis for legal transfer of property where a subdivision is required.
  2. The applicant shall bring the City a copy of the recorded plat.<sup>220</sup>

**6-6(K)(3) Review and Decision Criteria**

An application for a Subdivision of Land – Bulk Land shall be approved if it meets all of the following criteria.

- 6-6(K)(3)(a) An application for a Bulk Land Subdivision shall be approved if it 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(K)(3)(b) All lots created shall have a proportionate and reasonable share of future required infrastructure improvements.<sup>221</sup>

<sup>219</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised to give more time for the applicant to pay necessary taxes and record the final plat.

<sup>220</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with current practice and to ensure a way to check for compliance with the requirement.

<sup>221</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with current practice.

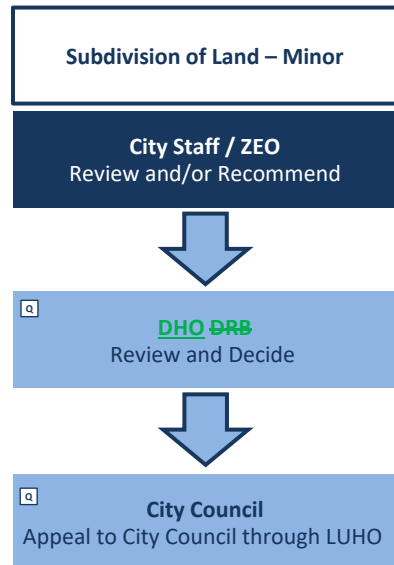
**6-6(L) SUBDIVISION OF LAND – MINOR<sup>222</sup>**

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

**6-6(L)(1) Applicability**

This Subsection 14-16-6-6(K) applies to the review of an application for any of the following:

- 6-6(L)(1)(a) Approval of a subdivision of land within the City that:
1. Creates 10 or fewer lots on any single lot that has been recorded as a single lot for at least 3 years previously.
  2. Does not require any new streets.
  3. Does not require major public infrastructure.
  4. Does not create any lots that do not front on a public or private street previously approved by the City.
  5. ~~Does not require installation of any infrastructure, other than service connections between permitted structures on the lot and existing infrastructure and other systems located in or on an adjacent street or lot.~~<sup>223</sup>
  6. ~~Does not require the installation of any off-site infrastructure of a size, type, or location that may create significant adverse impacts on adjacent or nearby property owners.~~<sup>224</sup>
  7. Is on land 5 acres or greater adjacent to Major Public Open Space with a Site Plan – EPC.
  8. Is on land zoned NR-SU or PD with a Site Plan – EPC.
  9. Is on land zoned NR-BP with a Master Development Plan.
  10. Is on land zoned PC with a Framework Plan.
- 6-6(L)(1)(b) Approval of a combination of previously platted subdivision lots and termination of some or all of the related easements, where all benefitted and burdened parties agree to the lot combination and easement termination.



[a] Indicates Quasi-judicial Hearing

<sup>222</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>223</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Deleted editorially to match existing practice. Private infrastructure is often needed and coordinated through an Infrastructure Improvements Agreement, which has been added in procedure subsection 6-6(L)(2)(i) below.

<sup>224</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Deleted editorially to match existing practice. The need for Off-site infrastructure is sometimes discovered during the review/decision process and can be coordinated through an Infrastructure Improvements Agreement, which has been added in procedure subsection 6-6(L)(2)(i) below.

**6-6(L)(2) Procedure**

- 6-6(L)(2)(a) City Planning Department staff shall refer the application for comment and forward any comments received from commenting agencies pursuant to Subsection 14-16-6-4(J) to the DHO.<sup>225</sup>
- 6-6(L)(2)(b) City staff and commenting agencies ~~The DRB~~ shall review the application and forward any comments and a recommendation to the DHO.
- 6-6(L)(2)(c) If the subdivision will result in a lot line that does not coincide with a zone district boundary (i.e. create a "floating zone line"), the applicant shall obtain a Zoning Map Amendment - EPC or Zoning Map Amendment - City Council, as applicable, to establish zone boundaries that coincide with the lot line before a final plat can be approved.<sup>226</sup>
- 6-6(L)(2)(d) If the subdivision is associated with a Vacation Public Right-of-Way pursuant to Subsection 14-16-6-6(M), the zone district boundary shall be extended to the new property line created by platting the vacated public right-of-way into abutting properties.
- 6-6(L)(2)(e) The ~~DHO-DRB~~ may grant a Waiver to a DPM standard as part of this approval pursuant to Subsection 14-16-6-6(P) (Waiver – DRB).
- 6-6(L)(2)(f) The ~~DHO-DRB~~ may grant a deviation to a Development Standard in the IDO as part of this approval per the thresholds in Section 14-16-6-4(P) (Deviations).
- 6-6(L)(2)(g) Final plats shall include a list of any Vacations, Variances, Waivers, and deviations granted as an exhibit or note.
- 6-6(L)(2)(h) The DHO shall conduct a public hearing meeting and make a decision on the application.
- 6-6(L)(2)(i) The applicant shall provide an IIA and construction plans and specifications for all required infrastructure conforming to the plat, pursuant to Subsection 14-16-6-4(R).
- 6-6(L)(2)(j) Staff from required commenting agencies pursuant to Subsection 14-16-6-4(J)(2) shall review final plats administratively for compliance with conditions of approval, DPM standards, and zoning standards. When all conditions of approval are satisfied, the final plat is approved;
- 6-6(L)(2)(k) The date of the DHO approval shall be recorded on the original drawing of the final plat, and verification of compliance with conditions of approval ~~and~~ shall be dated and verified by the signatures of the required commenting agencies pursuant to Subsection 14-16-6-4(J)(2) ~~members of the DRB~~.
- 6-6(L)(2)(l) The applicant shall record the final plat with the Bernalillo County Clerk within 3 months ~~6 months~~ after the date of the final

<sup>225</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency.

<sup>226</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to add cross references.

signature on the plat, DRB signatures or the subdivision shall be voided.<sup>227</sup>

1. A plat that is not recorded in a timely manner ~~is not valid,~~ may not be used as the basis for legal transfer of property where a subdivision is required.<sup>227</sup>
2. The applicant shall provide the City a digital copy of the recorded plat, and is subject to withdrawal of the DHO DRB approval through the same process used to approve the Subdivision of Land – Minor.<sup>228</sup>

**6-6(L)(3) Review and Decision Criteria<sup>229</sup>**

An application for a Subdivision of Land – Minor shall be approved if it ~~meets all of the following criteria:~~

6-6(L)(3)(a) ~~The application~~ 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(L)(3)(b) — Any Waivers granted to Development Standards applicable to the subdivision in Section 14-16-5-3 (Access and Connectivity) or Section 14-16-5-4 (Subdivision of Land) and any deviations to other IDO standards granted within the thresholds established by Section 14-16-6-4(P) (Deviations) are documented in the application.~~

<sup>227</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to require the recording to happen more quickly after the plat is signed.

<sup>228</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with current practice and to ensure a way to check for compliance with the requirement.

<sup>229</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to remove duplication of Subsection 6-6(L)(2)(h), as this is a requirement as opposed to a decision criterion.

**6-6(M) SUBDIVISION OF LAND – MAJOR<sup>230</sup>**

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

**6-6(M)(1) Applicability**

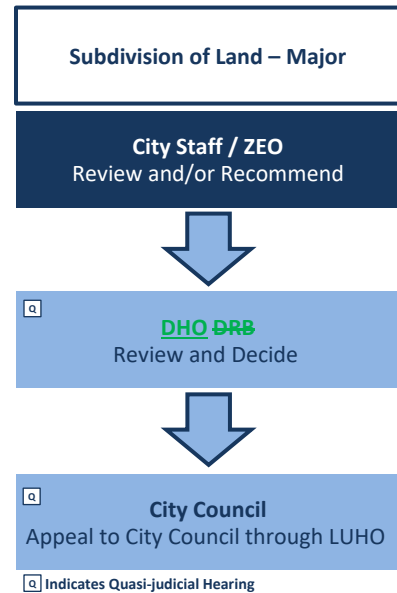
This Subsection 14-16-6-6(M) applies to any application for a subdivision of land or combination of previously subdivided lots that is not eligible to be processed as a Subdivision of Land – Minor pursuant to Subsection 14-16-6-6(L) and that is not a Subdivision of Land – Bulk Land pursuant to Subsection 14-16-6-6(K).

~~6-6(M)(1)(a) The following applications for a subdivision of land require a prior approval and can then be processed as a Subdivision of Land – Minor pursuant to Subsection 14-16-6-6(K); an application for Subdivision of Land – Major is not a substitute for the required prior approval.~~

- ~~1. Subdivision of land 5 acres or greater adjacent to Major Public Open Space that does not have a Site Plan – EPC.~~
- ~~2. Subdivision of land that is zoned NR-SU or PD that does not have a Site Plan – EPC.~~
- ~~3. Subdivision of land that is zoned NR-BP that does not have a Master Development Plan.~~
- ~~4. Subdivision of land that is zoned PC that does not have a Framework Plan.~~

~~6-6(M)(1)(b) This Subsection 14-16-6-6(L) applies to any application for a bulk land subdivision for either of the following:<sup>231</sup>~~

- ~~1. A single lot at least 5 acres or multiple contiguous lots that total at least 5 acres; in an R-A, R-1, R-MC, R-T, or PC zone district; and designated for residential development.~~
- ~~2. A single lot at least 20 acres or multiple contiguous lots that total at least 20 acres; in an R-ML, R-MH, or PC zone district or any Mixed use or Non-residential zone district; and designated for mixed use or non-residential development.~~



<sup>230</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for clarity and for consistency with current practice.

