

Proposed amendments to the IDO for O-22-10

Amendment	Topic
A1	Car Wash operating hours
A2	Hotel conversions to residential uses for affordable housing
A3	Cottage development – calculation method
A4	Cottage development – formula in the R-1D zone
A5	Provisions for cannabis uses
A6	Internally lit signs
A7	Self storage lighting
A8	Bike parking for schools
A9	Townhouses in proximity to premium transit stations
A10	Climactic and Geographic responsiveness
A11	Parking for multi-family and retail uses
A12	Safe Outdoor Spaces*
A13	Temporary Campgrounds
A14	Utility easements related to vacations of right-of-way
A15	Ordinance compilation
A16	Technical edits
A17	Variances and Waivers in Overlay Zones**

* **Blue text** in this amendment indicates changes made since the amendment packet was first published on March 10th

** This amendment is new since the amendment packet was first published on March 10th

A1 – Car Washes

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

1. On page 166 of Exhibit A, amend 4-3(D)(16) Car Wash to add a new use-specific standard as follows and renumber subsequent use-specific standards:

[4-3(D)(16)(b) For car washes that are self-serve and do not have staff on-site to assist customers, business hours shall be limited to 7:00 a.m. to 10:00 p.m.]

- i. These business hours shall be posted on site.
- ii. For businesses in operation as of the effective date of the IDO shall post the business hours no later than July 1, 2022.]

Explanation: This amendment proposes to add a use-specific standard for car washes that would implement operating hours for self-serve car washes that don't have attendees on-site to assist customers. Council has heard recent complaints about self-serve car wash properties that people use to park their cars in and hang out through all hours of the night. These businesses, because they are un-staffed, are technically open 24/7 and available to customers. Due to the 24/7 nature of the business, APD is unable to enforce any trespassing laws to require people to leave the premises late at night. This provision will help establish when these businesses close and the posted sign about operating hours will assist APD in their enforcement.

A2 – Hotel conversions to residential uses for affordable housing

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

1. Amend IDO Section 14-16-4-3(B)(7) Dwelling, Multi-family to add a new subsection and amend the definition in Section 14-16-7 for “kitchen” as described in the Exhibit A to this amendment

Explanation: This amendment proposes to add a new use-specific standard to the Dwelling, Multi-family use to allow for special provisions for the conversion of non-residential development to residential development when that conversion is associated with funding provided through the City’s Family and Community Services department in conjunction with an affordable housing project as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance).

Today, to convert a non-residential use such a hotel/motel to a multi-family development the developer would need to ensure each unit can meet the requirements of a “dwelling unit” as defined in the IDO. This includes requiring a full kitchen, presently defined as:

“An area of a dwelling where there is a sink of adequate size and shape for washing dishes and food items (as opposed to washing hands) and a cooking stove, range, or oven. The presence of a sink and a hot plate or microwave does not constitute a kitchen.”

For the type of housing that would be offered with a hotel conversion to affordable housing, some of this provision presents a large barrier, namely the requirement for a full stove, range, or oven. This amendment will allow a microwave or hotplate to meet the requirement of a ‘kitchen’ *only* for conversions of non-residential to residential where the City has distributed affordable housing money.

A2 – Hotel conversions to residential uses for affordable housing

Affordable housing funds distributed by FCS will require 40 hours of service coordination to be provided on-site, in addition to any property manager or property management staff working on the premises. Their duties will include:

- providing residents with information about available onsite and community services
- assisting residents in accessing available services through referral and advocacy
- arranging for access to transportation
- organizing community-building and/or other enrichment events for residents.

Exhibit A to Amendment A2

1. Amend IDO Subsection 14-16-4-3(B)(7) to add a new subsection that provides an exemption for dwelling units created from a conversion of non-residential development to residential use as shown below.
2. Amend the definition of kitchen in IDO Section 14-16-7-1 as follows:

“An area of a dwelling where there is a sink of adequate size and shape for washing dishes and food items (as opposed to washing hands) and a cooking stove, range, or oven. The presence of a sink and a hot plate or microwave does not constitute a kitchen, unless specified otherwise in this IDO.”

4-3(B) RESIDENTIAL USES

4-3(B)(7) Dwelling, Multi-family

4-3(B)(7)(x) In Mixed-use zone districts, a maximum of 100 dwelling units resulting from a conversion of existing non-residential development to a residential use shall be exempt from the definition of kitchen in IDO Section 14-16-7-1 in dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance), if all of the following requirements are met.

1. A separate kitchen and bathroom shall be provided in each dwelling unit.
2. The kitchen shall include all of the following requirements:
 - a. a sink of adequate size and shape for washing dishes and food items (as opposed to washing hands).
 - b. An electric outlet and adequate space for a 68-inch high refrigerator that includes a separate freezer compartment.
 - c. a countertop surface, an appliance for warming food (such as microwave or hotplate), and an electrical outlet that allows the appliance to be plugged in safely.
3. An accessory or primary use for office or personal services is provided on the same premises for service coordination.

