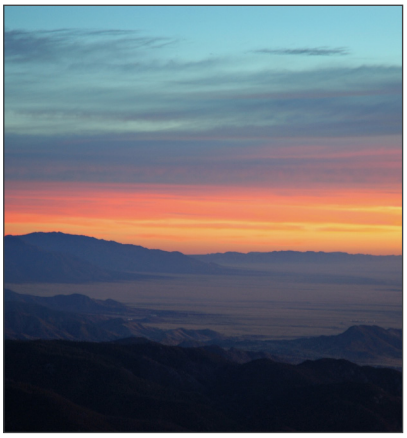
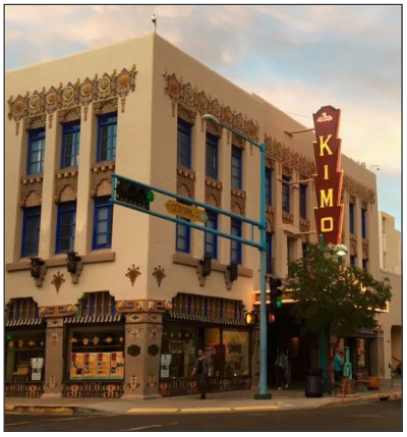
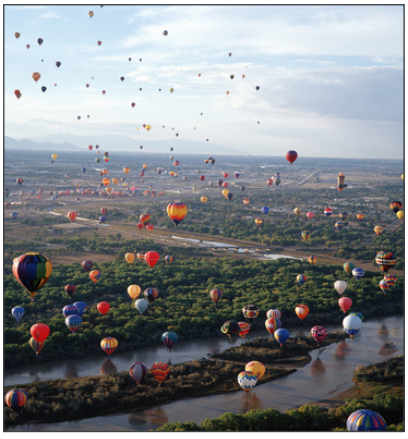














ALBUQUERQUE, NEW MEXICO

INTEGRATED DEVELOPMENT ORDINANCE

ARCHIVE DRAFT | Amended as of November 2020

Note to Users – 11/02/2020

The City of Albuquerque's **Integrated Development Ordinance (IDO)** update for 2019 is effective as of November 2, 2020 and available in multiple venues:

For download as a PDF on the City Planning webpage:
https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance

For viewing online as an interactive document: https://ido.abc-zone.com/

As a hard copy for reference: ABC Libraries: https://abqlibrary.org/

As an archive draft, with changes from the 2019 annual update shown in color and footnoted:
https://abc-zone.com/node/1159

Note: Text in red indicates changes recommended by the Environmental Planning Commission during its review in September 2019 - January 2020; text in blue indicates changes made to reflect interim regulations adopted by City Council prior to the 2019 annual update process; and text in green indicates changes adopted by City Council during its review in June - September 2020. Information about the 2019 IDO Annual Update is available here: https://abc-zone.com/ido-annual-update-2019

IDO Zoning Interactive Map



The **Official Zoning Map** is available on the City's website via several interactive tools:

Advanced Map Viewer:
- http://www.cabq.gov/gis/advanced-map-viewer

IDO Zoning Interactive Map:
- https://tinyurl.com/idozoningmap

All uses legal at the time of the IDO effective date remain legal and can continue, and all prior approvals remain valid. (See Subsection 1-10 Transitions from Previous Regulations for more details.)

If an existing land use on a property is nonconforming under the IDO, the property owner can request a zone map amendment or expand with limitations, subject to approval by the Zoning Hearing Examiner.

Annual Update
The Planning Department will submit proposed text changes every fall for the City's review and decision process. Email comments or concerns to abctoz@cabq.gov.

More Information
- Planning Department Forms, Procedures, and Information: http://www.cabq.gov/planning
- Guides for uses, development standards, and processes: https://ido.abc-zone.com/
- Answers to Frequently Asked Questions on a range of IDO topics: abc-zone.com/integrated-development-ordinance-frequently-asked-questions
- Presentation PDFs and video of IDO Trainings: https://abc-zone.com/ido-trainings

INTEGRATED DEVELOPMENT ORDINANCE

2019 Annual Update Archive Draft

City of Albuquerque Code of Ordinances
Chapter 14 – Zoning, Planning, and Building
Article 16

REVISED THROUGH OCTOBER 2020 TO INCLUDE ADOPTED INTERIM REGULATIONS, PROPOSED TECHNICAL EDITS AS RECOMMENDED BY THE ENVIRONMENTAL PLANNING COMMISSION, AND AMENDMENTS AS APPROVED BY THE CITY COUNCIL.

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Lawrence Rael, Chief Operating Officer

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(24th Council)

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ACKNOWLEDGMENTS

The Integrated Development Ordinance (IDO) was written in 2015-2018 with a project team that included Long Range staff and several interns from the City Planning Department's Urban Design & Development Division, staff from City Council Services' Planning Section, and consultants with Clarion Associates, Fregonese Associates, Dekker/Perich/Sabatini, Karpoff & Associates, and Bohannan Huston.

Planning Staff worked on the 2019 Annual Update, with help from Council Services, Neighborhood Associations, residents, design professionals, members of the development community, and staff from many City and County Departments and other Agencies.

The project team thanks everyone involved for their engagement and tireless efforts to improve the IDO and ensure the best development outcomes and protections for neighborhoods throughout the city.

ADOPTION AND AMENDMENTS

Adoption Date	Council Bill No.	Enactment No.	Description
11/13/2017	O-17-49	O-2017-025	Adoption of the IDO and repeal of the Zoning Code
4/2/2018	O-18-11	O-2018-009	Amendment of "6-month" changes to the IDO prior to the effective date
5/7/2018	O-18-15	O-2018-010	Amendment of dimensional standards in low-density residential zones
8/5/2019	R-19-162	R-2019-061	Interim regulations related to North 4th Street *[Not reflected in this Archive Draft; replaced by adoption of O-20-09]*
5/20/2019	R-19-150	R-2019-035	Interim regulations related to the Development Review Board procedures *[Reflected in this Archive Draft in blue]*
9/4/2019	O-19-52	O-2019-023	Interim regulations related to Old Town – HPO-5 *[Reflected in this Archive Draft in blue]*
9/16/2020	O-20-10	O-2020-037	Adoption of the 2019 Annual Update to the IDO *[Reflected in this Archive Draft, with Council Amendments in green and EPC recommendations in red]*
9/16/2020	O-20-09	O-2020-036	Establishment of a Character Protection Overlay Zone for the North 4th Corridor *[Reflected in this Archive Draftin green]*

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Table I: Small Area Regulations (in the order they appear in the IDO)

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See TABLE II: Small Areas Mapped in the IDO (in alphabetical order).

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[1] Added per City Council Ordinance (O-20-09).