<sup>231</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1.

**6-6(M)(2) Procedure****6-6(M)(2)(a) Deviations and Waivers**

1. The DHO DRB may grant a deviation to a Development Standard in the IDO as part of this approval pursuant to the thresholds in Subsection 14-16-6-4(P) (Deviations).
2. The DHO DRB may grant a Waiver to standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) pursuant to Subsection 14-16-6-6(P) (Waiver – DRB).
- ~~3. Final Plats shall include a list of any Variances, Waivers, and deviations granted as an exhibit or note.<sup>232</sup>~~

**6-6(M)(2)(b) Sketch Plat Pre-application Meeting**

In addition to those provisions in Section 14-16-6-4(B) (Pre-application Meeting), all of the following provisions apply to Subdivisions of Land – Major.

1. The applicant shall submit a sketch plat that indicates the basic layout of the proposed subdivision, including general layouts of streets, drainage areas, open spaces, and buildable lots within the subdivision, and other technical standards specified in the DPM.
2. City Planning Department staff shall refer the submittal to commenting agencies pursuant to Subsection 14-16-6-4(J).
3. Required commenting agencies pursuant to Subsection 14-16-6-4(J) shall review the submittal and forward any comments to City Planning Department staff.
4. The City Planning Department staff DRB shall review the sketch plat, ~~conduct a public meeting,~~ and provide a letter of advice outlining the requirements and recommendations of the meeting, which will address the suitability of the proposal for development and for infrastructure improvements based on the intent of this IDO and the DPM.
- ~~5. The approved sketch plat shall not be recorded but shall be retained by the City Planning Department, and the Preliminary and Final Plat are required to be generally consistent with the sketch plat letter of advice.~~
6. If the subdivision is associated with a Vacation Public Right-of-Way pursuant to Subsection 14-16-6-6(M), the zone district boundary shall be extended to the new property line created by platting the vacated public right-of-way into abutting properties.
7. If a Preliminary Plat that meets all standards and requirements of this IDO and the DPM is not submitted within 1 year, the applicant must submit an updated sketch plat.

<sup>232</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially for consistency with 14-16-6-6(K)(2)(f) and to reflect current practice.



~~6-6(M)(2)(c) Bulk Land Subdivision~~<sup>233</sup>

- ~~1. In addition to the procedures above, the Bulk Land Subdivision will require further review during the Subdivision or Site Plan approval process in order to use the land for development and/or building purposes. Approval of a Bulk Land Subdivision does not indicate that land within that subdivision complies with applicable IDO Subdivision or Site Plan standards.~~
- ~~2. The plat shall reflect the applicant's agreement that building permits shall not be issued for any area within the Bulk Land Subdivision before a Preliminary Plat and Final Plat have been approved and the Final Plat for the subject area has been recorded.~~

**6-6(M)(2)(d) Preliminary Plat**

- ~~1. The sketch plat letter of advice expires after 1 year. If a Preliminary Plat that meets all standards and requirements of this IDO and the DPM is not filed within 1 year of the letter of advice, the applicant must re-submit an application for sketch plat.~~
2. Any request for a Waiver from the Development Standards applicable to the subdivision in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) shall be reviewed and decided pursuant to Subsection 14-16-6-6(P) (Waiver – DHO DRB), shown on the Preliminary Plat, and considered simultaneously with the review and approval of the Preliminary Plat.
3. City Planning Department staff shall refer the submittal to commenting agencies pursuant to Subsection 14-16-6-4(J).
4. Required commenting agencies pursuant to Subsection 14-16-6-4(J) The City Planning Department staff shall review the submittal application and forward any comments and a recommendation to the DHO DRB.
5. The DHO DRB shall conduct a public hearing meeting and make a decision on the preliminary plat application.
6. The applicant shall provide an IIA and construction plans and specifications for all required improvements conforming to the Preliminary Plat, pursuant to Subsection 14-16-6-4(R).

~~6-6(M)(2)(e) Construction Plans~~<sup>234</sup>

~~After approval of the Preliminary Plat, the applicant shall present construction plans and specifications for all improvements (which shall conform to the approved Preliminary Plat) to the City~~

<sup>233</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Revised editorially to move subsection to general procedures, where it applies to any subdivision. See Subsection 6-4(R).

<sup>234</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Revised editorially to move subsection to its own decision for clarity.

~~Engineer for approval, together with a proposed IIA between the subdivider and the City specifying all infrastructure proposed for construction. Construction plans and specifications shall meet all applicable requirements of the DPM or other technical standards adopted by the City.~~

**~~6-6(M)(2)(f) Infrastructure Improvements Agreement~~<sup>235</sup>**

~~After approval of the Preliminary Plat, the applicant shall provide to the City an Infrastructure Improvements Agreement (IIA) that complies with the following standards and all applicable standards in the DPM.~~

- ~~1. The IIA shall specify the time period within which the improvements necessary to provide required access, public services, and public amenities required of the applicant are to be completed, which time period will end not later than 2 years after execution of the IIA.~~
- ~~2. An IIA for sidewalks that have received an adjustment for temporary deferral of installation shall have a time period that will end 4 years after execution of the IIA, unless extended by the City Engineer DRB for good cause, as described in the DPM.~~
- ~~3. The City Engineer DRB may extend the time periods listed in Subsections 1 and 2 above for a period of less than 1 year for good cause shown.~~
- ~~4. If a Preliminary Plat approval expires under the terms of this IDO without a Final Plat having been approved, the IIA automatically lapses, and no further improvements are required or approved.~~
- ~~5. After execution of an IIA approved by the City, the applicant may proceed with the construction of all required improvements.~~

**6-6(M)(2)(g) Final Plat**

1. Within 1 year after DHO DRB approval, or approval with conditions, of a Preliminary Plat, the applicant shall submit a Final Plat that includes all changes, conditions, and requirements contained in the Preliminary Plat approval meets all standards and requirements in the DPM.
2. City Planning Department staff shall refer the submittal to required commenting agencies pursuant to Subsection 14-16-6-4(J).
3. Required commenting agencies pursuant to Subsection 14-16-6-4(J) The City Planning Department staff shall review the submittal application and forward any comments and a recommendation to the DHO DRB.

<sup>235</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Revised editorially to move subsection to general procedures, where it applies to any subdivision. See Subsection 6-4(R).

4. The ~~DHO DRB~~ shall conduct a public hearing meeting and make a decision on the application.
5. Final Plats shall include a list of any Vacations, Variances, Waivers, and deviations granted as an exhibit or note.<sup>236</sup>
6. Staff from required commenting agencies pursuant to Subsection 14-16-6-4(J)(2) shall review final plats administratively for compliance with conditions of approval, DPM standards, and zoning standards.
7. The date of the DHO approval shall be recorded on the original drawing of the final plat, and verification of compliance with conditions of approval and shall be dated and verified by the signatures of the required commenting agencies pursuant to Subsection 14-16-6-4(J)(2) and certifications required by the DPMmembers of the DRB.
8. When all conditions of approval are satisfied, the City Engineer DRB shall accept the revised Final Plat. The applicant shall may then record it with the Bernalillo County Clerk as soon as possible, but in no case more than 30 consecutive days 5 business days from the date of the last signature on the final plat, or the subdivision shall be voided.<sup>237</sup>
  - a. A plat that is not recorded in a timely manner may not be used as the basis for legal transfer of property where a subdivision is required.<sup>238</sup>
  - b. The applicant shall provide the City a digital copy of the recorded plat.<sup>239</sup>

#### ~~6-6(M)(2)(h) Dedications~~

- ~~1. Dedication of public areas, as required by Subsection 14-16-5-4(K), or by other City policy requirements shall be free and clear of any liens or encumbrances and be in fee simple unless one of the following applies.~~
  - ~~a. The applicant demonstrates that fee simple dedication is legally infeasible.~~
  - ~~b. The City Engineer DRB and the City Attorney find that a different type of dedication better accomplishes City policy or is provided for by specific ordinance.~~
- ~~2. If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.~~

<sup>236</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially for consistency with 14-16-6-6(K)(2)(f) and to reflect current practice.

<sup>237</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised to give more time for the applicant to pay necessary taxes and record the final plat.

<sup>238</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with bulk land and minor subdivisions.

<sup>239</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with current practice and to ensure a way to check for compliance with the requirement.

~~3. When parks are dedicated, a deed to the land shall be delivered to the governmental body with jurisdiction over that type of park, as determined by the City.~~

**6-6(M)(3) Review and Decision Criteria**

An application for a Subdivision of Land – Major shall be approved if it meets all of the following criteria.