A3 – Cottage Development – Calculation Method

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

1. On Page 154, revise Subsection 4-3(B)(4)(c)1 and 1(a) as follows:

1. In all zone districts, a cottage development shall have no more than the total residential gross floor area that would be allowed on an equal size property in the same zone district for single-family detached development. This is calculated by first determining the number of lots that would be allowed in that zone district, assuming the minimum lot size established in Table 5-1-1. That number [, including whole numbers or fractions of a lot,] is then multiplied by 2,000 square feet, an assumed size of a typical single-family dwelling, to determine the maximum residential gross floor area.

~~[a) When the calculation of the number of lots that would be allowed on the site based on the minimum lot size for the zone district results in a fraction of a lot, the number of lots used to calculate the maximum total residential gross floor area shall be rounded down to the nearest whole number]~~

Explanation: This amendment proposes to replace the requirement for Cottage Developments to round down, but instead allows a fraction of a lot to be used in the calculations. Cottage developments allow for multiple units to be developed on one property but limit the amount of square footage that can be developed on the lot. The building footprints are limited through three forms: 30% useable open space is required, parking requirements, and the footprint formula. This amendment proposes to revise the footprint formula to allow for fractions of a unit to be part of the calculations. The language that requires the number of units to be rounded down is a significant disincentive to doing cottage development.

A3 – Cottage Development – Calculation Method

For example:

- A 17,000 square foot R1-D zoned lot under the current language would only allow 2,000 square feet for the cottage units.
 - R-1D = 10,000 square feet minimum lot size = 1.7 units. 1.7 rounded down = 1. $1 \times 2,000 = 2,000$ square feet of residential gross floor area.
- A 17,000 square foot R1-D zoned lot with the proposed language would be allowed 3,400 square feet for the cottage units.
 - R-1D = 10,000 square feet minimum lot size = 1.7 units. $1.7 \times 2,000 = 3,400$ square feet of residential gross floor area.

This amendment does not change parking requirements or the 30% useable space. The IDO requires units in a Cottage Development to be no smaller than 650 square feet and no larger than 1,200 square feet. In the example above, the 3,400 square feet could result in between 2 and 5 units being developed on a 17,000 square foot property, and the 30% useable open space would be 5,100 square feet of that property.

A4 – Cottage Development – Formula in R-1D

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

1. On Page 154, add a new Subsection 4-3(B)(4)(c)1(b) and renumber accordingly as follows:

[(b) In the R-1D zone district that number is then multiplied by 2,600 square feet, to determine the maximum residential gross floor area.]

Explanation: This amendment proposes to replace the requirement for Cottage Developments to increase the footprint formula in the R1-D zone district only. Cottage developments allow for multiple units to be developed on one property but limit the amount of square footage that can be developed on the lot. The building footprints are limited through three forms: 30% useable open space is required, parking requirements, and the footprint formula. This amendment proposes to revise the footprint formula to allow for a larger base square footage in the R1-D (the largest lot R-1 zone district). A single family home in R1-D has no size limitation and could be 5 or 6,000 square feet. This revision is intended to be an incentive for cottage development in the R-1D zone district. For example:

- A 20,000 square foot R1-D zoned lot under the current language would only allow 4,000 square feet for the cottage units.
 - R-1D = 10,000 square feet minimum lot size = 2 units. $2 \times 2,000 = 4,000$ square feet of residential gross floor area.
- A 20,000 square foot R1-D zoned lot with the proposed language would be allowed 5,200 square feet for the cottage units.
 - R-1D = 10,000 square feet minimum lot size = 2 units. $2 \times 2,600 = 5,200$ square feet of residential gross floor area.

This amendment does not change parking requirements or the 30% useable open space requirement. The IDO requires units in a Cottage Development to be no smaller than 650 square feet and no larger than 1,200 square feet. In the example above, the 5,200 square feet could result in between 4 and 8 units being developed on a 20,000 square foot lot, and the 30% useable open space would be 6,000 square feet of that property. Cottage development has a minimum lot size of 1 acre, except within a ¼ mile of Urban Centers, Main Streets and Premium Transit, when the lot size minimum is reduced to 10,000 square feet. The R-1D zone has a minimum lot size of 10,000 square feet.