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[3] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.
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Nob Hill/Highland Area	14-16-6-6(B)(1)(e)	Demolition Outside of an HPO	444
East Downtown – HPO-1	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Eighth and Forrester – HPO-2	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Fourth Ward – HPO-3	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Huning Highland – HPO-4	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Old Town – HPO-5	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Silver Hill – HPO-6	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Railroad and Spur Area	14-16-6-6(J)	Site Plan – EPC	460
Coors Boulevard – VPO-1	14-16-6-6(N)	Variance – EPC	472
Northwest Mesa Escarpment – VPO-2	14-16-6-6(N)	Variance – EPC	472
Airport Protection Overlay Zone (APO)	14-16-6-6(O)(3)(b)	Variance – ZHE / Variance in the APO Zone	476
Airport Protection Overlay Zone (APO)	14-16-6-8(D)(9)	Nonconforming Structures	505

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Airport Protection Overlay Zone (APO)	Use Regulations	14-16-4-3(G)(11)	Hot Air Balloon Takeoff and/or Landing (Prohibitions)	214
Airport Protection Overlay Zone (APO)	Administration and Enforcement	14-16-6-4(J)(4)	Referrals to Commenting Agencies	389
Airport Protection Overlay Zone (APO)	Administration and Enforcement	14-16-6-6(O)(3)(b)	Variance – ZHE	476
Airport Protection Overlay Zone (APO)	Administration and Enforcement	14-16-6-8(D)(9)	Nonconforming Structures	505
Alameda Boulevard	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Alameda Boulevard	Development Standards	14-16-5-12(H)(2)(c)	Electronic Signs (Prohibitions)	356
Albuquerque International Sunport / Air Space Protection Sub-area	Overlay Zones	14-16-3-3(B)(1)(a)	Airport Protection Overlay Zone	67
Albuquerque International Sunport / Runway Protection Sub-area	Overlay Zones	14-16-3-3(B)(2)(a)	Airport Protection Overlay Zone	68
Albuquerque International Sunport / Noise Contour Sub-area	Overlay Zones	14-16-3-3(B)(3)(a)	Airport Protection Overlay Zone	69
Barelas – CPO-1	Overlay Zones	14-16-3-4(B)	Character Protection Overlay Zones	74
Barelas – CPO-1	Use Regulations	14-16-4-3(D)(21)(d)1	Paid Parking Lot or Parking Structure (Prohibitions)	171
Barelas – CPO-1	Use Regulations	14-16-4-3(F)(5)(e)2	Dwelling Unit, Accessory (C)	202
Barelas Area	Development Standards	14-16-5-5(B)(2)(c)	Parking and Loading (Exemptions and Reductions)	258
Central Avenue	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Central Avenue	Development Standards	14-16-5-12(F)(4)(a)	On-premises Signs (Neon Signs along Central Avenue)	347
Central Avenue	Administration and Enforcement	14-16-6-6(B)(1)(a)	Demolition Outside of an HPO (Neon Signs along Central Avenue)	444
Coors Boulevard – CPO-2	Overlay Zones	14-16-3-4(C)	Character Protection Overlay Zones	76
Coors Boulevard – VPO-1	Overlay Zones	14-16-3-6(D)	View Protection Overlay Zones	133
Coors Boulevard	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Coors Boulevard – CPO-2	Development Standards	14-16-5-12(F)(4)(b)2.a	Portable Signs (Prohibitions)	349
Coors Boulevard – CPO-2	Development Standards	14-16-5-12(G)(1)(e)1	Off-premises Signs (Prohibitions)	351
Coors Boulevard	Development Standards	14-16-5-12(H)(2)(d)	Electronic Signs (Prohibitions)	356
Coors Boulevard – VPO-1	Administration and Enforcement	14-16-6-6(N)	Variance – EPC	472

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Double Eagle II Airport / Air Space Protection Sub-area	Overlay Zones	14-16-3-3(B)(1)(b)	Airport Protection Overlay Zone	67
Double Eagle II Airport / Runway Protection Sub-area	Overlay Zones	14-16-3-3(B)(2)(b)	Airport Protection Overlay Zone	68
Double Eagle II Airport / Noise Contour Sub-area	Overlay Zones	14-16-3-3(B)(3)(b)	Airport Protection Overlay Zone	69
Downtown Area	Use Regulations	14-16-4-3(D)(21)(d)2	Paid Parking Lot or Parking Structure (Prohibitions)	171
Downtown Area	Use Regulations	14-16-4-3(F)(4)(e)1	Drive-through or Drive-up Facility (Prohibitions)	198
Downtown Area	Development Standards	14-16-5-5(B)(2)(a)1	Parking and Loading (Exemptions and Reductions)	257
Downtown Area	Development Standards	14-16-5-11(F)	Historic Building Façades	335
Downtown Area	Development Standards	14-16-5-12(G)(1)(e)2	Off-premises Signs (Prohibitions)	351
Downtown Area	Administration and Enforcement	14-16-6-6(B)(1)(b)	Demolition Outside of an HPO	444
Downtown Neighborhood Area – CPO-3	Overlay Zones	14-16-3-4(D)	Character Protection Overlay Zones	79
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(15)(f)1	Car Wash (Prohibitions)	167
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(17)(l)	Light Vehicle Fueling Station (Prohibitions)	
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(18)(g)	Light Vehicle Repair (Prohibitions)	170
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(19)(f)	Light Vehicle Sales and Rental (Prohibitions)	171
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(21)(d)3	Paid Parking Lot or Parking Structure (Prohibitions)	171
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(38)(e)1	Liquor Retail (Restrictions)	182
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(D)(38)(f)1	Liquor Retail (Restrictions)	183
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(F)(4)(e)2	Drive-through or Drive-up Facility (Prohibitions/Restrictions)	198
Downtown Neighborhood Area – CPO-3	Use Regulations	14-16-4-3(F)(5)(e)3	Dwelling Unit, Accessory (P)	202
Downtown Neighborhood Area – CPO-3	Development Standards	14-16-5-5(F)(2)(a)3.d.i	Carports (Prohibitions)	275
Downtown Neighborhood Area – CPO-3	Development Standards	14-16-5-7(D)(3)(h)	Maximum Wall Height (Restrictions)	310