~~6-6(M)(3)(a) An application for a A Bulk Land Subdivision shall be approved if it 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(M)(3)(b) ~~An application for a A~~ Preliminary Plat shall be approved if it 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(M)(3)(c) ~~An application for a~~ Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

## 6-6(N) VACATION OF EASEMENT, PRIVATE WAY, OR PUBLIC RIGHT-OF-WAY<sup>240</sup>

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

### 6-6(N)(1) Applicability

This Subsection 14-16-6-6(M) applies to all applications for any of the following Vacations:

#### 6-6(N)(1)(a) Vacation of Public or Private Easement or Private Way

Any public or private easement or private way shown on a recorded plat.

#### 6-6(N)(1)(b) Vacation of Public Right-of-way – Council

Any public right-of-way that meets any of the following thresholds:

1. More than 500 square feet or the entire width of a platted alley.
2. More than 5,000 square feet or the entire width of a street, including any or all of the right-of-way.

#### 6-6(N)(1)(c) Vacation of Public Right-of-way – DHO DRB

Any public right-of-way that does not meet the thresholds in Subsection (b) above.

### 6-6(N)(2) Procedure

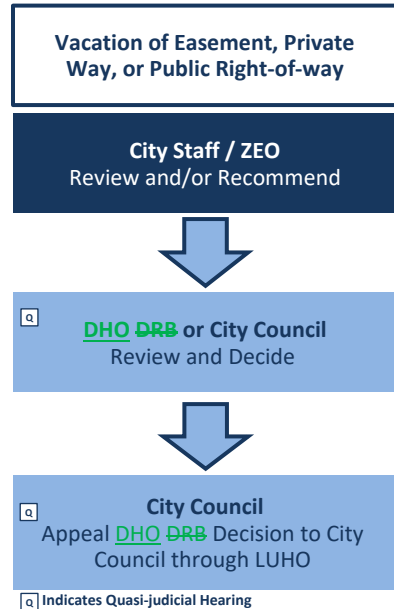
6-6(N)(2)(a) The City may retain, use, or dispose of any vacated public right-of-way in any manner that the City, in its discretion, deems appropriate.

6-6(N)(2)(b) City Planning Department staff shall refer the application to commenting agencies pursuant to Subsection 14-16-6-4(J).

6-6(N)(2)(c) Required commenting agencies pursuant to Subsection 14-16-6-4(J). The City Planning Department staff shall review the application and forward any comments and a recommendation to the DHO DRB.

6-6(N)(2)(d) The DHO DRB shall conduct a public hearing meeting on the application.

6-6(N)(2)(e) For a Vacation of Public or Private Easement or Private Way or for a Vacation of Public Right-of-way – DHO DRB, the DHO DRB shall make a decision on the application.



<sup>240</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

## 6-6(O) VARIANCE – EPC

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

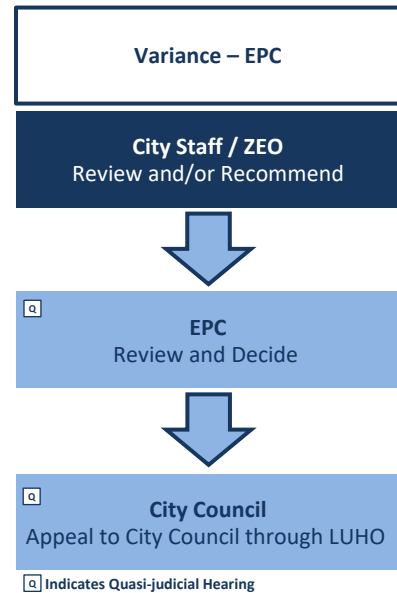
### 6-6(O)(1) Applicability

6-6(O)(1)(a) This Subsection 14-16-6-6(N) applies to all requests for Variances from any Development Standard in this IDO requested as part of a Site Plan – EPC application.

6-6(O)(1)(b) This Subsection 14-16-6-6(N) applies to requests for Variances to standards in Subsections 14-16-3-6(D)(4) (Setback Standards) or 14-16-3-6(D)(5) (Building and Structure Height) in the Coors Boulevard – VPO-1.

6-6(O)(1)(c) This Subsection 14-16-6-6(N) applies to requests for Variances to standards in Subsection 14-16-3-6(E)(3) (Building and Structure Height) of the Northwest Mesa Escarpment – VPO-2 for one of the following exceptions to structure height:

1. A Variance to allow up to 4 feet of additional height for non-residential structures to screen rooftop equipment.
2. A Variance to allow up to 19 feet above finished grade where grading requirements necessitate a minimum amount of fill for proper drainage.



### 6-6(O)(2) Procedure

6-6(O)(2)(a) All applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and the Historic Preservation Planner shall send a recommendation to the ZEO.

6-6(O)(2)(b) The City Planning Department staff shall review the application and forward a recommendation to the EPC.

6-6(O)(2)(c) City Planning Department staff shall refer the application for comment and forward any comments received from commenting agencies pursuant to Subsection 14-16-6-4(J) to the EPC.<sup>243</sup>

<sup>243</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency.

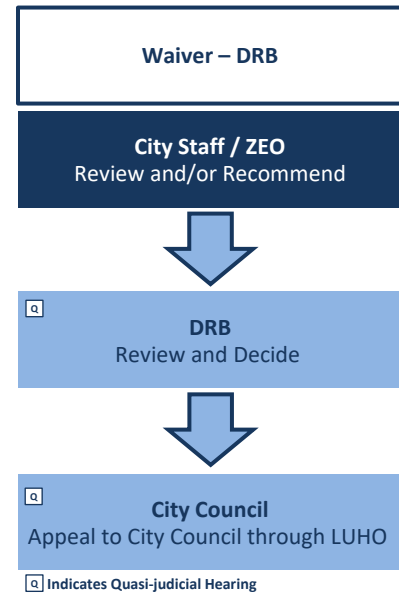
**6-6(Q) WAIVER – ~~DHO DRB~~<sup>247</sup>**

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

**6-6(Q)(1) Applicability**

This Subsection 14-16-6-6(P) applies to any application for a deviation from standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) beyond the thresholds established by Table 6-4-1, except the following:

- 6-6(Q)(1)(a) Standards in Subsection 14-16-5-5(F)(2)(a)3, which require a Permit – Carport for carports in any front or side setback pursuant to Subsection 14-16-6-6(G).
- 6-6(Q)(1)(b) Standards related to front yard parking in Subsection 14-16-5-5(F)(1)(a)6, Subsection 14-16-5-5(F)(2)(a)2, or Table 5-5-6, which require a Variance – ZHE pursuant to Subsection 14-16-6-6(O).

**6-6(Q)(2) Procedure<sup>248</sup>**

- 6-6(Q)(2)(a) City staff and commenting agencies pursuant to Subsection 14-16-6-4(J) The City Planning Department staff shall review the application and forward any comments and a recommendation to the DHO ~~DRB~~.
- 6-6(Q)(2)(b) The DHO ~~DRB~~ shall conduct a public hearing meeting and make a decision on the application.
- 6-6(Q)(2)(c) A Waiver – DHO ~~DRB~~ may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
- 6-6(Q)(2)(d) Any notice of any Variances, Waivers, or deviations granted that are associated with a subdivision shall be placed on the final plat and on a separately recorded document.
- 6-6(Q)(2)(e) Any Variances, Waivers, or deviations granted that are associated with a Site Plan shall be noted on the approved Site Plan.

**6-6(Q)(3) Review and Decision Criteria****6-6(Q)(3)(a) General**

An application for a Waiver – DHO ~~DRB~~ shall be approved if it complies with all of the following criteria.

<sup>247</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>248</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Revised editorially to turn 6-6(P)(2)(d) into 2 subsections, one for plat and one for site plan.



1. Any of the following criteria applies.
  - a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
  - b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
  - c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
  - d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.
4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
7. The Waiver will not materially undermine the intent and purpose of this IDO, ~~or~~ the applicable zone district, or any applicable Overlay Zone.<sup>249</sup>
8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the ~~DHO DRB~~ as part of this approval.
9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

<sup>249</sup> 2021 IDO Annual Update - Citywide Text Amendments – LUPZ REVIEW. Amendment A17 – Passed by LUPZ on 3/30/2022.

10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

**6-6(Q)(3)(b) Underground Installation of Distribution Lines<sup>250</sup>**

An application for a Waiver – DHO ~~DRB~~ pursuant to Subsection 14-16-5-4(I)(1) if the DHO determines that no significant public purpose would be served by requiring the new construction to be placed underground and that any of the following conditions exists, as relevant.

1. Distribution Lines 12 Kilovolts or Less
  - a. The lot is already served by an overhead distribution line.
  - b. All adjacent areas are already served by overhead distribution facilities.
  - c. Subsurface conditions make underground lines economically unreasonable.
2. Distribution Lines between 12 Kilovolts and 40 Kilovolts
  - a. The immediate or adjacent area is presently served by overhead lines.
  - b. Subsurface conditions make underground lines economically unreasonable.