A5 – Provisions for cannabis uses

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

COMMITTEE 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 operating hours for cannabis retail establishments (8 a.m. to 11 p.m.)
- Adds operating hours for on-site consumption areas (8 a.m. to 11 p.m.)
- 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 - LUPZ Amendment - Cannabis

Page	Section	Change / Discussion	Explanation
177 R	4-3(D)(35)	Cannabis Retail Add a new subsection with following text: "Business hours shall be restricted to between 8:00 A.M. and 11:00 P.M."	Adds a restriction for operating hours for cannabis retail establishments. Recommended by Cannabis Public Policy Consultant.
178 R	4-3(D)(35)	Cannabis Retail, Licensed On-site Consumption Make Subsection (j) a sub of (i) and add a new subsection under (i) with text as follows: "Licensed on-site consumption of cannabis shall be restricted to between the hours of 8:00 A.M. and 11:00 P.M."	Adds a time restriction for licensed on-site consumption of cannabis. Recommended by Cannabis Public Policy Consultant.
178 R	4-3(D)(35)	Cannabis Retail Add a new use-specific standard (j) as follows and renumber subsequent use-specific standards: <u>Licensed on-site consumption areas must be conducted within the fully enclosed portions of a building.</u>	Adds a use-specific standard to cannabis retail to require cannabis consumption areas to be conducted indoors.

IDO Annual Update 2021 - LUPZ Amendment - Cannabis

Page	Section	Change / Discussion	Explanation
178 R	4-3(D)(35)(k)	Cannabis Retail 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.
187 R	4-3(E)(2)	Cannabis Cultivation 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)	Cannabis-derived Products Manufacturing 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.

A6 – Internally Lit Signs

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On Page 351, Section 5-12(E)(5)(a) General, add a new subsection 5. as follows:

[5. Freestanding signs that are internally illuminated are prohibited within 200 feet in any direction of any Residential zone district.]

Explanation: This amendment proposes to prohibit internally illuminated freestanding signs in proximity to residential zone districts. Monument signs and pole signs are both types of freestanding signs. This amendment would allow freestanding signs that are not illuminated, or are illuminated via an external light source within 200 feet of a residential zone district. But freestanding signs where the light source is internal to the sign would be prohibited within 200 feet of any residential zone district. Freestanding signs where the light source is internal to the sign can be very bright, which can cause conflict with nearby residential uses. Because freestanding signs have two sides that are visible (as opposed to a building mounting sign that has only one sign surface), when internally illuminated, these signs can create a very bright sign. These internally illuminated freestanding signs give out more light than a freestanding sign that is illuminated from an external source (up-lighting or down-lighting) as those light sources hit the sign surface only rather than illuminating outwards. Internally illuminated freestanding signs can have a detrimental impact on the Night Sky.

A7 – Self storage lighting

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On Page 176, Section 4-3(D)(29), add a new subsection c) and renumber accordingly:

[c) Self storage facilities located within 200-feet in any direction of any Residential zone district shall dim all internal lighting that are visible from outside of the property by 50% of the maximum foot lamberts allowed pursuant to 5-8(D)(6) between the hours of 10:00 p.m. and 7:00 a.m.]

Explanation: This amendment proposes to require self storage facilities to dim their internal lights between 10pm and 7 am. Several self storage facilities have been using internally illuminated features as a way to draw attention to their business. However, the lighting can be very bright and when located in proximity to a residential zone district can create conflicts.

A8 – Bike Parking

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 277 of Exhibit A, amend table 5-5-5 Minimum Bicycle Parking Requirements as follows:

<u>Elementary or middle school</u>	[3 spaces/classroom]
<u>High School</u>	<u>[5 spaces or 15% of required off-street parking spaces, whichever is greater]</u>

Explanation: This amendment proposes to alter the calculation of required bicycle parking spaces for schools. Note that most schools, if they fall under the purview of Albuquerque Public Schools (APS), are not subject to these requirements (or any requirements in the IDO). This would be applicable to private charter schools.

This year, the Environmental Planning Commission heard a case for expansion of an existing charter school. This school is subject to the provisions of the IDO, including the bicycle parking calculation. The charter school is required to provide 159 bicycle parking spaces based on the IDO requirement today. During testimony on the case, the school indicated they would find a way to accommodate that number but felt frustrated because it would be providing an inordinate amount of bicycle parking that will not be used. Their school attendance is around 750 and the administrator testified that only about 20 students regularly bike to school.

This real-world example has shown that the existing bicycle calculation for schools is not realistic. The proposed amendment will change the calculation from a “per classroom” metric to a “percentage of required off-street parking spaces” metric, which is used for other development types in the IDO.

A8 – Bike Parking

In the example of the charter school, the IDO today would require them to provide 159 bicycle parking spaces. Under the proposed metric, they would need to provide a minimum of 21 bicycle parking spaces, which may be a more realistic and appropriate number.

A9 – Townhouses in proximity to premium transit stations

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On Page 156, Section 4-3(B)(6), add a new subsection e) that reads as follows:

[e) In the MX-L, MX-M, MX-H zone districts, townhouses are prohibited within a Premium Transit Area.]