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Area	Part	Subsection		Page
Downtown Neighborhood Area – CPO-3	Development Standards	14-16-5-11(C)(1)(a)	Primary Building Stepback	327
Downtown Neighborhood Area – CPO-3	Development Standards	14-16-5-12(H)(2)(f)1	Electronic Signs (Prohibitions)	356
Downtown Neighborhood Area – CPO-3	Administration and Enforcement	14-16-6-6(B)(1)(c)	Demolition Outside of an HPO	444
East Downtown – CPO-4	Overlay Zones	14-16-3-4(E)	Character Protection Overlay Zones	84
East Downtown – HPO-1	Overlay Zones	14-16-3-5(F)	Historic Protection Overlay Zones	120
East Downtown – CPO-4	Use Regulations	14-16-4-3(D)(38)(e)2	Liquor Retail (Restrictions)	182
East Downtown – HPO-1	Use Regulations	14-16-4-3(D)(38)(e)3	Liquor Retail (Restrictions)	182
East Downtown – CPO-4	Use Regulations	14-16-4-3(D)(38)(f)2	Liquor Retail (Restrictions)	183
East Downtown – HPO-1	Use Regulations	14-16-4-3(D)(38)(f)3	Liquor Retail (Restrictions)	183
East Downtown – HPO-1	Use Regulations	14-16-4-3(E)(12)(m)	WTF (Restrictions)	194
East Downtown – CPO-4	Use Regulations	14-16-4-3(F)(4)(e)3	Drive-through or Drive-up Facility (Prohibitions)	199
East Downtown – HPO-1	Use Regulations	14-16-4-3(F)(4)(e)4	Drive-through or Drive-up Facility (Prohibitions)	199
East Downtown – HPO-1	Development Standards	14-16-5-5(F)(4)(a)	Parking Location and Design (Historic Protection Overlay zones)	278
East Downtown – HPO-1	Development Standards	14-16-5-8(D)(7)	Outdoor Lighting (Height Restrictions)	320
East Downtown – CPO-4	Development Standards	14-16-5-12(E)(4)(d)1	Signs (Design and Construction)	339
East Downtown – HPO-1	Development Standards	14-16-5-12(E)(4)(d)2	Signs (Design and Construction)	339
East Downtown – CPO-4	Development Standards	14-16-5-12(F)(3)(a)	On-premises Signs	344
East Downtown – HPO-1	Development Standards	14-16-5-12(F)(3)(b)	On-premises Signs	344
East Downtown – CPO-4	Development Standards	14-16-5-12(G)(1)(e)3	Off-premises Signs (Prohibitions)	351
East Downtown – HPO-1	Development Standards	14-16-5-12(G)(1)(e)4	Off-premises Signs (Prohibitions)	351
East Downtown – HPO-1	Development Standards	14-16-5-12(H)(2)(a)	Electronic Signs (Prohibitions)	355
East Downtown – HPO-1	Administration and Enforcement	14-16-6-5(B)	Historic Certificate of Appropriateness – Minor	428
East Downtown – CPO-4	Administration and Enforcement	14-16-6-6(B)(1)(d)	Demolition Outside of an HPO	444

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Area	Part	Subsection		Page
East Downtown – HPO-1	Administration and Enforcement	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
East Gateway Area	Use Regulations	14-16-4-3(D)(17)(n)2	Light Vehicle Fueling Station (Prohibitions)	167
East Gateway Area	Development Standards	14-16-5-12(F)(3)(c)	On-premises Signs	344
East Gateway Area	Development Standards	14-16-5-12(G)(1)(e)5	Off-premises Signs (Prohibitions)	351
East Gateway Area	Development Standards	14-16-5-12(H)(2)(f)2	Electronic Signs (Prohibitions)	356
Eighth and Forrester – HPO-2	Overlay Zones	14-16-3-5(G)	Historic Protection Overlay Zones	122
Eighth and Forrester – HPO-2	Use Regulations	14-16-4-3(E)(12)(m)	WTF (Restrictions)	194
Eighth and Forrester – HPO-2	Development Standards	14-16-5-5(F)(4)(b)	Parking Location and Design (Historic Protection Overlay zones)	278
Eighth and Forrester – HPO-2	Development Standards	14-16-5-8(D)(7)	Outdoor Lighting (Height Restrictions)	320
Eighth and Forrester – HPO-2	Development Standards	14-16-5-12(H)(2)(a)	Electronic Signs (Prohibitions)	355
Eighth and Forrester – HPO-2	Administration and Enforcement	14-16-6-5(B)	Historic Certificate of Appropriateness – Minor	428
Eighth and Forrester – HPO-2	Administration and Enforcement	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Fourth Ward – HPO-3	Overlay Zones	14-16-3-5(H)	Historic Protection Overlay Zones	123
Fourth Ward – HPO-3	Use Regulations	14-16-4-3(E)(12)(m)	WTF (Restrictions)	194
Fourth Ward – HPO-3	Development Standards	14-16-5-5(F)(4)(c)	Parking Location and Design (Historic Protection Overlay zones)	278
Fourth Ward – HPO-3	Development Standards	14-16-5-8(D)(7)	Outdoor Lighting (Height Restrictions)	320
Fourth Ward – HPO-3	Development Standards	14-16-5-12(H)(2)(a)	Electronic Signs (Prohibited Areas)	355
Fourth Ward – HPO-3	Administration and Enforcement	14-16-6-5(B)	Historic Certificate of Appropriateness – Minor	428
Fourth Ward – HPO-3	Administration and Enforcement	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Griegos Road	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Griegos Road	Development Standards	14-16-5-12(H)(2)(c)	Electronic Signs (Prohibitions)	356
High Desert – CPO-5	Overlay Zones	14-16-3-4(F)	Character Protection Overlay Zones	87
High Desert Area	Use Regulations	14-16-4-3(F)(5)(e)4	Dwelling Unit, Accessory (P)	202
Huning Castle Raynolds Addition Area	Use Regulations	14-16-4-3(D)(21)(d)4	Paid Parking Lot or Parking Structure (Prohibitions)	172

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Huning Highland – HPO-4	Overlay Zones	14-16-3-5(I)	Historic Protection Overlay Zones	124
Huning Highland – HPO-4	Use Regulations	14-16-4-3(E)(12)(m)	WTF (Restrictions)	194
Huning Highland Area	Use Regulations	14-16-4-3(F)(5)(e)5	Dwelling Unit, Accessory (C)	202
Huning Highland – HPO-4	Development Standards	14-16-5-5(F)(4)(d)	Parking Location and Design (Historic Protection Overlay zones)	278
Huning Highland – HPO-4	Development Standards	14-16-5-8(D)(7)	Outdoor Lighting (Height Restrictions)	320
Huning Highland – HPO-4	Development Standards	14-16-5-12(H)(2)(a)	Electronic Signs (Prohibited Areas)	355
Huning Highland – HPO-4	Administration and Enforcement	14-16-6-5(B)	Historic Certificate of Appropriateness – Minor	428
Huning Highland – HPO-4	Administration and Enforcement	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Interstate Highway 25	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Interstate Highway 25	Development Standards	14-16-5-12(G)(1)(d)	Off-premises Signs (Prohibitions)	351
Interstate Highway 25	Development Standards	14-16-5-12(H)(3)(b)	Electronic Signs (Off-premises Signs)	357
Interstate Highway 40	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Interstate Highway 40	Development Standards	14-16-5-12(G)(1)(d)	Off-premises Signs (Prohibitions)	351
Interstate Highway 40	Development Standards	14-16-5-12(H)(3)(b)	Electronic Signs (Off-premises Signs)	357
Kirtland AFB Military Influence Area	Administration and Enforcement	14-16-6-4(J)(3)	Referrals to Commenting Agencies	388
La Cueva Area	Use Regulations	14-16-4-3(D)(38)(e)4	Liquor Retail (Restrictions)	182
La Cueva Area	Development Standards	14-16-5-12(F)(3)(d)	On-premises Signs	345
La Cueva Area	Development Standards	14-16-5-12(G)(1)(e)6	Off-premises Signs (Prohibitions)	352
Los Candelarias Area	Development Standards	14-16-5-12(G)(1)(e)7	Off-premises Signs (Prohibitions)	352
Los Duranes – CPO-6	Overlay Zones	14-16-3-4(G)	Character Protection Overlay Zones	91
Los Duranes – CPO-6	Use Regulations	14-16-4-3(B)(2)(c)	Dwelling, Cluster Development (Number of Dwelling Units)	153
Los Duranes – CPO-6	Use Regulations	14-16-4-3(D)(21)(d)5	Paid Parking Lot or Parking Structure (Prohibitions)	172
Los Duranes Community Acequias	Development Standards	14-16-5-2(G)(4)	Irrigation Facility (Acequia) Standards	231
Los Duranes CPO-6	Development Standards	14-16-5-3(D)(1)	Sidewalks in Residential Development	239