<sup>250</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially to move waiver criteria from Part 5 Development Standards for clarity and consistency.

- 6-7(G)(2)(c) The EPC shall conduct a public hearing on the application and shall make a decision on the application.
- 6-7(G)(2)(d) If the application is for a zone change from an NR-BP zone district to another zone district, and the subject property is within an area with an approved Master Development Plan, the applicant may amend the Master Development Plan pursuant to Subsection 14-16-6-4(Y)(3) (Major Amendments) concurrently to remove the subject property from the Master Development Plan boundary or to add standards to the Master Development Plan relating to the subject property.
  - 1. The City may impose a condition for the applicant to amend the Master Development Plan.
  - 2. If no amendment to the Master Development Plan is made, the property will continue to be subject to relevant standards in the Master Development Plan in addition to any standards applicable to the new zone district.
- 6-7(G)(2)(e) The City shall provide a zoning certificate to the applicant that documents the new zone district designation after any City-level appeal possibilities have been concluded and all conditions of approval have been met.
- 6-7(G)(2)(f) If the Zoning Map Amendment will result in a zone boundary that does not coincide with a lot line (i.e. create a floating zone line), the applicant shall obtain a Subdivision of Land – Minor or a Subdivision of Land – Major, as applicable, to establish lot lines that coincide with the zone boundary before a zoning certificate will be issued.<sup>251</sup>
- 6-7(G)(2)(g) A final decision by EPC can be protested pursuant to Subsection 14-16-6-7(H)(1)(b), in which case, the application shall proceed through the process set forth in Subsection 14-16-6-7(H)(2)(j).
- 6-7(G)(2)(h) If the Zoning Map Amendment is approved, the applicant may develop with an approved Site Plan, pursuant to the applicability, procedures, and criteria in Subsections 14-16-6-5(G) (Site Plan – Administrative), ~~14-16-6-6(F) (Site Plan – DRB)~~, or 14-16-6-6(J) (Site Plan – EPC) and the requirements for that zone district.<sup>252</sup>

### 6-7(G)(3) Review and Decision Criteria

An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria.

- 6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and

<sup>251</sup> 2021 IDO Annual Update - Citywide Text Amendments – EPC REVIEW. EPC Recommended Condition #1. Added editorially for clarity and to use a common term.

<sup>252</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

2. The application may only be approved if a majority of the membership of the City Council vote to approve the request.

- 6-7(H)(2)(k) If the Zoning Map Amendment is approved, the applicant may develop with an approved Site Plan, pursuant to the applicability, procedures, and criteria in Subsections 14-16-6-5(G) (Site Plan – Administrative), ~~14-16-6-6(F) (Site Plan – DRB)~~, or 14-16-6-6(J) (Site Plan – EPC) and the requirements for that zone district.<sup>254</sup>

**6-7(H)(3) Review and Decision Criteria**

An application for a Zoning Map Amendment – Council shall be approved if it meets all of the following criteria, as applicable:

- 6-7(H)(3)(a) The criteria for approval of a Zoning Map Amendment – EPC in Subsection 14-16-6-7(G)(3).

- 6-7(H)(3)(b) If the application is for the creation or amendment of an NR-BP zone district, all of the following criteria.

1. The NR-BP zone district and Master Development Plan will result in an internally coordinated system of land uses, development intensities, and open spaces that is more consistent with the adopted ABC Comp Plan, as amended, that is visually more attractive to surrounding areas, and that promotes economic development of the city better, than could be achieved without the NR-BP zone district.
2. The NR-BP zone district and Master Development Plan will result in street, circulation, open space, and storm drainage systems that connect and integrate with the City's existing systems.
3. The City and other service providers have adequate infrastructure and public service capacity to serve the proposed development without decreasing service quality to existing City residents or increasing financial burdens on existing City residents, or the applicant has made adequate financial commitments to ensure this result.

- 6-7(H)(3)(c) If the application is for the creation or amendment of a PC zone district, all of the following criteria.

1. The proposed amendment and related Framework Plan meet any criteria for approval for a Planned Community adopted by City Council.
2. The Framework Plan for the property will result in street, circulation, open space, and storm drainage systems that connect and integrate with the City's existing system.
3. The Framework Plan for the property accommodates reasonably anticipated growth of the City in a manner that is more consistent with the ABC Comp Plan, as amended, than

<sup>254</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

## 7-1: Definitions

*Single-family Detached; Dwelling, Townhouse; and Dwelling, Two-family Detached (Duplex); Manufactured Home, and Other Uses Accessory to Residential Primary Uses.*

**Mixed-use Development**

Properties with residential development and non-residential development on a single lot or premises. For the purposes of this IDO, mixed-use development can take place in the same building (i.e. vertical mixed-use) or separate buildings on the same lot or premises (i.e. horizontal mixed-use).

**Multi-family Residential Development**

Residential development of multi-family dwellings or uses from the Group Living category (except small community residential facilities) in zone districts as allowed per Table 4-2-1. Properties that include both multi-family dwellings and low-density residential development are considered multi-family residential development for the purposes of this IDO. Properties with other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered multi-family residential development for the purposes of this IDO. See also *Other Uses Accessory to Residential Primary Uses*.

**Non-residential Development**

Development of allowable land uses on a property that includes no residential development.

**Residential Development**

Development of any allowable land use from the Residential category in Table 4-2-1 (i.e. any allowable combination of Household Living uses and Group Living uses) that occurs on properties with no land use from another category, with the following exceptions:

1. Property with both Household Living uses and parks and open space are still considered residential development for the purposes of this IDO.
2. Properties that include other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered residential development for the purposes of this IDO.
3. A property that has an approved non-residential Temporary Use but that otherwise meets this definition is still considered residential development for the purposes of this IDO. See also *Development Definitions for Low-density Residential Development, Mixed-use Development, and Non-residential Development and Other Uses Accessory to Residential Primary Uses*.

**Development Hearing Officer (DHO)**<sup>262</sup>

A person or firm on contract with the City who makes decisions about subdivisions, vacations, and waivers based on zoning standards in the IDO and technical standards in the DPM. The DHO replaced the Development Review Board with the effective date of the 2021 IDO Annual Update.

**Development Process Manual (DPM)**

A compilation of City requirements related to design criteria, technical and engineering standards, and procedures for the processing of development proposals within the City's jurisdiction, particularly relating to public rights-of-way.

**Development Review Board (DRB)**<sup>263</sup>

A board made up of City and Agency staff that was replaced by the Development Hearing Officer with the effective date of the 2021 IDO Annual Update. For the purposes of this IDO, major amendments of

<sup>262</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

<sup>263</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Site Plan – DRB is proposed to be reviewed/decided as Site Plan – Admin.

~~of an approved Site Plan – DRB may be reviewed and decided pursuant to Subsection 14-16-6-4(Z)(2)(c)3, as described in Section 14-16-6-2(D) (Development Review Board), that makes decisions about development in the city based on zoning and technical standards.~~

### **Deviation<sup>264</sup>**

An exception to IDO standards that can be granted by the relevant decision-making body within thresholds established by Table 6-4-1 or based on criteria for a Waiver for standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) pursuant to Subsection 14-16-6-6(P) (Waiver – ~~DHO DRB~~) or for standards related to wireless telecommunications facilities pursuant to Subsection 14-16-6-6(Q) (Waiver – Wireless Telecommunications Facility). See also *Waiver*.

### **Distance Separation**

See *Measurement Definitions for Separation of Uses*.

### **Dispatch Center**

A facility from which vehicles for couriers, deliveries, security, locksmiths, taxis, senior services, meals-on-wheels, or similar services are dispatched. Accessory uses may include, but are not limited to, administrative offices and vehicle washing facilities.

### **Door**

See *Transparent Window or Door*.

### **Dormitory**

A residence hall providing rooms for individuals or groups, with common spaces for living and cooking. Individual bedrooms may have a dedicated bathroom or shared bathrooms. Dormitories are often established with a university or college, vocational school, or sorority or fraternity. See also *Club or Event Facility*, *University or College*, and *Vocational School*.

### **Downtown Center**

See *Center and Corridor Definitions*.

### **Drainage Facility**

The system of structures for collecting, conveying, and storing surface and stormwater runoff. Drainage facilities are for surface and stormwater runoff conveyance and containment. These include but are not limited to streams, pipelines, channels, ditches, arroyos, acequias, wetlands, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade. On-site drainage ponding areas that manage stormwater generated by uses on the lot are not considered drainage facilities. See also *Acequia*, *Major Arroyo*, and *Major Utility*.

### **Drainage Plan**

See definition in the DPM.

### **Drainage Report**

See definition in the DPM.

<sup>264</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO).

**Pedestrian-oriented**

Intended primarily to provide access, amenities, or space for services that benefit people walking. Includes but is not limited to sidewalks, walkways, multi-use trails, transit stops, spaces for outdoor seating or vending, plazas, parks, and public facilities associated with Major Public Open Space.

**Pedestrian-scale Lighting**

Lighting in pedestrian areas not to exceed 16 feet in height that allows people to see and be seen from a distance of 40 to 60 feet.