Explanation: This amendment proposes to prohibit townhouse developments in proximity to Premium Transit Areas. Townhouses are defined in the IDO as:

Dwelling, Townhouse

A group of 3 or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. For the purposes of this IDO, this use is considered a type of low-density residential development, whether the townhouses are platted on separate lots or not. See also Development Definitions for *Low-density Residential*.

These areas closest to a Premium Transit Station are intended to be developed with more dense development forms, such as multifamily residential and commercial uses. The IDO provides a number of incentives to allow for denser and more urban forms of development in Premium Transit Areas. This furthers Comprehensive Plan policies, as well as supporting the use of transit and the public investment associated with a Premium Transit system. A Premium Transit Area is mapped on AGIS and are defined in the IDO as:

Premium Transit (PT) Area

Lots within 660 feet in any direction of a transit station with transit service of 15 minute or greater frequency on a Premium Transit Corridor as designated by the ABC Comp Plan, as amended. Development standards associated with the Premium Transit designation apply once the station locations have been identified and funding for the transit service and any associated streetscape improvements has been secured.

A10 – Climatic & Geographic Responsiveness

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Dan Lewis

1. On page 230 of Exhibit A, strike Section 5-2(D) in it's entirety as follows and renumber subsequent sections:

~~5-2(D) SITE DESIGN TO RESPOND TO CLIMATE AND GEOGRAPHIC FEATURES~~

~~All multi-family residential development containing more than 25 dwelling units and all nonresidential development, except industrial development, shall comply with all of the standards in this Subsection 14-16-5-2(D).~~

~~5-2(D)(1) Climatic Responsiveness~~

~~The site design process shall include a sun and shade analysis of daily and seasonal position of the sun to improve the energy performance of buildings. The sun and shade analysis shall be included with applications for Site Plan.~~

~~5-2(D)(1)(a) Building layout and window placement shall be evaluated to reduce summer heat and glare and to capture winter sun.~~

~~5-2(D)(1)(b) Living landscape elements shall be evaluated for placement in the most beneficial microclimates and/or to provide the best cooling conditions to mitigate heat gain.~~

~~5-2(D)(2) Geographic Responsiveness~~

~~5-2(D)(2)(a) The site design process shall include an analysis of the ability to capture views of prominent geographic features to make visual connections to those features. The site analysis shall be noted on building layouts included with applications for Site Plan.~~

~~5-2(D)(2)(b) The placement and orientation of buildings, windows, balconies, and patios shall be evaluated to capture available views of prominent geographical features, such as the Sandia mountains, the Bosque/Rio Grande, and the Volcanoes/Northwest Mesa Escarpment.]~~

A10 – Climatic & Geographic Responsiveness

Explanation: This amendment proposes to strike the requirement for an analysis of how a site has been designed in such a way that is responsive to local climate and geographic features. Today, this section requires an applicant to provide a sun and shade analysis of all buildings on-site when submitting an application for a site plan. It also requires the applicant to provide a narrative description of how the site design captures views of prominent geographic features, identified as the Sandia Mountains, the Bosque/Rio Grande, and the Volcanoes/Northwest Mesa Escarpment for example, and evaluate the orientation of any buildings to those prominent geographic features.

Council staff has heard feedback on this requirement:

- This requirement has no teeth. It calls for an analysis, but if the conclusion is that the buildings are not at all responsive to the climate and are not oriented towards certain views, the City has no way to require otherwise.
- In late 2020, the City adopted the 2018 International Energy Conservation Code. This is a modern building code related to energy efficiency through building design elements such as window types, insulation requirements lighting/appliance standards. This may be a more effective way to promote and require energy efficiency than the analysis that is required in the IDO today and is more likely to result in energy efficient practices.
- The analysis, particularly the sun and shade analysis which can only be done using technical software that models the sun on a building at any particular point in a day, is expensive to administer. For a single-building development of ordinary shape, this analysis can add an upwards of \$5,000 to the development cost. For multi-building developments or developments where the buildings are not rectangular in shape, the cost can be in the tens of thousands range.

A11 – Parking for multi-family and retail uses

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Dan Lewis

1. On page 264 of Exhibit A, amend the lines in table 5-5-1 as follows

Dwelling, multi-family	1.5 spaces / DU <u>1 space / Studio</u> <u>1.2 spaces / 1 bedroom</u> <u>1.6 spaces / 2 bedrooms</u> <u>1.8 spaces / 3 or more bedrooms]</u> UC-MS-PT: 1 space / DU
General Retail	4 spaces / 1,000 sq. ft. GFA <u>[1 space / 200 sq. ft. GFA for establishments no more</u>
Grocery Store	<u>than 10,000 sq. ft.</u> <u>1 space / 225 sq. ft. GFA for establishments between</u> <u>10,000 sq. ft. and 50,000 sq. ft.</u> <u>1 space / 300 sq. ft. GFA for establishments greater</u> <u>than 50,000 sq ft.]</u> UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA Maximum (UC-MS-PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA

