

# Proposed amendments to the IDO for O-22-54

April 12<sup>th</sup>

Land Use, Planning and Zoning Committee Meeting

Motion	Amendment	Topic
Not Moved	A1	Duplexes
Pass	A2	ADU - RA
Pass	A3	ADU - Materials
Fail	A4	ADU - Setbacks
Fail	A5	ADU – Conditional use
Fail	A6	Non-Residential Conversions (removal) <i>A6 and A7 are competing amendments</i>
Pass	A7	Non-Residential Conversions <i>A6 and A7 are competing amendments</i>
Pass	A8	Building heights
Pass	A9	Workforce housing parking reduction
Pass	A10	Multi-family parking reduction

**Published April 5, 2023**

Check the ABC-Zone webpage for the latest version of the amendment packet:  
<https://ido.abc-zone.com/ido-annual-update-2022>

# **A1 - Duplexes**

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

**April 12, 2023**

**COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54**

**AMENDMENT SPONSORED BY COUNCILOR Renee Grout**

1. On page 5, line 16, delete Section 1 of the bill in its entirety and renumber subsequent sections as necessary.

Explanation: This amendment proposes to delete the section of the bill that would make duplexes a permissive use in the R-1 zone district. If passed, duplexes would not be allowed in the R-1 zone district generally, but would continue to be allowed in R-1A as allowed by the IDO today.

# A2 – ADU – RA

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton and Trudy Jones

1. On page 5, line 30, amend SECTION 2 as follows:

SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS PERMISSIVELY IN THE R-1 **[AND R-A]** ZONE DISTRICT**[S]** CITYWIDE, EXCEPT IN SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.

Explanation: This amendment responds to an EPC condition (Condition #2) to also allow ADUs as a permissive use in the R-A (Residential – Agricultural) zone district where they are currently prohibited. Most of the R-A zoning in Albuquerque exists within the North Valley area. The North Valley coalition has submitted letters of support to the EPC for this change.

# A3 – ADU - Materials

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Renee Grout

1. On Page 8, Line 9, add a new subsection (I) as follows:

[(I) Add a new use-specific standard to Dwelling Unit, Accessory as follows and renumber subsequent sections as necessary:

4-3(F)(5)(b) Building facades of an Accessory Dwelling Unit shall be the same or similar in color to that of the primary building on the lot.]

Explanation: This amendment will require that any Accessory Dwelling Unit be constructed with exterior materials that are the same or similar to that of the primary building on the lot. This amendment responds to community concerns regarding the potential disruption of neighborhood character if ADUs are constructed from a different material than the primary building on the lot.

# A4 – ADU - Setbacks

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Renee Grout

1. On Page 8, Line 9, add a new subsection (J) as follows:

[(J) Add a new use-specific standard to Dwelling Unit, Accessory as follows and renumber subsequent sections as required:

4-3(F)(5)(c) Setbacks for Accessory Dwelling Units are as follows:

Side, minimum: 5 feet

Rear, minimum: 5 feet]

Explanation: This amendment will require that any Accessory Dwelling Unit be set back a minimum of 5 feet from the rear lot line and a minimum of 5 feet from the side lot line. Currently, accessory structures do not have a minimum required setback from the rear or side lot line. The Fire Code requires that any ADU be at least 10 feet from another building (not from a lot line) unless a particular quality of fireproof materials are provided in the construction. Existing regulations in the IDO require that any accessory structures (including ADUs) be at least 10 feet from any other building on the lot. ADUs are not permitted to be in front of an existing building on a lot, so a front setback is not necessary to regulate.

# A5 – ADU – Conditional Use

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Renee Grout

1. On page 5, line 30, amend SECTION 2 as follows:

SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS ~~[PERMISSIVELY]~~ ~~[WITH A CONDITIONAL USE APPROVAL]~~ IN THE R-1 ~~[AND R-A]~~ ZONE DISTRICT~~[S]~~ CITYWIDE, EXCEPT IN SMALL AREAS ~~[AND CENTERS AND CORRIDORS]~~ WHERE SPECIAL REGULATIONS APPLY.

2. On page 6, 10-13 amend the text as follows:

See Table 4-2-1 for the zone districts where this use is allowed and Subsection 14-16-4-3(F)(5)(e) for ~~[the small areas]~~ where accessory dwelling units with kitchens are ~~[only]~~ allowed ~~[conditionally]~~ ~~[permissively]~~ in the R-1 zone district ~~[or have special regulations]~~.

3. On page 7, line 7, replace SECTION 2, subsection (E) with the following:

(E) Revise §14-16-4-3(F)(5)(e) as follows:

"Accessory dwelling units with ~~[or without]~~ a kitchen ~~[are allowed as a conditional accessory use]~~ ~~[prohibited]~~ in the R-1 zone district, with exceptions where they are allowed as permissive ~~[or conditional accessory]~~ use~~[s]~~ in certain Center and Corridor areas and in certain small areas as specified below and as allowed pursuant to Subsection (f) below. Where allowed as a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required."