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Los Duranes – CPO-6	Development Standards	14-16-5-11(C)(1)(b)	Primary Building Stepback	328
Los Duranes – CPO-6	Development Standards	14-16-5-12(G)(1)(e)8	Off-premises Signs (Prohibitions)	352
Martineztown/Santa Barbara – CPO-7	Overlay Zones	14-16-3-4(H)	Character Protection Overlay Zones	95
Martineztown/Santa Barbara – CPO-7	Use Regulations	14-16-4-3(D)(21)(d)6	Paid Parking Lot or Parking Structure (Prohibitions)	172
McClellan Park Area	Use Regulations	14-16-4-3(D)(21)(d)7	Paid Parking Lot or Parking Structure (Prohibitions)	172
McClellan Park Area	Development Standards	14-16-5-5(B)(2)(a)2	Parking and Loading (Exemptions and Reductions)	257
Monte Vista and College View Historic District	Development Standards	14-16-5-5(F)(2)(a)3.d.ii	Carports (Prohibitions))	275
Monte Vista and College View Historic District	Development Standards	14-16-5-7(D)(3)(h)1	Maximum Wall Height (Restrictions)	310
Nob Hill/Highland – CPO-8	Overlay Zones	14-16-3-4(I)	Character Protection Overlay Zones	97
Nob Hill/Highland – CPO-8 / Building Height Sub-area	Overlay Zones	14-16-3-4(I)(4)(b)	Character Protection Overlay Zones	97
Nob Hill/Highland – CPO-8 / Façade Design Sub-area	Overlay Zones	14-16-3-4(I)(5)(b)	Character Protection Overlay Zones	99
Nob Hill/Highland Area	Use Regulations	14-16-4-3(D)(21)(d)8	Paid Parking Lot or Parking Structure (Prohibitions)	172
Nob Hill/Highland Area	Use Regulations	14-16-4-3(D)(38)(g)	Liquor Retail (Prohibitions)	183
Nob Hill Area	Use Regulations	14-16-4-3(F)(4)(e)5	Drive-through or Drive-up Facility (Prohibitions)	199
Nob Hill Area	Development Standards	14-16-5-5(B)(2)(d)	Parking and Loading (Exemptions and Reductions)	258
Nob Hill/Highland Area	Development Standards	14-16-5-11(C)(1)(c)	Primary Building Stepback	328
Nob Hill/Highland – CPO-8	Development Standards	14-16-5-12(E)(4)(d)3	Signs (Design and Construction)	339
Nob Hill/Highland – CPO-8	Development Standards	14-16-5-12(G)(1)(e)9	Off-premises Signs (Prohibitions)	352
Nob Hill/Highland Area	Administration and Enforcement	14-16-6-6(B)(1)(e)	Demolition Outside of an HPO	444
North 4th Corridor – CPO-9[5]	Overlay Zones	14-16-3-4(J)	Character Protection Overlay Zones	102

[5] Added per City Council Ordinance (O-20-09).

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North 4th Corridor – CPO-9[6]	Use Regulations	14-16-4-3(D)(38)(e)5	Liquor Retail (Restrictions)	182
North 4th Corridor – CPO-9[7]	Use Regulations	14-16-4-3(D)(38)(f)4	Liquor Retail (Restrictions)	183
North 4th Corridor – CPO-9[8]	Development Standards	14-16-5-12(G)(1)(e)10	Off-premises Signs (Prohibitions)	353
North 4th Corridor – CPO-9[9]	Development Standards	14-16-5-12(H)(2)(f)3	Electronic Signs (Prohibitions)	356
North I-25 – CPO-10	Overlay Zones	14-16-3-4(K)	Character Protection Overlay Zones	104
North I-25 – CPO-10 / Alameda Boulevard Sub-area	Overlay Zones	14-16-3-4(K)(4)(c)3	Character Protection Overlay Zones	105
North I-25 – CPO-10	Use Regulations	14-16-4-3(B)(7)(c)	Dwelling, Multi-family (No Ground-floor Multi-family)	158
North I-25 – CPO-10 / Alameda Boulevard Sub-area	Development Standards	14-16-5-12(F)(4)(b)2.b	Portable Signs (Prohibitions)	349
North I-25 – CPO-10 / Alameda Boulevard Sub-area	Development Standards	14-16-5-12(G)(1)(e)11	Off-premises Signs (Prohibitions)	353
Northwest Mesa Escarpment – VPO-2	Overlay Zones	14-16-3-6(E)	View Protection Overlay Zones	137
Northwest Mesa Escarpment – VPO-2 / Height Restrictions Sub-area	Overlay Zones	14-16-3-6(E)(3)	View Protection Overlay Zones	137
Northwest Mesa Escarpment – VPO-2	Administration and Enforcement	14-16-6-6(N)	Variance – EPC	472
Old Town – HPO-5	Overlay Zones	14-16-3-5(J)	Historic Protection Overlay Zones	125
Old Town – HPO-5	Use Regulations	14-16-4-3(D)(8)(f)	Bar, Nightclub, Restaurant, and Tap Room	164
Old Town – HPO-5	Use Regulations	14-16-4-3(D)(36)(d)2	General Retail (Allowances)	181
Old Town – HPO-5	Use Regulations	14-16-4-3(E)(12)(m)	WTF (Prohibitions)	194
Old Town – HPO-5	Development Standards	14-16-5-5(B)(2)(a)3	Parking and Loading (Exemptions and Reductions)	257
Old Town – HPO-5	Development Standards	14-16-5-5(F)(4)(e)	Parking Location and Design (Historic Protection Overlay zones)	279
Old Town – HPO-5	Development Standards	14-16-5-8(D)(7)	Outdoor Lighting (Height Restrictions)	320
Old Town – HPO-5	Development Standards	14-16-5-12(H)(2)(a)	Electronic Signs (Prohibited Areas)	355

[6] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.
[7] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.
[8] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.
[9] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.