**Perimeter Wall**

See *Wall Definitions*.

**Permissive Use**

See *Use Definitions*.

**Person**

An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal entity.

**Personal and Business Services**

Establishments providing services to individuals or businesses for profit, including but not limited to bail bond providers, beauty and barber shops, shoe repair, tailor/alterations shops, tattoo parlors, taxidermy services, electronic data processing, and employment service; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, and film library. This use is divided into 2 categories based on the size of the establishment (not the size of the structure):

1. Personal and Business Services, Small: An establishment with 10,000 square feet or less of gross floor area.
2. Personal and Business Services, Large: An establishment with more than 10,000 square feet of gross floor area.

See also *Bail Bond Business* and *Massage Business*.

**Planning Director**

The chief administrative officer of the City Planning Department or his/her authorized representative or designee.

**Plat**<sup>275</sup>

A graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision, resubdivision (sometimes called a replat), or consolidation of land.

**Final Plat**

The completed subdivision plat in a form for approval and recordation.

**Preliminary Plat**

A tentative plat of a proposed subdivision prepared in accordance with the specifications of this IDO [and the DPM](#) for presentation to the [DHO](#) ~~DRB~~ for action.

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<sup>275</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with current practice and for proposed changes to Part 14-16-6.



**Sketch Plat**

A conceptual plat of a proposed subdivision used for discussion by the applicant and [Planning Department staff DRB](#) to determine suitability for subdivision. A sketch plat typically shows general building and parking locations and specifies design requirements for buildings, landscaping, lighting, and signage.

**Pole Sign**

See *Sign Definitions*.

**Porch**

A roofed structure that is not more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, or awnings) on at least 2 sides, that projects from the exterior wall of a building, and that is used as an outdoor living area. To be considered a porch, and not just part of the building, the porch façade facing the street must not be more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, wrought iron security fencing, or awnings). For the purposes of this IDO, any portion of a roofed structure that is not enclosed on at least 2 sides that is over a parking area or driveway is considered a carport. See also *Building Frontage Types* and *Parking Definitions* for *Carport*.

**Portable Sign**

See *Sign Definitions*.

**Premises**

Any lot or combination of abutting or adjacent lots held in single ownership, together with the development on that lot or lots; there may be multiple occupancy.

**Premium Transit**

See *Centers and Corridors Definitions* and *Measurement Definitions* for *Premium Transit Area*.

**Primary Building**

A building within which a primary use takes place. See also *Building* and *Large Retail Facility*.

**Primary Pedestrian Entrance**

A public entrance to a primary building. If there is more than one, for the purposes of this IDO, the entrance demarcated by more façade articulation, signage, landscaping, site amenities, or other design treatments shall be considered the primary pedestrian entrance. If all entrances are thus demarcated, the applicant may choose which entrance shall be considered the primary pedestrian entrance to satisfy any relevant requirements in this IDO.

**Primary Use**

See *Use Definitions*.

**Private Way**

A lot or easement that is not public right-of-way and that contains a street or alley providing access between a public right-of-way and one or more lots. The term may include easements for public and private infrastructure when such are established through a suitable legal document, along with the access rights. See also *Public Right-of-way* and *Street*.

**Project Site**

A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. This term refers to the largest geography specified in the earliest request for decision on the first application related to a particular development. For example, if a large lot is subdivided and submitted for development in

## 7-1: Definitions

phases, any regulation referring to the project site would apply to the entirety of the land in the original lot included in the Subdivision application.

**Projecting Sign**

See *Sign Definitions*.

**Property Line**

See *Lot Definitions*.

**Public Area**

An area of land owned by or intended to be owned by a governmental entity or over which a governmental entity enjoys an easement, whether deeded, dedicated, or otherwise acquired, and that is generally, but not required, to be used to serve the public with some service or benefit, including public infrastructure.

**Public Hearing**<sup>276</sup>

A formal meeting open to the public in which ~~a~~ the decision-making body makes a discretionary decision ~~based on policy in addition to regulations.~~

**Public Meeting**<sup>277</sup>

~~A meeting open to the public in which the decision-making body makes a decision based on zoning requirements, technical standards, or other regulations without the ability to make discretionary decisions.~~

**Public Right-of-way**

Land deeded, reserved or dedicated by plat, or otherwise acquired by any unit of government for the purposes of movement of vehicles, bicycles, pedestrian traffic, and/or for conveyance of public utility services and drainage. This land generally does not have established zoning and is instead designated as “unclassified” in the Official Zoning Map. See also *Alley*, *Drainage Facility*, *Private Way*, *Street*, and *Trail*.

**Public Utility Collocation**

See *Wireless Telecommunications Facility Definitions*.

**Public Utility Structure**

A structure owned by a unit of government or by a public utility company that is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; traffic signal; public light poles; or any other public utility structure controlled by a Facility Plan approved by the City.

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<sup>276</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with proposed edits to Table 6-1-1. Table 6-1-1 includes decisions that are made at public hearings that do not include policy in the decision criteria.

<sup>277</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). The DRB is the only decision-making body that held public meetings pursuant to Table 6-1-1.

**Quasi-judicial Hearing**<sup>278</sup>

A public hearing that follows the additional requirements of Subsection 14-16-6-4(N)(3), generally for decisions that would result in changes to property rights or entitlements on a particular property or affecting a small area.

**R****Racetrack**

An outdoor facility for sanctioned competition of racing vehicles (including cars, trucks, motorcycles, and other vehicles designed for racing purposes) or for horses or dogs, on a closed circuit. In addition to a racetrack, the facility may include spectator seating (bleacher-type stands), a paddock area for support crews and maintenance, racetrack operations offices, and spectator services.

**Railroad Yard**

A primary use of land that includes an area and related facilities in which the predominant activity is the assembly or disassembly and loading or unloading of trains, including without limitation passenger or freight terminals, operations and maintenance sheds, train sheds, and classification yards.

**Real Estate Office**

A facility or area used as a temporary office to sell or lease land or buildings or interests in land or buildings within a specified area.

**Rear Lot Line**

*See Lot Definitions.*

**Recognized Neighborhood Association**

*See Neighborhood Association.*

**Recreational Vehicle**

*See Vehicle Definitions.*

**Recycling Drop-off Bin Facility**

An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials, including but not limited to paper, aluminum, glass, and plastic, but not including compost or organic materials.

**Reflective or Mirrored Glass**

Glass with greater than 15 percent average daylight exterior reflectance as published by the manufacturer.

**Religious Institution**

A structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings, that is operated, maintained, and controlled under the direction of a religious group. Incidental activities include, but are not limited to, school and recreational facilities, parking, caretaker's housing, religious leader's housing, philanthropic or humanitarian activities, and group living facilities such as convents or monasteries.

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<sup>278</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Added editorially for consistency with edits to Table 6-1-1 and Part 14-16-6.

**Zoning Hearing Examiner (ZHE)** <sup>283</sup>

A ~~City employee, or a~~ person or firm on contract with the City, who reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, Permit – Carport, Permit – Wall or Fence – Major, and Variances.

**Zoo**

A facility, indoor and/or outdoor, where animals are kept for viewing by the public, and that may be accredited by the American Zoological Association. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances. This use does not include the ABQ BioPark, which is listed as a separate use in this IDO and regulated per the BioPark Master Plan.

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<sup>283</sup> 2021 IDO Annual Update - Citywide Text Amendments – COUNCIL REVIEW. Proposal to replace the Development Review Board (DRB) with Development Hearing Officer (DHO). Revised editorially for consistency with proposed definition of DHO and current practice.

## 7-2 ACRONYMS AND ABBREVIATIONS

<b>Table 7-2-1: Acronyms and Abbreviations</b>	
ABC Comp Plan	Albuquerque/Bernalillo County Comprehensive Plan
ABCWUA	Albuquerque Bernalillo County Water Utility Authority
ABQ	Albuquerque
ABQ RIDE	City of Albuquerque Transit Department
AC	Activity Center (ABC Comp Plan Center)
ADA	Americans with Disabilities Act
ADR	City of Albuquerque Office of Alternative Dispute Resolution
AMAFCA	Albuquerque Metropolitan Arroyo Flood Control Authority
APO	Airport Protection Overlay (zone)
BR	Bedroom
CMU	Concrete Masonry Unit
CPA	Community Planning Area
CPO	Character Protection Overlay (zone)
CPTED	Crime Prevention Through Environmental Design
<u>DHO</u>	<u>Development Hearing Officer</u>
DNL	Day-night Noise Level
DPM	Development Process Manual
DRC	Design Review Committee
<del>DRB</del>	<del>Development Review Board</del>
DT	Downtown (ABC Comp Plan Center)
EC	Employment Center (ABC Comp Plan Center)
EPA	United States Environmental Protection Agency
EPC	Environmental Planning Commission
FAA	Federal Aviation Administration
FA	Gross Floor Area
HEART	Humane and Ethical Animal Rules and Treatment
HID	High-intensity Discharge
HPO	Historic Preservation Overlay (zone)
IDO	Integrated Development Ordinance
IIA	Infrastructure Improvements Agreement
LC	Landmarks Commission
LED	Light-emitting Diode
LRV	Light Reflective Value
LUHO	Land Use Hearing Officer
MRCOG	Mid-region Council of Governments
MRGCD	Middle Rio Grande Conservancy District
MS	Main Street (ABC Comp Plan Corridor)
MT	Major Transit (ABC Comp Plan Corridor)
MX	Mixed-use (zone district)
MX-FB	Mixed-use – Form-based (zone district)
MX-H	Mixed-use – High Intensity (zone district)
MX-L	Mixed-use – Low Intensity (zone district)
MX-M	Mixed-use – Medium Intensity (zone district)
MX-T	Mixed-use – Transition (zone district)
NMAC	New Mexico Administrative Code
NMSA	New Mexico Statutes Annotated
NR-BP	Non-residential – Business Park (zone district)