4. On page 7, line 15, delete subsection (F) in its entirety, resulting in 14-16-4-3(F)(5)(e)1 remaining in the IDO.

Explanation: This amendment responds to public comment requesting that ADUs city-wide be a conditional use instead of a permissive use, with the exception of existing small area regulations where other rules already apply. The Conditional Use process

## **A5 – ADU – Conditional Use**

requires a public meeting and notification to surrounding property owners and applicable neighborhood associations. The Zoning Hearing Examiner will consider justification for the ADU request related to the mitigation of potential harm on the surrounding community, in addition to other review and decision criteria.

This amendment would retain special rules for areas of Albuquerque that regulate ADUs individually. For example, ADUs are a permissive use within ¼ mile of Urban Centers, Main Street Corridors, and Premium Transit Corridors and that would remain in place if a Conditional Use requirement was instituted for the rest of the City.

# A6 – Non-residential conversions (removal)

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Renee Grout

1. Amend Page 8, Line 9 to delete SECTION 3 and replace with a new SECTION 3 as follows:

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO REMOVE THE ALLOWANCE OF A LESSER KITCHEN FOR CONVERSIONS OF NON-RESIDENTIAL DEVELOPMENT TO RESIDENTIAL DEVELOPMENT. Strike 4-3(B)(8)(e) in its entirety and renumber subsequent sections as necessary.]

### Explanation:

The purpose of this requested amendment is to remove the use-specific standard for Multi-Family development that allows for conversions of non-residential uses into multi-family residential uses to provide a lesser kitchen. The result of this amendment would be that any conversion from non-residential to residential would be required to provide a full kitchen as defined by the IDO. All multi-family housing should conform to standards that seek to protect the health, safety, and welfare of occupants for residential whether the project is affordable or not to contribute positively to quality of life for residents and the surrounding area.

# A7 – Non-residential conversions

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton and Trudy Jones

1. Amend Page 8, Line 27 as follows:

A countertop surface, an appliance for warming food (such as ~~[a] microwave [or hotplate]~~) [, an induction cooktop], and [at least 2] [an] electrical outlet[s] that allow[s] ~~the~~ appliance[s] to be plugged in safely.

2. Section 3, page 8, Line 11, make existing language a new subsection (A) and add a new subsection (B) with text as follows:

ii. "In Table 4-2-1, add "CV" to allow multi-family dwellings in the NR-BP zone district.

ii. In IDO Subsection 4-3(B)(8), add a new subsection with text as follows: 'In the NR-BP zone district, this use is allowed as conversions from an existing non-residential development, pursuant to use-specific standards in 14-16-4-3(B)(8)(e), and shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).'

Explanation:

Section 1: This amendment responds to an EPC recommendation to further nuance out kitchen requirements for conversions of non-residential uses to residential uses. The EPC considered testimony regarding concerns that a hotplate may be a fire risk and that an alternative option such as an induction cooktop may be safer option for the occupant.

Section 2: This amendment responds to an EPC recommendation that within the NR-BP (non-residential business park) zone district that "multi-family dwelling" is allowed as a "conditional vacant (CV)" use. To be eligible for a CV use, a property must be vacant and unused for a period of five years. After that five-year period, a land use that is not typically allowed in that zoning district – in this case the multi-family use – would be allowed with a Conditional Use Permit. The purpose of the CV use is to introduce new uses to a property if the property remains vacant for so long that the normally-allowed

## A7 – Non-residential conversions

uses aren't being utilized and the introduction of new uses may facilitate activation of the property.

# A8 – Building heights

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton and Trudy Jones

1. On page 9, Line 9 revise A and B as follows:

~~[A. Revise Table 5-1-1 by replacing the Workforce Housing Bonus in the R-MH zone district with the following text: “No maximum building height for multi-family residential development”~~

~~B. Revise Table 5-1-2 by replacing the Workforce Housing Bonus in Mixed-use zone districts with the following text: “No maximum building height for multi-family residential development or mixed-use development”]~~

[(A) Add a new subsection to the use-specific standard for Dwelling, Multi-family in Subsection 14-16-4-3(B)(8) on page 157 to read as follows:

4-3(B)(8)(x) A building height bonus for multi-family dwellings is allowed above the maximum in Table 5-1-1 or Table 5-1-2 for the relevant zone district as follows:

1. In the R-MH, MX-L, MX-M, and MX-H zone districts:

a. Areas of Change: 24 feet

b. Areas of Consistency: 12 feet

2. In the MX-T zone district in Areas of Change: 12 feet

(B) Revise the Workforce Housing bonus in Table 5-1-1 on page 223 and Table 5-1-2 on page 228 as follows:

(1) Revise Table 5-1-1 to add a Workforce Housing Bonus of 24 ft. in the R-MH zone district in UC-MS-PT-MT areas.