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Old Town – HPO-5	Administration and Enforcement	14-16-6-5(B)	Historic Certificate of Appropriateness – Minor	428
Old Town – HPO-5	Administration and Enforcement	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
Paseo del Norte	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Railroad and Spur Area	Use Regulations	14-16-4-3(D)	Commercial Uses (various)	161
Railroad and Spur Area	Use Regulations	14-16-4-3(E)	Industrial Uses (various)	186
Railroad and Spur Area	Development Standards	14-16-5-2(E)	Cumulative Impacts	229
Railroad and Spur Area	Administration and Enforcement	14-16-6-4(H)	Cumulative Impacts Analysis Requirements	387
Railroad and Spur Area	Administration and Enforcement	14-16-6-6(J)	Site Plan – EPC	460
Rio Grande Boulevard – CPO-11	Overlay Zones	14-16-3-4(L)	Character Protection Overlay Zones	107
Rio Grande Boulevard	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Rio Grande Boulevard – CPO-11	Development Standards	14-16-5-12(G)(1)(e)12	Off-premises Signs (Prohibitions)	353
Rio Grande Boulevard	Development Standards	14-16-5-12(H)(2)(c)	Electronic Signs (Prohibitions)	356
Sawmill/Wells Park – CPO-12	Overlay Zones	14-16-3-4(M)	Character Protection Overlay Zones	109
Sawmill/Wells Park – CPO-12	Use Regulations	14-16-4-3(D)(15)(f)2	Car Wash (Prohibitions)	167
Sawmill/Wells Park – CPO-12	Use Regulations	14-16-4-3(D)(17)(n)4	Light Vehicle Fueling Station (Prohibitions)	169
Sawmill/Wells Park – CPO-12	Use Regulations	14-16-4-3(F)(4)(e)6	Drive-through or Drive-up Facility (Prohibitions)	199
Sawmill/Wells Park – CPO-12	Use Regulations	14-16-4-3(F)(5)(e)6	Dwelling Unit, Accessory (P)	203
Sawmill/Wells Park – CPO-12	Development Standards	14-16-5-11(C)(1)(d)	Primary Building Stepback	328
Sawmill/Wells Park – CPO-12	Development Standards	14-16-5-12(H)(2)(f)4	Electronic Signs (Prohibitions)	357
Silver Hill – HPO-6	Overlay Zones	14-16-3-5(K)	Historic Protection Overlay Zones	131
Silver Hill – HPO-6	Use Regulations	14-16-4-3(E)(12)(m)	WTF (Restrictions)	194
Silver Hill – HPO-6	Development Standards	14-16-5-5(F)(4)(f)	Parking Location and Design (Historic Protection Overlay zones)	279
Silver Hill – HPO-6	Development Standards	14-16-5-8(D)(7)	Outdoor Lighting (Height Restrictions)	320
Silver Hill – HPO-6	Development Standards	14-16-5-12(H)(2)(a)	Electronic Signs (Prohibitions)	355
Silver Hill – HPO-6	Administration and Enforcement	14-16-6-5(B)	Historic Certificate of Appropriateness – Minor	428

Table II: Small Areas Mapped in the IDO *(in alphabetical order)*

This table is for reference purposes only to index small area provisions in the IDO.
See TABLE I: Small Area Regulations (in the order they appear in the IDO).

Area	Part	Subsection		Page
Silver Hill – HPO-6	Administration and Enforcement	14-16-6-6(D)	Historic Certificate of Appropriateness – Major	450
South Broadway Area	Use Regulations	14-16-4-3(D)(21)(d)9	Paid Parking Lot or Parking Structure (Prohibitions)	172
South Broadway Area	Use Regulations	14-16-4-3(F)(5)(e)7	Dwelling Unit, Accessory (C)	203
South Martineztown Area	Use Regulations	14-16-4-3(D)(21)(d)10	Paid Parking Lot or Parking Structure (Prohibitions)	173
South Yale Area	Use Regulations	14-16-4-3(D)(38)(e)6	Liquor Retail (Restrictions)	182
South Yale Area	Use Regulations	14-16-4-3(D)(38)(f)5	Liquor Retail (Restrictions)	183
South Yale Area	Use Regulations	14-16-4-3(E)(12)(n)1	WTF (Restrictions)	194
South Yale Area	Use Regulations	14-16-4-3(F)(4)(e)7	Drive-through or Drive-up Facility (Prohibitions)	199
South Yale Area	Development Standards	14-16-5-12(G)(1)(e)13	Off-premises Signs (Prohibitions)	353
Sunport Boulevard	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Sunport Boulevard	Development Standards	14-16-5-12(F)(3)(e)	On-premises Signs	345
Sunport Boulevard	Development Standards	14-16-5-12(G)(1)(e)14	Off-premises Signs (Prohibitions)	353
Tramway Boulevard	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Tramway Boulevard	Development Standards	14-16-5-12(H)(2)(c)	Electronic Signs (Prohibitions)	356
University Neighborhoods Area	Use Regulations	14-16-4-3(D)(38)(h)	Liquor Retail (Restrictions)	184
University Neighborhoods Area	Use Regulations	14-16-4-3(F)(4)(e)8	Drive-through or Drive-up Facility (Prohibitions)	199
University Neighborhoods Area	Use Regulations	14-16-4-3(F)(5)(e)8	Dwelling Unit, Accessory (C)	203
University Neighborhoods Area	Development Standards	14-16-5-3(C)(3)(c)	Driveways, Drive Aisles, and Access (Restrictions)	239
Unser Boulevard	Use Regulations	14-16-4-3(E)(12)(k)	WTF (Restrictions)	193
Unser Boulevard Area	Development Standards	14-16-5-12(F)(3)(f)	On-premises Signs	346
Unser Boulevard Area	Development Standards	14-16-5-12(G)(1)(e)15	Off-premises Signs (Prohibitions)	353
Unser Boulevard	Development Standards	14-16-5-12(H)(2)(c)	Electronic Signs (Prohibitions)	356
Uptown Area	Use Regulations	14-16-4-3(E)(12)(n)2	WTF (Restrictions)	194
Uptown Area	Use Regulations	14-16-4-3(F)(4)(e)9	Drive-through or Drive-up Facility (Restrictions)	200

Table II: Small Areas Mapped in the IDO *(in alphabetical order)*

This table is for reference purposes only to index small area provisions in the IDO.
See TABLE I: Small Area Regulations (in the order they appear in the IDO).

Area	Part	Subsection		Page
Uptown Area	Development Standards	14-16-5-12(E)(4)(d)4	Signs (Design and Construction)	339
Uptown Area	Development Standards	14-16-5-12(G)(1)(e)16	Off-premises Signs (Prohibitions)	354
Valley Drainage Area	Development Standards	14-16-5-2(F)	Site Design and Sensitive Lands	231
Volcano Mesa – CPO-13	Overlay Zones	14-16-3-4(N)	Character Protection Overlay Zones	113
Volcano Mesa – CPO-13	Use Regulations	14-16-4-3(F)(4)(e)11	Drive-through or Drive-up Facility (Restrictions)	200
Volcano Mesa – CPO-13	Use Regulations	14-16-4-3(F)(5)(e)9	Dwelling Unit, Accessory (P)	204
Volcano Mesa – CPO-13	Development Standards	14-16-5-12(G)(1)(e)17	Off-premises Signs (Prohibitions)	354

Table III: IDO Provisions for ABC Comp Plan Centers and Corridor Areas[10]

DT = Downtown UC = Urban Center AC = Activity Center EC = Employment Center
MS = Main Street Area PT = Premium Transit Area MT = Major Transit Area
This table is for reference purposes only to index provisions for Centers & Corridors in the IDO.