# B14 – Overnight Shelters

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn, by request

1. On page 145, in Table 4-2-1, in Civic and Institutional Uses, Overnight Shelter, replace “C” in the MX-H zone district with “P.”
2. On page 159, in Section 4-3(C)(6), revise as follows:  
  
4-3(C)(6) Overnight Shelter  
(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.  
(b) This use shall be conducted within fully enclosed portions of a building.  
(c) In the MX-M zone district, this use shall not exceed 25,000 square feet.  
[(d) This use requires an Operations Plan to be submitted that shall provide at a minimum administrative policies and procedures, security protocols, and contact information.]
3. On page 578, in Section 7-1, Definitions, revise the definition of Overnight Shelter as follows:

### **Overnight Shelter**

A facility that provides [temporary or transitional] sleeping accommodations for 6 or more persons ~~[for a period of less than 24 hours]~~ with no charge or a charge substantially less than market ~~[value;]~~ [rates. Such facilities] ~~[#]~~ may provide meals ~~[and]~~ [, personal assistance, personal services, personal care, protective services, and] social services. ~~[Any such facility open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter.]~~ [This use does not include skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO.] See also Community Residential Facility, Group Home, ~~[and Campground or Recreational Vehicle Park]~~ [Nursing Home, and Hospital].

**Explanation:** This amendment proposes to permissively allow Overnight Shelters in the Mixed-Use High Intensity (MX-H) zone district. The homeless or unhoused population in Albuquerque has increased significantly in recent years. The last census of homeless individuals in Albuquerque was 1,570 individuals. The City currently lacks overnight

## B14 – Overnight Shelters

shelters to satisfy the need. Without action by the City, unabated and unmitigated congregations of homeless people can create adverse impacts on the community.

This amendment would affect all properties zoned MX-H within the City to allow overnight shelters permissively rather than conditionally, so it is appropriately proposed to be adopted as part of the Amendment to IDO Text – Citywide. Additionally, the City is currently seeking conditional use approval to allow an overnight shelter on City-owned property that is zoned MX-H. While that specific application will continue to be reviewed and decided based on the zoning regulations in place when the application was accepted as complete, as required by IDO Subsection 14-16-1-7(C), any future application for the same site would be subject to the proposed regulations in this amendment, if approved.

IDO Subsection 14-16-6-4(N)(3) requires a quasi-judicial hearing for “*decisions that would result in changes to property rights or entitlements on a particular property or affecting a small area, or are otherwise not considered legislative decisions involving policy or regulatory changes that would apply citywide or to a large area, the decision-making body shall conduct a quasi-judicial hearing to make a discretionary decision.*” Out of an abundance of caution, the City will provide a quasi-judicial hearing for this amendment in recognition that this decision would change property rights on this particular property, following the procedures in Subsection 14-16-6-4(N)(3).

As quasi-judicial decisions ensure due process for the property owner of the subject property, and the IDO generally requires public notice to nearby property owners and Neighborhood Associations, the following particularized additional public notice of this proposed amendment has been provided.

- The subject property owner and property owners within 100 feet of the subject property have been notified of this proposed amendment, pursuant to Subsection 14-16-6-4(K)(3)(c).
- Neighborhood associations have been notified of this proposed amendment, pursuant to 14-16- 6-4(K)(3)(b)3.

As quasi-judicial decisions require a justification for the change of property rights or entitlements on a particular property, the following justification is provided following the review/decision criteria for an IDO Text Amendment – Small Area in IDO Subsection 14-16-6-7(E)(3).

While this amendment is proposed to be adopted as part of the IDO Text Amendment – Citywide, given that it will affect MX-H properties citywide, the review/decision criteria for the small area amendment is the most analogous criteria on which to base the justification for this quasi-judicial decision to adopt the amendment as it pertains to the change of entitlements on this particular subject property.

That said, the subject property does not meet the definition of a small area in the IDO pursuant to Section 14-16-7-1. Although the property is over the minimum of 5 acres required by this definition, it is only 1 lot with only 1 property owner; therefore, it does not meet the minimum requirements to constitute a small area. The adoption of this



## B14 – Overnight Shelters

amendment will not create a new small area; rather, the following justification is provided in recognition that the legislative adoption of this amendment will change the property rights and entitlements on a subject property that is currently being reviewed/decided by the City.

### **Small Area**

*A mapped area established pursuant to IDO procedures where IDO regulations specific to that area apply. Small areas adopted after May 18, 2018 shall be no less than 5 acres, shall include no fewer than 25 lots, and shall include properties owned by no fewer than 15 property owners.*

The review/decision criteria is in bold, and the justification follows in italics. Existing Goals and Policies from the ABC Comprehensive Plan (ABC Comp Plan) are shown in plain text.

**6-7(E)(3)(a) The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.**

*The proposed amendment is consistent with a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended. Because the amendment would make overnight shelters permissive within 1 zone district (out of 14 base zone districts), this amendment would make the process more streamlined to approve emergency shelters in that zone district for people experiencing homelessness and those fleeing domestic abuse situations. Given that this use would be permissive on the City-owned site as well as all throughout the city on other sites zoned MX-H, this change would help the City implement the following goals and policies addressing homelessness. Overnight shelters will help ease the burden currently felt by businesses and neighborhoods without shelters and services, as well as the disproportionate burden on those few areas where shelters and services are currently concentrated.*

*The proposed use-specific standard for this use requiring an Operations Plan to be submitted with the application is consistent with Policy 5.3.7 to minimize offsite impacts. The existing use-specific standard establishing a distance separation of 1,500 feet between overnight shelters ensures that no one area is overly burdened by potential negative impacts.*

GOAL 9.4 HOMELESSNESS: Make homelessness rare, short-term, and nonrecurring.

POLICY 9.4.1 BEST PRACTICES: Implement an appropriate and effective model to address chronic homelessness.

POLICY 9.4.2 SERVICES: Provide expanded options for shelters and services for people experiencing temporary homelessness.

POLICY 9.4.3       EQUITABLE DISTRIBUTION: Support a network of service points that are easily accessible by residents and workers, geographically distributed

## B14 – Overnight Shelters

throughout the City and County, and proximate to transit.

GOAL 9.5 VULNERABLE POPULATIONS: Expand capacity to provide quality housing and services to vulnerable populations.

POLICY 9.5.1 QUALITY HOUSING: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness.

POLICY 9.5.2 TRANSITIONAL SERVICES: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance

POLICY 5.3.7 LOCALLY UNWANTED LAND USES: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

(a) Minimize the impacts of locally unwanted land uses on surrounding areas through policies, regulations, and enforcement.

(b) Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

*The City's proposed overnight shelter is located entirely within the Lovelace/VA Employment Center, as designated in the ABC Comp Plan. This site is entirely within an Area of Change and a good portion of the site lies within the San Mateo Major Transit Corridor. The siting of this overnight shelter is consistent with a preponderance of goals and policies in the ABC Comp Plan that encourage more intense uses in appropriate Centers and Corridors. The use would add significant jobs in this Employment Center and would promote synergy with the existing Veterans Hospital and medical services that will continue on the subject property. The re-purposing of an existing facility in an area already served by infrastructure, transit service, retail, and services is consistent with goals and policies encouraging transit-supportive uses along existing transit corridors, in Areas of Change with existing resources, and within an area that provides easy access to services for people using all modes of transportation.*

GOAL 5.1 CENTERS & CORRIDORS: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

POLICY 5.1.1 DESIRED GROWTH: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern. [ABC]

- a) Create walkable places that provide opportunities to live, work, learn, shop, and play.
- b) Structure capital investment and land use regulations to direct growth to Centers, in particular those in need of public and private reinvestment.

## B14 – Overnight Shelters

POLICY 5.1.2 DEVELOPMENT AREAS: Direct more intense growth to Centers and Corridors...

POLICY 5.1.5 EMPLOYMENT CENTERS: Create Centers that prioritize employment opportunities and foster synergy among businesses.

POLICY 5.6.2 AREAS OF CHANGE: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

- a) Encourage development where adequate infrastructure and community services exist.

Encourage development in areas with a highly connected street grid and frequent transit service.

POLICY 6.1.2 TRANSIT-ORIENTED DEVELOPMENT: Prioritize transit-supportive density, uses, and building design along Transit Corridors.