Explanation: This amendment proposes to amend the required amount of parking spaces for multi-family dwellings and general retail. Staff received data on three different apartment complexes in the city that outlined the number of required parking spaces per the IDO versus the number of vehicles apartment dwellers own and need to park on the property. Today, the IDO requires 1.5 spaces per dwelling unit. The Olympus Solaire complex, located on the west side, has shown a need of 1.15 parking spaces per unit. Olympus Northpoint, located near I-25 and Alameda, has shown a need of 1.35 spaces per unit. These recent examples have demonstrated that the parking requirements for multi-family dwellings is requiring a developer to provide excess, unused parking. This unused parking results in excess hardscape which can have a negative impact on the heat island effect and increase storm water runoff. This

A11 – Parking for multi-family and retail uses

calculation would still accommodate for ample guest parking, based on the calculations provided.

This amendment proposes a tiered approach, where fractions of a parking space will be calculated based on the size of the apartment unit. The IDO clarifies that if a parking calculation results in a fraction of the number, the required parking spaces shall be rounded down to the nearest whole number.

This amendment also creates a similar tiered system for General Retail and Grocery Stores, based on data collected from other cities on how they park these uses.

Phoenix, AZ	1 / 300 sq. ft
Salt Lake City, UT	1 / 500 sq. ft
Austin, TX	1 / 275 sq. ft
Colorado Springs, CO	1 / 300 sq. ft
Oklahoma City, OK	1 / 200 sq. ft for establishments up to 12,000 1 / 225 sq. ft for establishments between 12,0001 – 48,000 1 / 300 sq. ft for establishments greater than 48,000

A12 – Safe Outdoor Spaces

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Jones, Bassan, Benton

1. On Page 146, in Table 4-2-1, in the Civic and Institutional Uses category, add a new use “Safe Outdoor Space”. Add a “C” in the MX-T and MX-L zone districts, and add a “P” in the MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zone districts. Add “4-3(C)(9)” for the Use Specific Standards column.
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 safe outdoor spaces] are allowed, provided that all of the following conditions are met.
3. On page 161, in Subsection 4-3(C)(8)(a), add a new subsection 4-3(C)(8)(a)4. that reads as follows:
[4. Safe Outdoor Spaces must comply with all applicable State and local regulations for safe outdoor spaces. For the purposes of this IDO, a conditional use approval is not required, but the use specific standards for Safe Outdoor Spaces pursuant to IDO Subsection 14-16-4-3(C)(9) do apply, with the exception that the prohibition in proximity to R-A, R-1, R-MC, or R-T in 4-3(C)(9)(a) does not apply.]
4. On page 161, add a new use-specific standard as a new IDO Subsection 4-3(C)(9):
[4-3(C)(9) Safe Outdoor Space
4-3(C)(9)(a) Any portion of a lot in use as a Safe Outdoor Space shall be at least 330 feet from any property zoned R-A, R-1, R-MC, or R-T that contains low-density residential development.
4-3(C)(9)(b) The maximum number of designated spaces shall be 40 per safe outdoor space development. One (1) tent, recreational vehicle, or light vehicle is allowed per designated space.

A12 – Safe Outdoor Spaces

~~4-3(C)(9)(c) One water-flush or composting toilet and hand washing station shall be provided for every 8 designated spaces and shall not be more than 300 feet in any direction of any designated space. Water flush or composting toilets and hand washing stations shall be provided within two years of the city approval of the Safe Outdoor Space. Prior to the installation of water-flush or composting toilets, portable toilets and handwashing stations may be provided to meet this requirement. Portable toilets and handwashing stations shall be serviced at regular intervals.~~

One water-flush or composting toilet shall be provided for every 8 designated spaces, and one hand washing station shall be provided for every 10 designated spaces.

- i. Hand washing and toilet stations shall not be 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 two 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.
 - b. Portable toilets and handwashing stations shall be serviced at regular intervals.

~~4-3(C)(9)(d) Designated spaces and lavatories shall be set back a minimum of 20 feet from each property line abutting R-ML or R-MH or any Mixed-Use zone district, and minimum of 5 feet from any other property line.~~

~~4-3(C)(9)(e) The area containing the designated spaces shall be screened on all sides by an opaque wall or fence or vegetative screen at least 6 feet high. Other Landscaping, Buffering, and Screening requirements in Section 5-6 do not apply.~~

~~4-3(C)(9)(f) Each Safe Outdoor Space shall include a full-time manager who shall not reside on-site, plus an on-site manager and an assistant manager, both of whom reside on-site.]~~ 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 or on-call support on a 24 hours a day, 7 days a week basis.]