Subsection	Page	Header (Topic)	Center or Corridor Area						
			DT	UC	AC	EC	MS	PT	MT
Part 14-16-2: Zone Districts									
14-16-2-4(E)(3)(b)	34	Form-based Sub-zones	DT	UC	AC				
14-16-2-4(E)(3)(d)	36	Dimensional Standards	DT	UC	AC		MS	PT	
Part 14-16-4: Use Regulations									
14-16-4-3(B)(3)(b)2	154	Dwelling, Cottage Development		UC			MS	PT	
14-16-4-3(B)(5)(a)4	156	Dwelling, Townhouse (Usable Open Space)		UC			MS	PT	
14-16-4-3(B)(5)(d)	157	Dwelling, Townhouse (Ground Floor Commercial Uses)						PT	MT
14-16-4-3(B)(7)(a)3	157	Dwelling, Multi-family (Landscaping)	DT	UC			MS	PT	
14-16-4-3(B)(7)(b)	158	Dwelling, Multi-family (Ground Floor Commercial Uses)						PT	MT
14-16-4-3(B)(7)(d)	158	Dwelling, Multi-family (Ground Floor Conditional)	DT	UC					
14-16-4-3(D)(17)(l)	168	Light Vehicle Fueling Station		UC	AC		MS	PT	MT
14-16-4-3(D)(17)(m)	169	Light Vehicle Fueling Station		UC			MS	PT	
14-16-4-3(D)(28)	176	Self-storage		UC	AC		MS	PT	
14-16-4-3(E)(19)	196	Wholesaling and Distribution Center		UC			MS	PT	
14-16-4-3(F)(4)	198	Drive-through or Drive-up Facility		UC					
14-16-4-3(F)(5)(e)1	202	Dwelling Unity, Accessory (P)					MS	PT	
Part 14-16-5: Development Standards									
14-16-5-1(C)	215	Residential Zone Districts		UC			MS	PT	
14-16-5-1(C)(2)(b)2	219	Contextual Residential Development in Areas of Consistency (Lot Size)		UC			MS	PT	
14-16-5-1(D)	221	Mixed-use Zone Districts		UC			MS	PT	MT
14-16-5-1(D)(2)	223	Dimensional Standards		UC			MS	PT	
14-16-5-1(E)	223	Non-residential Zone Districts		UC			MS	PT	
14-16-5-4(E)(3)	248	Block Dimensions	DT	UC	AC	EC	MS		
14-16-5-5(C)(2)	259	Minimum Off-street Parking Table		UC	AC		MS	PT	
14-16-5-5(C)(5)	265	Parking Reductions		UC	AC	EC	MS		MT
14-16-5-5(F)(1)(b)	274	Parking Location and Design	DT	UC			MS	PT	
14-16-5-5(F)(2)(a)4	276	Design, Access, and Circulation	DT	UC	AC	EC	MS	PT	MT
14-16-5-5(G)(4)	280	Centers, Main Street Areas, and Premium Transit Areas (Parking Structure Design)	DT	UC	AC	EC	MS	PT	
14-16-5-5(I)(2)	282	Drive-through or Drive-up Facility Design		UC			MS	PT	
14-16-5-5(I)(1)	281	Vehicle Stacking Spaces		UC			MS		

[10] Revised per City Council Amendment A6, A7, A8, B1, and B19.

Table III: IDO Provisions for ABC Comp Plan Centers and Corridor Areas[10]
DT = Downtown UC = Urban Center AC = Activity Center EC = Employment Center
MS = Main Street Area PT = Premium Transit Area MT = Major Transit Area
This table is for reference purposes only to index provisions for Centers & Corridors in the IDO.

Subsection	Page	Header (Topic)	Center or Corridor Area						
			DT	UC	AC	EC	MS	PT	MT
14-16-5-6(C)(2)(b)	284	Minimum Landscape Area	DT	UC			MS	PT	
14-16-5-6(C)(4)(i)	287	Required Plant Materials and Site Amenities	DT	UC			MS		
14-16-5-6(C)(5)	287	Soil Condition and Planting Beds	DT	UC			MS		
14-16-5-6(D)(2)(b)	294	Additional Frontage Landscaping	DT	UC			MS	PT	
14-16-5-6(E)(2)(b)	295	Development Next to Low-density Residential Zone Districts	DT	UC			MS		
14-16-5-6(E)(3)(b)	296	Development Next to a Multi-family Residential Zone District	DT	UC			MS	PT	
14-16-5-6(E)(4)(c)	297	Industrial Development Adjacent to Non-industrial Development	DT	UC			MS	PT	
14-16-5-6(F)(1)(i)	299	Parking Lot Edges	DT	UC			MS		
14-16-5-6(F)(2)(b)	300	Parking Lot Interior	DT	UC			MS	PT	
14-16-5-8(D)(11)(a)	321	Outdoor and Site Lighting (General Design and Illumination)		UC			MS	PT	
14-16-5-8(E)(2)(d)	321	Decorative Outdoor Lighting	DT	UC		EC			
14-16-5-11(D)(2)(b)	329	Façade Design (Multi-family Residential Development)		UC			MS	PT	
14-16-5-11(E)(1)	330	Ground Floor Clear Height		UC			MS	PT	
14-16-5-11(E)(2)(b)	332	Façade Design (Mixed-use and Non-residential Zone Districts)		UC	AC		MS	PT	
14-16-5-11(E)(3)(b)	334	Outdoor Seating and Gathering Areas		UC			MS	PT	
Table 5-12-2	342	On-premises Signs in Mixed-use and Non-residential Zone Districts	DT						
14-16-5-12(F)(5)	350	Alternative Signage Plan		UC					
Part 14-16-6: Administration and Enforcement									
14-16-6-4(Y)(2)(a)5	422	Minor Amendments	DT	UC			MS	PT	
14-16-6-5(E)(1)	433	Permit – Temporary Window Wrap	DT	UC	AC		MS	PT	
Part 14-16-7: Definitions, Acronyms									
14-16-7-1		Activity Center			AC				
14-16-7-1		Downtown Center	DT						
14-16-7-1		Employment Center				EC			
14-16-7-1		Main Street Area					MS		
14-16-7-1		Major Transit Area							MT
14-16-7-1		Measurement, Corridor Area					MS	PT	MT
14-16-7-1		Premium Transit Area						PT	
14-16-7-1		Urban Center		UC					

Part 14-16-1 General Provisions[11]

1-1 SHORT TITLE

This Article, the "Integrated Development Ordinance," may be cited as the "IDO" and is referred to as either this “Article" or this “Ordinance.”

1-2 AUTHORITY

This Article is created pursuant to authority granted in Article I of the Charter of the City of Albuquerque, which was originally adopted at a special election on June 29, 1971, pursuant to Article X, Section 6 of the Constitution of the State of New Mexico. In enacting this IDO, the City intends to comply with the provisions of existing State law on the same subject, and the provisions of this IDO should be interpreted to achieve that goal.

1-3 PURPOSE[12]

The purpose of this IDO is to:

1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1-3(C) Ensure the provision of adequate public facilities and services for new development.