POLICY 12.2.3 NEW FACILITIES: Site new facilities in areas with excellent access to provide services to underserved and developing areas.

POLICY 12.3.1 ACCESS TO PUBLIC SERVICES: Maximize residents' access to public services and distribute services equitably, whether they are provided by the City or County or in partnership with other agencies.

- a) Ensure that the location of public safety facilities provides adequate response rates.
- b) Encourage libraries, schools, and health and social services to locate in Centers to be accessible to pedestrians, cyclists, transit users, and drivers.
- c) Meet the needs of vulnerable and homeless populations with residential care facilities and support services without overburdening individual neighborhoods or communities.

**6-7(E)(3)(b) If the proposed small area amendment is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:**

- 1. There has been a significant change in neighborhood or community conditions affecting the small area.**
- 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and**

## B14 – Overnight Shelters

**connectivity), and other applicable adopted City plan(s).**

*The City's proposed overnight shelter site is located completely in an Area of Change, so this criterion does not apply.*

**6-7(E)(3)(c) If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:**

- 1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.**
- 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

*The proposed amendment creates zoning regulations for overnight shelters that are more advantageous to the community as articulated by the ABC Comp Plan, as specified in the goals and policies in the response above. In summary, the amendment will help the City implement the Goals and Policies to address homelessness and provide services to vulnerable populations.*

*This comprehensive strategy to provide shelter and services for vulnerable populations will also help businesses and neighborhoods that are currently negatively impacted in unpredictable and unabated ways by those experiencing homelessness. The additional use-specific standard proposed in this amendment is also advantageous to the community in that it requires the applicant to submit an Operations Plan that can be reviewed to ensure that it is adequate to address and minimize potential off-site impacts of this use.*

*The siting of the City's proposed overnight shelter in both a Center and a Corridor is consistent with the Community Vision and many Goals and Policies encouraging more intense uses in Centers and Corridors and the co-location of services in areas already served by infrastructure and easily accessible by all modes of transportation.*

*The proposed amendment is also advantageous to the community in that it will help the City's Family and Community Services Department implement the actions in the City's Consolidated Housing Plan, which specifically calls for additional overnight shelter facilities to meet this vital human need as the first step among many in providing adequate housing and assistance for vulnerable populations in our community.*

## B14 – Overnight Shelters

*The MX-H zone district, as the most intense of the mixed-use districts, is an appropriate zone to allow this use permissively. As a mixed-use zone district intended to allow both residential and non-residential uses, MX-H is an appropriate zone to be the only zone district where this use is allowed permissively. MX-H allows both intense residential and also non-residential uses permissively. Other mixed-use zones allow intense residential uses but are not intended for the most intense non-residential uses. in Non-residential zones, which are intended for intense non-residential uses but not for any residential uses.*

**6-7(E)(3)(d) If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.**

*This proposed amendment specifically changes the overnight shelter use from conditional to permissive in the MX-H zone district. The amendment proposes a new use-specific standard requiring an Operations Plan to be submitted to ensure that it is adequate to address and minimize potential off-site impacts of this use, as noted above. The existing use-specific standard requiring a distance separation between overnight shelters also helps to adequately mitigate potential harmful impacts.*

**6-7(E)(3)(e) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.**

*The proposed amendment is not based on the cost of land or economic considerations of this site in particular. The amendment is needed in part on the recognition of the economic conditions that put people at risk of homelessness and contribute to the challenges to provide adequate affordable housing and services for people in need; however, the predominant justification for this amendment is that it furthers a preponderance of Goals and Policies in the ABC Comprehensive Plan and helps the City to implement the Consolidated Housing Plan.*

# B16 – Safe Outdoor Spaces – Department Review

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

**Note:** This amendment does not reference page numbers to be amended because the text it is proposing to change what was passed at the LUPZ committee.

1. Amend 4-3(C)(9)(g) as follows:

4-3(C)(9)(g) Each Safe Outdoor Space shall include a management plan or security agreement to ensure the safety of individuals occupying the designated spaces. Proof of the plan or agreement shall be required with the application for a Safe Outdoor Space and shall be reviewed by the City's Department of Family and Community Services. The plan or agreement shall indicate on-site support on a 24-hours a day, 7 days a week basis.

**Explanation:** This amendment proposes to require that the Department of Family and Community Services review the management plan and/or security agreement that is provided to the Planning Department with an application for a safe outdoor space.

# B17 – Safe Outdoor Spaces – NR-SU

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

**Note:** This amendment does not reference page numbers to be amended because the text it is proposing to change what was passed at the LUPZ committee.

1. In Table 4-2-1, delete Safe Outdoor Spaces as “C” in MX-T, MX-L, MX-M, and MX-H. Delete Safe Outdoor Spaces as “P” in NR-C, NR-BP, NR-LM and NR-GM. Add a “P” to the NR-SU column.

**Explanation:** This amendment proposes to revise the zone districts for the Safe Outdoor Spaces amendment that passed at LUPZ. It proposes to allow Safe Outdoor Spaces only in the NR-SU (Non-Residential Sensitive Use) zone district. This amendment does not make any changes to the Use Specific Standards for SOS. A request for the NR-SU zone district can only be approved via a Zone Map Amendment by the EPC or City Council (depending on the size of the lot), in conjunction with a Site Plan – EPC approval. Development in an NR-SU zone district is controlled by the Environmental Planning Commission approved Site Plan – EPC.

Per the IDO:

The purpose of the NR-SU zone district is to accommodate highly specialized public, civic, institutional, or natural resource-related uses that require additional review of location, site design, and impact mitigation to protect the safety and character of surrounding properties. Uses that require NR-SU zoning are not allowed in other zone districts. The other uses allowed in NR-SU are as follows:

- Airport
- Cemetery
- Correctional Facility
- Crematorium
- Fairgrounds
- Fire or police station
- Natural resource extraction
- Solid waste convenience center
- Stadium or racetrack
- Waste and/or recycling transfer station



**B18 – SOS – District Caps (New)**

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

**June 6<sup>th</sup>, 2022**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10**

**AMENDMENT SPONSORED BY COUNCILOR Isaac Benton**

Amend 4-3(C)(9) as follows:

4-3(C)(9)(j) The total number of safe outdoor spaces shall not exceed ~~[5]~~ [2] in each City Council District.

**Explanation:** This amendment proposes to reduce the City Council District cap for Safe Outdoor Spaces from 5 to 2.

# B19 – Safe Outdoor Spaces – Temporary

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

**Note:** This amendment does not reference page numbers to be amended because the text it is proposing to change what was passed at the LUPZ committee.

1. In Table 4-2-1, move Safe Outdoor Space from the “Civic and Institutional Use” section to the ‘Temporary Use’ section of the table.
2. Amend Section 4-3(G)(9) Safe Outdoor Spaces to add a new use-specific standard as follows:

[4-3(G)(9)(k) This use is limited to 24 months, and the Temporary Use Permit may be extended for an additional 24 months. A new Temporary Use Permit pursuant to Subsection 14-16-6-5(D) shall not be approved within 6- months of the last date the use was allowed in a previous Temporary Use permit.]

**Explanation:** This amendment proposes to reduce the duration in which a Safe Outdoor Space can occur to 24 months with the potential for one additional 24-month extension. This amendment also specifies that a temporary use permit cannot be requested “back to back” on a property, and that there must be a six-month period in between permit applications for a property.

## B20 – Safe Outdoor Spaces – Option 2

### CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

**Note:** This amendment does not reference page numbers to be amended because the text it is proposing to change what was passed at the LUPZ committee.

**If Floor Amendment B7 or B22 is not passed take action 1 and 2 listed below:**

1. In Table 4-2-1, in the Civic and Institutional Uses category, amend the allowed zones in which a Safe Outdoor Space can occur from “C” to “P” in the MX-M and MX-H zone district.
2. Add a new use-specific standard as follows:  
[4-3(C)(9)(k) This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) within Main Street Areas.]

**Actions 1 and 2, below, are not dependent upon the passage or failure of any other floor amendment**

1. Amend 4-3(C)(9)(d) as follows:

4-3(C)(9)(d) One water-flush or composting toilet shall be provided for every 8 designated spaces, one hand washing station shall be provided for every 10 designated spaces [.], and one shower per 10 camp sites shall be provided.]

- i. Hand washing and toilet stations shall not be located more than 300 feet in any direction of any designated space.
- ii. Plumbed hand washing and water-flush or composting toilet stations shall be provided within 2 years of the City approval of the Safe Outdoor Space.
- iii. Prior to the installation of plumbed handwashing stations and water-flush or composting toilets, portable toilets and handwashing stations may be provided to meet this requirement.
  - a. Portable toilets and handwashing stations shall be provided at a ratio of one station per 8 designated spaces.

## B20 – Safe Outdoor Spaces – Option 2

- b. Portable toilets and handwashing stations shall be serviced at regular intervals.

~~[iv. Portable showers may be provided to meet this requirement. Showers are not required plumbed within 2 years of the City approval of the Safe Outdoor Space.]~~

2. Amend 4-3(C)(9)(g) as follows:

4-3(C)(9)(g) Each Safe Outdoor Space shall include a management plan or security agreement to ensure the safety of individuals occupying the designated spaces. Proof of the plan or agreement shall be required with the application for a Safe Outdoor Space. The plan or agreement shall indicate on-call or on-site support on a 24 hours a day, 7 days a week basis.