A12 – Safe Outdoor Spaces

5. On page 265, in Table 5-5-1, add a new use “[Safe Outdoor Space]” in the Use column, and in the IDO Parking Requirement Column add “[2 spaces per project site]”.
6. In Subsection 7-1, Definitions, add in appropriate alphabetical order a new definition for “Safe Outdoor Space” as follows:
[Safe Outdoor Space A lot, or a portion of a lot, developed to provide designated spaces for occupancy by tents, recreational vehicles, and/or light vehicles. Designated spaces are provided to occupants at no charge. A safe outdoor space shall include social services and support facilities that may include education and job training, storage space for residents’ belongings, recreational services, facilities, and activities for use by residents to provide comprehensive livability options. See also Recreational Vehicle, Light Vehicle.]

Explanation: This amendment proposes to create a new use “Safe Outdoor Space” in order to allow for the development of sites that can be quickly and easily established that would provide a safe space for members of the unhoused community to have a tent, recreational vehicle, or place to park their vehicle safely. The latest census of homeless individuals in Albuquerque was 1,570 individuals. While the city and county have a number of initiatives underway, these don’t meet the needs of all. And for many in the unhoused community, are not somewhere they are comfortable going. Safe Outdoor Spaces are intended to be a fast and efficient way to serve our unhoused community members.

A Safe Outdoor Space would be:

- Be limited in scale (maximum of 40 designated spaces)
- Provide facilities for personal hygiene
- Provide social services and support facilities
- Include space for individuals to securely store their belongings
- Provide an address for mail for each resident
- Fenced and screened

Safe Outdoor Spaces are modelled after Camp Hope in Las Cruces which in the past 11 years of existence, has served an average of 200 individuals per year. This is 200 people per year in just one facility who were kept safe, offered services and helped with transitioning to more permanent housing.

NOTE: Text in **BLUE** indicates revisions to the text of the amendment since the amendment was first made available to the public on March 9th 2022.

A13 – Temporary Campgrounds

LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On Page 149, in Table 4-2-1, in the Temporary Use that Require a Permit category, add a new use “Temporary Campground”. 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)(1)” for the Use Specific Standards column.
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 temporary campgrounds] are allowed, provided that all of the following conditions are met.
3. On page 161, in Subsection 4-3(C)(8)(a), add a new subsection 4-3(C)(8)(a)4. that reads as follows:
[4. Temporary Campgrounds must comply with all applicable State and local regulations for temporary campgrounds. For the purposes of this IDO, a conditional use approval is not required, but the use specific standards for temporary campgrounds pursuant to IDO Subsection 14-16-4-3(G)(1) do apply.]
4. On page 161, add a new use-specific standard as a new IDO Subsection 4-3(G)(1):
[4-3(G)(1) Campground, Temporary
4-3(G)(1)(a) This use is limited to a year. A Temporary Use Permit may be extended for one additional year. 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.
4-3(G)(1)(b) This use is prohibited within 25 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

A13 – Temporary Campgrounds

4-3(G)(1)(c) This use is prohibited adjacent to Major Public Open Space.

4-3(G)(1)(d) One (1) tent is allowed per camp site, and the maximum gross density on a lot shall be 25 camp sites per acre.

4-3(G)(1)(e) Lavatories with at least one toilet and one handwashing station for every 5 camp sites shall be provided and shall not be more than 300 feet in any direction of any camp site. 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)(1)(f) Camp sites and lavatories shall be set back a minimum of 25 feet from each property line.

4-3(G)(1)(g) Camp sites shall be screened on all sides by an opaque wall or vegetative screen at least 6 feet high unless they are set back at least 100 feet from any property line abutting a street.

4-3(G)(1)(h) On any side of the premises adjacent to any Residential zone district, an opaque wall or fence at least 6 feet high is required.

4-3(G)(1)(i) For the duration of the Temporary Permit, either a caretaker shall live on-site or a contract shall be in place with a security company that provides response for 24 hours a day, 7 days a week.

1. Proof of a lease or rental agreement for the caretaker or contract for the security company shall be required with the application for a Temporary Permit.

2. A dwelling unit for the caretaker shall be required to meet the relevant use-specific standard for that use in Subsection 14-16-4-3, including but not limited to an accessory dwelling unit in Subsection 14-16-4-(F).]

5. In Subsection 7-1, Definitions, add in appropriate alphabetical order a new definition for “Campground, Temporary” as follows:

Campground, Temporary A temporary use added to a lot for occupancy by tents for transient dwelling purposes following requirements and as limited by the use-specific standard in IDO Subsection 14-16-4-3(G)(1). See also *Campground or Recreational Vehicle Park*.]

Explanation: This amendment proposes to create a new use “Campground , Temporary” in order to allow for the development of temporary campgrounds, that would last for a period of no more than 1 year (365 days). The unhoused population in

A13 – Temporary Campgrounds

Albuquerque has increased significantly in recent years, with many members of the community living in tents throughout the community. This new use would allow for the creation temporary campgrounds that could be established more quickly throughout the city. The latest census of homeless individuals in Albuquerque was 1,570 individuals.