(2) In Table 5-1-2, revise the Workforce Housing Bonus in the MX-L, MX-M, and MXH zone districts to allow 12 ft. citywide and 24 ft. in UC-MS-PT-MT areas but keep 12 ft. in UC-MS-PT-MT areas in the MX-T zone district.]

2. On page 9, line 9, add a new subsection (C) as follows:

(C) Add the following text to every Character Protection Overlay Zone, View Protection Overlay Zone, and Historic Protection Overlay Zone by creating a new subsection on building height or adding to an existing subsection regarding building height and

## A8 – Building heights

renumber subsequent sections as follows, if necessary:

[No building height bonuses allowed by Table 5-1-1 or 5-1-2 are allowed.]

3. On page 9, line 16, add a new subsection C as follows:

[(C) Revise Neighborhood Edges in Section 14-16-5-9(B)(1) Protected Lots as follows:

a. [The] Neighborhood Edges provisions in this Section 14-16-5-9 are intended to protect lots in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential development [, unless specified otherwise].

[b. Neighborhood Edge provisions in Subsection 14-16-5-9(C)(3) and (4) are intended to protect lots in any R-ML or MX-T zone district that contain any allowable land use from the Residential category in Table 4-2-1.]

[Edit Subsection 14-16-5-9(B)(2) Regulated Lots as follows:]

[a.] Lots regulated by this Section 14-16-5-9 include all those in any R-ML, R-MH, Mixeduse, or Non-residential zone district that are adjacent to a Protected Lot [pursuant to 14-16-5- 9(B)(1)(a), unless specified otherwise].

[b. Lots regulated by Subsection 14-16-5-9(C)(2) include all those in any R-MH, MX-L, MX-M, or MX-H zone district that is adjacent to a Protected Lot pursuant to 14-16-5- 9(B)(1)(b).]

Revise Subsection 14-16-5-9(C) Building Height Stepdown as follows:

[5-9(C)(3) R-ML or MX-T next to MX-L, MX-M, or MX-H Zone Districts

On Regulated lots pursuant to Subsection 14-16-5-9(B)(2)(b), any portion of a primary or accessory building within 50 feet of the nearest property line of a Protected Lot pursuant to Subsection 14-16-5-9(C)(1)(b) shall step down to a maximum of 48 feet.]

4. On page 9, line 16, add a new subsection D as follows:

[(D) Add a new subsection in Subsection 14-16-5-2(J)(1) Lots within 330 feet of Major Public Open Space with text as follows:

5-2(J)(1)(x) Building Height Bonuses  
Building height bonuses are prohibited.]

5. On page 9, line 16, add a new subsection E as follows:

[(E) Add a new definition to Section 14-16-7-1 in the Building Height Bonus

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definitions with text as follows:

Multi-family Dwellings Bonus

Bonus height for buildings that include multi-family dwellings, whether provided in a residential development or mixed-use development (i.e. vertical mixed-use).]

Explanation:

Section 1: This amendment responds to EPC conditions (Condition #5A) on Section 4 of O-22-54. Originally, the bill proposed removing building height restrictions entirely for multi-family housing in the R-MH zone district and all mixed-use zone districts. This amendment strikes that blanket exemption and instead nuances out additional building heights by allowing additional height in certain zoning districts based on their location in Areas of Change or Areas of Consistency. Additional bonuses are offered if the development provides Workforce Housing.

Section 2: This section of the amendment also includes a new proposed prohibition on building height bonuses in all Character Protection Overlay Zones, Historic Protection Overlay Zones, and View Protection Overlay Zones. The intention of this requirement is to ensure building heights within these overlay zones doesn't exceed the allowed height in the overlay or base zone district.

Section 3: This section responds to EPC conditions (Condition #5B) in Section 4 of O-22-54 and would create a new Neighborhood Edge requirement. Today, the existing Neighborhood Edge provision only protects low-density development in the R-A, R-1, R-MC, and R-T zone districts. That existing provision requires buildings within 50 or 100 feet of those listed lots to reduce their building height to 30 feet, regardless of what the underlying zoning district might allow. The new proposed Neighborhood Edge proposes to also offer protection to the R-ML and MX-T zone districts with residential uses. Within 50 feet of those lots, building height would be limited to 48 feet regardless of what their underlying zone district allows.