**Explanation:** This amendment proposes to make the following changes to the safe outdoor spaces land use as it was approved by the LUPZ committee:

- Make safe outdoor space 'permissive' in the MX-M and MX-H zone
- Make safe outdoor spaces 'conditional' if within a Main Street area
- Delete the requirements for showers
- Permit 'on-call' support to meet the requirements of subsection (g)

# B21 – Application Decision Requirement

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

On page 419 of Exhibit A to O-22-10, amend Subsection 6-4(T) to add a new subsection (6) and renumber subsequent sections:

6-4(T)(6) In the case of an application for an approval of an Administrative Decision or a decision by the Development Hearing Officer as indicated in Table 6-1-1 a decision shall be issued by City Staff no later than 60 days after the application date.

6-4(T)(6)(a) For Administrative Decisions, if City Staff are unable to provide a decision within 60 days pursuant to 6-4(T)(6) then the City shall forward the application to a third-party development review service for their consideration.]

**Explanation:** This amendment proposes to require that applications that receive Administrative review and applications before the Development Hearing Officer receive a final decision from City staff within 60 days of the time the application was received. For Administrative Decisions, if the 60-day deadline can't be met, the department must forward the application to a third-party development review service.

## B22 – Safe Outdoor Spaces – Additional Centers

### CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

1. In Table 4-2-1, in the Civic and Institutional Uses category, amend the allowed zones in which a Safe Outdoor Space can occur from “C” to “P” in the MX-M and MX-H zone districts.
2. Amend 4-3(C)(9) to add a new use-specific standard as follows and re-letter subsequent sections:

[4-3(C)(9)(a) This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) within the Downtown Center, Main Street areas, Urban Centers, Activity Centers, and Employment Centers.]

#### **Explanation:**

Note: This amendment does not reference page numbers to be amended because the text it is proposing to change what was passed at the LUPZ committee.

Per the amendment on Safe Outdoor Spaces (SOS) that passed at LUPZ, SOS are conditional in the MX-M and MX-H zone districts. This amendment proposes to make safe outdoor spaces permissive in the MX-M and MX-H zone district. It also proposes to require a Conditional Use Approval through the Zoning Hearing Examiner for any Safe Outdoor Space occurring in the Downtown Center, Main Street Areas, Urban Centers, Activity Centers, and Employment Centers.

**Note: This amendment conflicts with Amendment B7 which proposes to require the conditional use approval only in the Downtown Center, Main Street Areas, and Urban Centers.**

## B23 – SOS – Criminal History

### CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Louie Sanchez

Amend 4-3(C)(9)(g) as follows and renumber subsequent subsections as necessary:

4-3(C)(9)(g) Each Safe Outdoor Space shall include a management plan or security agreement to ensure the safety of individuals occupying the designated spaces. Proof of the plan or agreement shall be required with the application for a Safe Outdoor Space. The plan or agreement shall indicate on-site support on a 24 hours a day, 7 days a week basis. The management plan shall, at a minimum, include the following:

- i. No person with a misdemeanor or felony charge shall be permitted to stay in the Safe Outdoor Space.

**Explanation:** This amendment proposes to prohibit persons with misdemeanors or felonies from staying in a Safe Outdoor Space.

Note: There are other proposed amendments related to requirements for the management plan. These amendments do not conflict, and if any/all are adopted will be appropriately renumbered in the IDO.



## B24 – SOS – Identification

### CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Louie Sanchez

Amend 4-3(C)(9)(g) as follows and renumber subsequent subsections as necessary:

4-3(C)(9)(g) Each Safe Outdoor Space shall include a management plan or security agreement to ensure the safety of individuals occupying the designated spaces. Proof of the plan or agreement shall be required with the application for a Safe Outdoor Space. The plan or agreement shall indicate on-site support on a 24 hours a day, 7 days a week basis. The management plan shall, at a minimum, include the following:

- i. Every person in a Safe Outdoor Space shall be required to hold a government issued identification card from any jurisdiction in the United States.

**Explanation:** This amendment proposes to require persons staying in a Safe Outdoor Space to hold a government issued ID from any jurisdiction in the United States.

Note: There are other proposed amendments related to requirements for the management plan. These amendments do not conflict, and if any/all are adopted will be appropriately renumbered in the IDO.

# B25 – SOS – Sex Offenders Prohibited

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Louie Sanchez

Amend 4-3(C)(9)(g) as follows and renumber subsequent subsections as necessary:

4-3(C)(9)(g) Each Safe Outdoor Space shall include a management plan or security agreement to ensure the safety of individuals occupying the designated spaces. Proof of the plan or agreement shall be required with the application for a Safe Outdoor Space. The plan or agreement shall indicate on-site support on a 24 hours a day, 7 days a week basis. [The management plan shall, at a minimum, include the following:

- i. No person who is a registered sex offender shall be allowed to stay in a Safe Outdoor Space.

**Explanation:** This amendment proposes to prohibit registered sex offenders from staying in a Safe Outdoor Space.

Note: There are other proposed amendments related to requirements for the management plan. These amendments do not conflict, and if any/all are adopted will be appropriately renumbered in the IDO.

# **B26 – SOS – Prohibited in City Council Districts**

## **CITY COUNCIL of the CITY OF ALBUQUERQUE**

**June 6<sup>th</sup>, 2022**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10**

**AMENDMENT SPONSORED BY COUNCILOR Louie Sanchez**

Add a new use-specific standard in 4-3(C)(9) as follows and renumber subsequent use-specific standards as necessary:

[4-3(C)(9)(k) Safe Outdoor Spaces are prohibited in City Council Districts 1, 5, and 9.]

**Explanation:** This amendment proposes to prohibit Safe Outdoor Spaces in City Council Districts 1, 5, and 9.

## **B27 – Distance Separation for Light Vehicle Repair**

### **CITY COUNCIL of the CITY OF ALBUQUERQUE**

**June 6<sup>th</sup>, 2022**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10**

**AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña**

On page 169 of the IDO, amend 4-3(D)(19) Light Vehicle Repair to add a new use-specific standard and renumber subsequent standards as applicable:

4-3(D)(19)(a) This use is prohibited within 330 feet in any direction of any other premises containing a light vehicle repair use.

**Explanation:** This amendment proposes to prohibit a Light Vehicle Repair use within 330 feet of another Light Vehicle Repair use. 330 feet is about one city block.

# B28 – Major Public Open Space Definition Update

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 6<sup>th</sup>, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10

AMENDMENT SPONSORED BY COUNCILOR Dan Lewis

Amend Floor Amendment B12 as it was passed by the City Council on May 2<sup>nd</sup> as follows with changes indicated in blue text:

### **Major Public Open Space**

~~[Publicly-owned spaces managed by the Open Space Division of the City Parks and Recreation Department,]~~ [City-owned or managed property that is zoned NR-PO-B or city-managed property that is zoned NR-PO-C] including the Rio Grande State Park (i.e. the Bosque), Petroglyph National Monument, and Sandia foothills. These are typically greater than 5 acres and may include natural and cultural resources, preserves, low-impact recreational facilities, dedicated lands, arroyos, or trail corridors. The Rank 2 Major Public Open Space Facility Plan guides the management of these areas. For the purposes of this IDO, Major Public Open Space located outside the city municipal boundary [that is mapped as Open Space in the Comprehensive Plan] still triggers Major Public Open Space Edge requirements for properties within the city adjacent to or within the specified distance of Major Public Open Space.]

**Explanation:** This amendment proposes to revise the definition of Major Public Open Space (MPOS) to clarify that certain zoning district designations or a designation in the Comprehensive Plan is required for a parcel to be considered Major Public Open Space. Without requiring the zoning district or the designation in the Comprehensive Plan, there is a risk that properties may be considered MPOS without proper notice to nearby property owners.

Update: This amendment has been updated to add the term “or managed” to the NR-PO-B zone district definition. There is Major Public Open Space that is currently zoned NR-PO-B that the City does not own but does assist in managing. Several parcels in the Petroglyph National Monument are an example of this.

## **B29 – Rescind LUPZ Amendment A2**

### **CITY COUNCIL of the CITY OF ALBUQUERQUE**

**June 6<sup>th</sup>, 2022**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-22-10**

**AMENDMENT SPONSORED BY COUNCILOR Renee Grout**

Rescind Amendment A2 as it was passed by the Land Use, Planning and Zoning Committee on April 13, 2022

**Explanation:** This amendment proposes to rescind the LUPZ amendment (A2) that allowed for lower-quality conversions of commercial spaces into multi-family residential by amending the definition of a “kitchen” when these conversions are associated with funding provided by the City’s Family and Community Services Department in conjunction with an affordable housing project. This definition was amended by the Land Use, Planning and Zoning Committee at their April 13th hearing. Affordable housing should conform to all other quality standards for residential uses, and contribute positively to quality of life for residents and the surrounding neighborhood.