A14 – Utility easements related to vacations of right-of-way

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On page 488 of the Redline version of the IDO, amend section 6-6(M)(2) as shown in Exhibit A to this amendment

Explanation: This amendment proposes to provide clarity on the procedures for vacations of public right-of-way when there are existing utilities or recorded utility easements in the area proposed to be vacated. These changes are in response to a request from PNM to further clarify these procedures beyond what the EPC already added to the IDO during their deliberations this year (found in the redline document). While the changes are derived from a request from PNM, the added language would be applicable to all utilities and utility agencies.

Exhibit A to Amendment A14

1. Amend IDO Subsection 14-16-6-6(M) VACATION OF EASEMENT, PRIVATE WAY, OR PUBLIC RIGHT-OF-WAY on Page 489 to replace the language in Subsection 14-16-6-6(M)(2)(f)(2) with language as shown below, in response to PNM's requested language to clarify existing easements as they pertain to utilities.

6-6(M)(2) Procedures

6-6(M)(2)(f) If an application for a Vacation of Public Right-of-way is approved, all of the following requirements shall apply.

1. Within 7 days of the approval, the applicant shall coordinate with the Real Property Division of the City Department of Municipal Development and send notice of the approved vacation by First Class Mail to all abutting property owners. The letter shall include the contact information for the Real Property Division of the City Department of Municipal Development, as well as any other information as directed by the Real Property Division of the City Department of Municipal Development:
 - a. Abutting property owners have 30 days from the receipt of the notice to notify the Real Property Division of the City Department of Municipal Development of the intent to purchase the vacated right-of-way, or any portion thereof, or possibly forfeit their right to do so.
 - b. Within 7 days of receipt of the notice of intent to purchase, the Real Property Division of the City Department of Municipal Development will provide the interested property owner with a purchase price for the desired portion of the vacated public right-of-way.
2. Any property owner that purchases vacated public right-of-way shall complete the following requirements within 1 year of the approval of the Vacation or the Vacation shall be voided:
 - a. Obtain a Subdivision of Land – Minor or a Subdivision of Land – Major, as applicable, in order to combine the vacated right-of-way with their property.
 - i. The zone district boundary will be extended to the new lot lines established by the subdivision.
 - ii. In the event that there are existing utility facilities (e.g. water/sewer lines, electric lines, drainage facilities, etc.) situated on, in, or under the vacated right-of-way, the purchasing property owner shall contact any affected utility promptly following the approval of the vacation to negotiate if and under what terms the

property owner grants an easement for the utilities and/or if, when, and how a relocation of the utility facilities is required.

- a. Where there is no duly recorded easement associated with the existing utility facilities because the facilities were placed on the property in accordance with a franchise agreement between the City and the utility, the purchasing property owner, at his/her sole discretion, shall advise the utility of one of the following:
 1. That the property owner is willing to negotiate a grant of easement to accommodate all or a portion of the existing utility facilities on the property.
 2. That all or a portion of the existing utility facilities on the property will need to be removed and/or relocated.
- b. Where there is a duly recorded, valid easement associated with the existing utility facilities for the use and occupancy of the property, such easement runs with the land pursuant to Subsection 14-16-6-4(X)(1).
 1. In the event that the purchasing property owner wants to relocate any utility facilities to accommodate new development, the purchasing property owner shall contact the affected utility to request, coordinate, and negotiate the relocation of the utility facilities, associated costs, and any new easements that are needed.
 2. Any existing easements or newly granted easements shall be reflected on the Subdivision – Minor or Subdivision Major, as applicable, that is required pursuant to 14-16-6-6(M)(2)(f)2.a, above.
- b. Record the final plat with the Bernalillo County Assessor, pursuant to Subsection 14-6-6(K)(2)(h) or 14-16-6-6(L)(2)(g)4, as applicable.
- c. Present and execute a quitclaim deed in a form acceptable to the City to effect the transfer of ownership after recording the final plat.
- d. Record the executed quitclaim deed with the Bernalillo County Assessor.

A15 – Ordinance Compilation

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

COMMITTEE AMENDMENT NO. _____ TO O-22-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On page 4, line 25, add a new SECTION 3. as follows and renumber subsequent sections:

[SECTION 3. COMPILATION. Section 1 of this ordinance shall amend, be incorporated in, and compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.]

Explanation: This amendment proposes to add in necessary language related to the action of compiling the IDO amendments into the official code of ordinances. This is 'boiler plate' language associated with all ordinances that amend the code and was mistakenly left out of the bill.

A16 – Technical Edits

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton and Trudy Jones

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

Explanation: This amendment contains edits and clarifications that were not included in the original submittal because staff was not made aware of them until after the Environmental Planning Commission made their recommendation to the City Council. These changes are technical in nature, do not substantively change the IDO, and seek to provide further clarification of existing provisions within the document.