1-3(D) Protect all communities, especially those that have been historically underserved.

1-3(E) Protect the quality and character of residential neighborhoods.

1-3(F) Promote the economic development and fiscal sustainability of the City.

1-3(G) Promote small-scale, neighborhood-serving economic development opportunities.

1-3(H) Provide for the efficient administration of City land use and development regulations.

1-3(I) Protect the health, safety, and general welfare of the public.

1-3(J) Provide for orderly and coordinated development patterns.

1-3(K) Encourage the conservation and efficient use of water and other natural resources.

1-3(L) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.

1-3(M) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.

1-3(N) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

[11] Council Amendment I and the associated Exhibit A addresses the language “to the maximum extent practicable” throughout the IDO, sometimes eliminating the term and sometimes removing it. EPC Condition #62 recommends several additional revisions related to this phrase.
[12] Added Subsections (D) and (G) per City Council Floor Amendment C10.

1-4 APPLICABILITY

1-4(A) This IDO applies to all private land in the City, and the owners and occupants of all land in the City are required to comply with the regulations of this IDO applicable to the zone district in which the property is located, except as noted in this Subsection 14-16-1-4.

1-4(A)(1) Development after the Effective Date of this IDO
All development after the effective date of this IDO is subject to IDO standards.

1-4(A)(2) Development prior to the Effective Date of this IDO
Development that existed prior to the IDO is subject to timeframes established for compliance with IDO standards, including but not limited to standards for nonconformance in Section 14-16-6-8 (Nonconformities), to be calculated from the effective date of this IDO.

1-4(A)(3) Approvals Granted prior to the IDO
See Section 14-16-1-10 (Transitions from Previous Regulations).

1-4(B) This IDO is not applicable to federal activities or development on federally-owned lands where either the federal government has retained from the time of statehood or subsequently obtained the right to legislate in relation to such lands or the State of New Mexico has ceded jurisdiction to legislate back to the United States in relation to such lands. Private activities or development for private purposes on such lands shall be subject to this IDO.

1-4(C) This IDO is applicable to City activities or development on properties owned or leased by the City.

1-4(D) This IDO may not be applicable to state or governmental activities or development on lands owned by a state or governmental or quasi-governmental entity, to the extent the State of New Mexico has explicitly exempted them from the operation of local land use regulations.

1-5 EFFECTIVE DATE

The effective date of this IDO shall be May 17, 2018.

1-6 OFFICIAL ZONING MAP

1-6(A) The standards and regulations in this IDO applicable to specific zone districts or Overlay zones apply to the areas of the city shown with those zone districts or Overlay zones on the Official Zoning Map.

1-6(B) The Official Zoning Map of the City is incorporated herein, including the zone districts and zone boundaries as established and shown on the Official Zoning Map. The latest version of the Official Zoning Map as approved or amended by City Council or the Environmental Planning Commission (EPC), to the extent authorized by this IDO, is maintained in electronic form by the City Planning Department.[13]

[13] Revised per EPC Condition #2. Revised per LUPZ Amendment B20.

1-7 COMPLIANCE REQUIRED

1-7(A) GENERAL

1-7(A)(1) No person shall develop or use any land, building, or structure within the City in violation of this IDO, regulations authorized under this IDO, including but not limited to those regulations in the Development Process Manual (DPM), or the terms and conditions of permits or approvals issued under this IDO.

1-7(A)(2) Allowable uses conducted indoors must be located within buildings that meet the standards in Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code) and other applicable technical codes adopted by the City. Allowable uses conducted in buildings that are not in compliance with this requirement are a violation of this IDO.[14]

1-7(A)(3) Other City regulations or State or federal laws may apply, even if the IDO is silent on these other applicable laws or regulations. Violations of these other applicable laws or regulations are not considered violations of this IDO.[15]

1-7(A)(4) The Mayor is responsible for the promulgation of rules and technical standards necessary to fulfill the intent of this IDO. Additional rules and technical standards shall be published in the DPM. The terms and provisions of the DPM, as amended, shall be enforceable to the same extent as if incorporated into the text of this IDO.

1-7(B) DEVELOPMENT ON APPROVED LOT REQUIRED[16]

A building permit shall not be issued by the City unless the applicant presents the following:

1-7(B)(1) Evidence of a proper lot, constituted by 1 of the following:

1-7(B)(1)(a) A print of the final subdivision plat as recorded with the County Clerk and approved pursuant to this IDO or any predecessor ordinance that applied at the time the lot was created, showing the subject property.

1-7(B)(1)(b) Satisfactory evidence that this IDO is not applicable to the lot upon which the building is to take place, either because the lot existed prior to the enactment of this IDO or any predecessor ordinances or because the lot is outside the jurisdiction of this IDO. If such evidence is provided, exemption from the IDO regulations shall only apply to the establishment of the lot and not any development on the lot.

1-7(B)(2) Approval by the City Engineer that:

1-7(B)(2)(a) The alteration of the natural topography, drainage pattern, and perviousness of any lot resulting from the intended construction and prior or planned site preparation complies with a previously submitted and approved drainage report and/or plan, or that no drainage report or plan is required.

[14] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #3.
[15] Added per EPC Condition #1 (Tech Edits).
[16] Revised for consistent use of the term "lot" and "subject property" instead of "parcel" per EPC Condition #1 (Tech Edits).

1-7(B)(2)(b) The traffic flow and parking layout complies with a previously submitted and approved Site Plan or Traffic Circulation Layout or that no Site Plan or Traffic Circulation Layout is required.

1-7(B)(2)(c) Adequate provision has been made for connection of the lot to water and sanitary sewer lines if these are necessary for reasonable use of the structure.

1-7(B)(2)(d) Adequate easements and/or public right-of-way are in place for infrastructure improvements required by the City Engineer.

1-7(B)(2)(e) All infrastructure improvements, including but not limited to sidewalks, curb and gutter, pavement, storm drain system, water and sewer, and any other improvements required by the City Engineer, have been constructed within easements or in the public right-of-way.[17]

1-7(B)(3) After approval and recording of a final subdivision plat with the County Clerk and required improvements have been completed and accepted by the City (where the construction of improvements was required), building permits for structures within the subdivision may be issued. The Building Safety Division of the City Planning Department may issue building permits prior to completion of all improvements where sanitary sewer, water, and storm drainage facilities have been completed and other improvements are to be commenced within 6 months, but the City may require financial assurance for the completion of those improvements pursuant to Subsection 14-16-6-4(R) (Required Improvements and Financial Assurance).

1-7(C) COMPLETE APPLICATIONS[18]

Applications shall be reviewed and decided based on conditions that exist and requirements in effect when the application was accepted as complete by the City Planning Department, including but not limited to any of the following:

1-7(C)(1) Land uses that exist or have received a building permit on adjacent properties.

1-7(C)(2) Zoning in effect on properties adjacent to the subject property.

1-7(C)(3) Any adopted standards or regulations that would apply to the subject property.

1-7(C)(4) Any relevant City processes or decision criteria that would apply to the application.