Section 4: This section responds to EPC conditions (Condition #5C) in Section 4 of O-22-54 and would create a new height restriction for development within proximity to Major Public Open Space (MPOS). This amendment proposes to disallow any permitted building height bonuses within 330 feet of MPOS to continue to protect MPOS.

Section 5: This section responds to EPC conditions (Condition #5D) in Section 4 of O-22-54 and proposes to add a new definition to clarify that multi-family dwelling bonuses are available to projects that are either entirely residential or multi-family components of a mixed-use development.

# A9 – Workforce housing parking reduction

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones and Isaac Benton,  
by request

1. On page 9, line 24, replace the text in Section 5 to read as follows:

[SECTION 5. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ADD A PARKING REDUCTION FOR AFFORDABLE HOUSING PROVIDED AS MULTI-FAMILY DWELLINGS. In IDO Subsection 14-16-5-5(C)(5) on page 272, add a new subsection with text as follows:

“Reduction for Workforce Housing  
Within UC-AC-MS-MT areas, a 20 percent reduction in required off-street parking spaces for multi-family dwellings in Table 5-5-1 shall apply to developments with at least 20 percent of the dwelling units provided as workforce housing permanently.”]

2. On Page 9, line 24, delete SECTION 6 in its entirety.

3. On page 10, beginning on line 7, edit section 9 as follows:

Sections [1 through 5] ~~[3 through 8]~~ of this ordinance shall take effect after publication by title and general summary upon the sooner of the effective date of the 2022 IDO Annual Update or January 31st, 2024.”

### **Explanation:**

Section 1: This amendment proposes to add a parking reduction as an incentive to include workforce housing in multi-family development in Centers and Corridors, which are intended to be more walkable and more urban than other areas.

The Integrated Development Ordinance defines workforce housing by referencing the definition in Part 14-9-4 of ROA 1994 (Workforce Housing Opportunity Act), which reads as follows:

“Dwelling units serving residents and their families whose annual income is at or

## A9 – Workforce housing parking reduction

below 80% of the Area Median Income for Albuquerque (AMI) as adjusted for household size and determined by the U.S. Department of Housing and Urban Development.”

The original language in O-22-54 proposed an exemption from all minimum parking requirements for multi-family or mixed-use development citywide that included at least 20% of the dwelling units as affordable to households at or below 50% of AMI. As originally drafted, the parking exemption would apply to both the multi-family and all non-residential development included in a mixed-use development.

The Environmental Planning Commission (EPC) and the public commented that the original proposal went too far in eliminating parking requirements altogether and applying them citywide, given that some developments would not be located near transit or within walkable distance from jobs and services.

This proposed amendment limits the geography to the same Centers and Corridors that include building height bonuses for workforce housing, defers to the City’s definition of workforce housing, and provides the incentive as a parking reduction instead of an exemption from parking requirements.

Section 2: This section responds to the EPC condition (Condition #7) that Section 6 of O-22-54 should be deleted in its entirety. Section 6 proposes that multi-family housing developments have minimum parking requirements reduced to by 75%. The EPC deliberated this change and recommended this change not be made.

Section 3: This section responds to EPC condition (Condition #8) related to the portions of O-22-54 that are required to be codified. Actions 1 and 2 of this amendment strike Sections 5 and 6 of the bill which will require the codification section of the bill to be updated.

# A10 – Multi-family parking reduction

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

April 12, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-22-54

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

1. Beginning on page 9, line 16, delete sections 5 and 6 in their entirety. Create a new subsection 5 as follows:

SECTION 5. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO REDUCE PARKING REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENT IN TABLE 5-1-1 AS FOLLOWS:

Dwelling, Multi-Family	<del>{4}</del> <u>[.7]</u> space / studio <del>{1.2}</del> <u>[.84]</u> spaces / DU with 1 BR <del>{4.6}</del> <u>[1.12]</u> spaces / DU with 2 BR <del>{1.8}</del> <u>[1.26]</u> spaces / DU with 3 or more BR UC-MS-PT: <del>{4}</del> <u>[.7]</u> space / DU
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2. On page 10, beginning on line 7, edit section 9 as follows:

Sections [1 through 4] ~~[3 through 8]~~ of this ordinance shall take effect after publication by title and general summary upon the sooner of the effective date of the 2022 IDO Annual Update or January 31st, 2024.”

**Explanation:** This amendment proposes to eliminate Sections 5 and 6 of O-54. These sections of the bill proposed to eliminate minimum parking requirements in their entirety for affordable multi family housing development and reduce minimum parking requirements by 75% for all other multi-family development (those that don't meet the definition of affordable). In lieu of those changes, this amendment proposes to reduce minimum parking requirements by 30% for all multi-family development. These requirements are minimums, and a property owner may choose to provide more parking on their site if desired.

Section 3: This section responds to EPC condition (Condition #8) related to the portions