IDO Annual Update 2021 - LUPZ Tech Edits Citywide

Page	Section	Change / Discussion	Explanation
161 R	4-3(C)(8)(a)	<p>Religious Institution Use-Specific Standards Add new subsections as follows: <u>4. All other incidental activities that are allowable uses listed in Table 4-2-1 must comply with the relevant use-specific standard for those allowable uses in Section 14-16-4-3.</u> i. If Table 4-2-1 indicates an allowable use as a Conditional Use in the relevant zone district, a Conditional Use Approval is not required. ii. If a use-specific standard in Section 14-16-4-3 indicates that a Conditional Uses is required under a particular context, then a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required. <u>5. All incidental activities must comply with all applicable State regulations and all other local regulations."</u></p>	Codifies existing practice that Religious Institutions must meet the use-specific standard for any incidental activity that is an IDO use in Table 4-2-1. Codifies existing practice that religious insitutions must meet State and local regulations associated with all incidental uses.
263 R	5-5(C)(1)(d) [new]	<p>Minimum Off-street Parking Requirements Calculation for Parking Reductions Create a new subsection with text as follows: "\"When a calculation of parking space reductions results in a fraction of a space, the number of parking spaces that can be reduced shall be rounded up to the nearest whole number.\""</p>	Clarifies the rounding rule for parking reductions, consistent with City policy that parking spaces are reduced based on criteria that provides public benefits.
265 R	Table 5-5-1	<p>Commercial Uses / Retail Sales Cannabis retail - parking requirement Add a new row with the following parking requirement: 4 spaces / 1,000 sq. ft. GFA UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA Maximum (UC-MS-PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA</p>	Adds a parking requirement for cannabis retail, which was inadvertently missed when adding cannabis retail as a new allowable use in the IDO

IDO Annual Update 2021 - LUPZ Tech Edits Citywide
Exhibit A to Amendment A16

Page	Section	Change / Discussion	Explanation
267 R	Table 5-5-1	Industrial Uses / Manufacturing, Fabrication, and Assembly Cannabis cultivation - parking requirement Add a new row with a parking requirement that is the same as light manufacturing: 1 space / 1,000 sq. ft. GFA	Adds a parking requirement for cannabis cultivation, which was inadvertently missed when adding cannabis retail as a new allowable use in the IDO
267 R	Table 5-5-1	Industrial Uses / Manufacturing, Fabrication, and Assembly Cannabis-derived products manufacturing - parking requirement Add a new row with a parking requirement that is the same as light manufacturing: 1 space / 1,000 sq. ft. GFA	Adds a parking requirement for cannabis-derived products manufacturing, which was inadvertently missed when adding cannabis retail as a new allowable use in the IDO
270 R	5-5(C)(5)	Minimum Off-street Parking Requirements Parking Reductions Revise the second sentence to read as follows: "These factors may be applied individually or in combination, with each reduction being calculated <u>separately and subtracted from the parking requirement calculated based on</u> Table 5-5-1 and Table 5-5-2."	Clarifies the order of operations when calculating multiple parking reductions.
313 R	5-7(B)(3)	Walls, Applicability Delete subsection.	Removes language that seems to contradict or undermine the requirements in Section 14-16-5-7.
318 R	5-7(D)(3)(b)	Taller Walls for Multi-family Residential Development Add to the header and the text: "Multi-family Development in R-ML and R-MH Zone Districts" to avoid conflicts with language added as Subsection 5-7(D)(3)(c) for multi-family development in Mixed-use zone districts.	Removes conflict in overlapping language about taller walls allowed with multi-family development in any zone district vs. taller walls in MX zone districts.

A17 – Variances or Waivers in Overlay Zones

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

March 16th, 2022

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

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 494 of Exhibit A, amend “6-6(O)(3)(a)(4)” as follows:
 4. The Variance will not materially undermine the intent and purpose of this IDO ~~or~~ the applicable zone district, or any applicable Overlay Zone.
2. On page 495 of Exhibit A, amend “6-6(n)(3)(a)(4)” as follows:
 4. The Variance will not materially undermine the intent and purpose of this IDO ~~or~~ the applicable zone district, or any applicable Overlay Zone.
3. On page 498 of Exhibit A, amend “6-6(P)(3)(g)” as follows:
 4. The Waiver will not materially undermine the intent and purpose of this IDO ~~or~~ the applicable zone district, or any applicable Overlay Zone.

Explanation: This amendment proposes to clarify that Overlay Zones (if applicable to that variance or waiver application) are to be considered as a part of the request when justifying how the request does not “materially undermine” the overlay zone in which the request is being made. This doesn’t add additional criteria to the variance or waiver process, but more clearly identifies overlay zones as a part of the IDO that is to not be materially undermined.