1-7(D) INCOMPLETE AND LATE APPLICATIONS[19]

Any application that has not been accepted by the City Planning Department as complete prior to the effective date of this IDO or any amendment to this IDO, or that is submitted after that effective date, shall be processed, reviewed, and decided based on the requirements of this IDO in effect when the application is accepted as complete. See also Section 14-16-1-10 (Transitions from Previous Regulations).

[17] Revised per EPC Condition #1 (Tech Edits).
[18] Revised and moved from Subsection 14-16-1-10 per EPC Condition #4.
[19] Revised and moved from Subsection 14-16-1-10 per EPC Condition #5.

1-8 RELATIONSHIP TO OTHER REGULATIONS

1-8(A) Unless specified otherwise in this IDO, if two or more regulations in this IDO conflict with each other, the more restrictive regulation shall prevail, with the following exceptions:[20]

1-8(A)(1) When any regulation in Part 14-16-3 (Overlay Zones) conflicts with any other regulation in this IDO, the regulations of the Overlay zone prevail regardless of whether the Overlay zone regulations are more or less restrictive than the other regulations. Where Overlay zone regulations complement other IDO regulations, the Overlay zone regulations apply in addition to the other IDO regulations unless specified otherwise in this IDO. Where the Overlay zone is silent, other IDO regulations apply.

1-8(A)(2) When any regulation in Section 14-16-4-3 (Use-specific Standards) conflicts with any regulation in Part 14-16-5 (Development Standards), the Use-specific Standard shall prevail regardless of whether the Use-specific Standard is more or less restrictive than the Development Standard. Where Use-specific Standards complement Development Standards, the Use-specific Standards apply in addition to the Development Standards unless specified otherwise in this IDO. Where Use-specific Standards are silent, other Development Standards apply.

1-8(A)(3) When any area-specific regulation (i.e. for Centers, Corridors, or small areas) conflicts with any citywide regulation in Part 14-16-4 (Use Regulations), Part 14-16-5 (Development Standards), or Part 14-16-6 (Administration and Enforcement), the area-specific regulations prevail for development within the specified area regardless of whether the area-specific regulation is more or less restrictive than the citywide regulation. The area-specific regulations apply instead of, not in addition to, the citywide regulations unless specified otherwise in this IDO. Where the area-specific regulations are silent, the citywide regulations in Part 14-16-4 (Use Regulations), Part 14-16-5 (Development Standards), and Part 14-16-6 (Administration and Enforcement) apply.[21]

1-8(B) If any regulation in this IDO refers to a regulation in another section of this IDO, the applicability of the referencing section prevails over the applicability in the referenced section unless specified otherwise in this IDO.[22]

1-8(C) If any regulation in this IDO conflicts with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code) or any other building safety codes, the provisions in those codes shall prevail.[23]

1-8(D) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable State or federal law, the more restrictive provision shall prevail, unless the provisions of State or federal law, as interpreted by the courts, prevent that result.

[20] Added per EPC Condition #1 (Tech Edits).
[21] Revised per EPC Condition #6.
[22] Added per EPC Condition #1 (Tech Edits).
[23] Added per EPC Condition #1 (Tech Edits).

1-9 RELATIONSHIP TO PRIVATE AGREEMENTS AND COVENANTS

1-9(A) This IDO applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, but shall have no impact on the applicability or enforceability of any private agreement or restriction between the parties to that agreement or restriction, except as set forth in Subsection (C) below.

1-9(B) The City shall have no obligation to conform the terms or applicability of this IDO to any private agreement or restriction. The City shall have no obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement shall be at the discretion of the City.

1-9(C) The City may not approve any subdivision application for property on which there are any deed restrictions, covenants, or binding agreements prohibiting solar collectors from being installed on buildings or erected on the project site.[24]

1-10 TRANSITIONS FROM PREVIOUS REGULATIONS

1-10(A) PRE-IDO APPROVALS

1-10(A)(1) Any approvals granted prior to the effective date of this IDO shall remain valid, subject to expiration pursuant to Subsection 14-16-6-4(X) (Expiration of Approvals) and to amendment pursuant to Subsection 14-16-6-4(Y) (Amendments of Approvals) or 14-16-6-4(Z) (Amendments of Pre-IDO Approvals), as applicable. Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Notwithstanding the pre-IDO approval, development on such a site is exclusively subject to the procedures and decision criteria established in Part 14-16-6 (Administration and Enforcement). Where those approvals are silent, provisions in this IDO shall apply, including but not limited to the following:[25]

- 1-10(A)(1)(a) Subsection 14-16-4-1(E) (Previously Allowed Uses) for the continuity of conditional uses.
- 1-10(A)(1)(b) Subsection 14-16-6-4(Z) (Amendments of Pre-IDO Approvals) for amending pre-IDO approvals.
- 1-10(A)(1)(c) Section 14-16-6-8 (Nonconformities) for information about expansions when the use or structure is nonconforming under this IDO.

1-10(A)(2) For former Special Use zones that were converted to the Planned Development (PD) or Planned Community (PC) zone districts through adoption of this IDO, any approval associated with the Special Use zone is considered the required Site Plan – EPC or Framework Plan, respectively. Any use standards or development standards associated with pre-IDO approvals or zoning designations establish the rights and limitations for the PD and PC zone districts and are exclusive of and prevail over any other provision of this IDO.

[24] Revised for consistent use of the terms "lot" and "project site" instead of "parcel" per EPC Condition #1 (Tech Edits).
[25] Revised per EPC Condition #1 (Tech Edits).

1-10(A)(3) When referencing pre-IDO approvals, the most recent approval, including any amendments, shall apply unless specified otherwise.[26]

1-10(B) REFERENCES IN PRE-IDO REGULATIONS AND APPROVALS

Any City regulations or approvals that refer to zone district designations that existed prior to the effective date of this IDO will be deemed to refer to the IDO zone district associated with the previous zone district as shown in Table 2-2-1.

1-10(C) PREVIOUS VIOLATIONS

Any violation of the City zoning, subdivision, or land development regulations in effect prior to the effective date of this IDO will continue to be a violation under this IDO, unless the development or other activity that was a violation of the previous regulations is consistent with the requirements and regulations of this IDO.

1-11 FIGURES AND ILLUSTRATIONS

Figures and illustrations in this IDO are for illustrative purposes only and may not be to scale. In the event of a conflict between an illustration and the text of this IDO, the text shall prevail.

1-12 DESIGNEES

When this IDO authorizes or requires an official or an appointed or elected body of the City government to perform a task in the administration of this IDO, the named official or appointed or elected body may designate another individual or entity of the City, or an individual employed by the City and under its control, to perform the task, unless the delegation of that task is specifically prohibited by New Mexico law or the City Charter.

1-13 SEVERABILITY

If any section, division, sentence, clause, phrase, or part of this IDO is for any reason declared unconstitutional or invalid, the validity of the remaining portions of this IDO shall not be affected, since it is the express intent of the City Council to pass each section, division, sentence, clause, phrase, and every part of this Ordinance separately and independently of every other part.

[26] Added per EPC Condition #1 (Tech Edits).

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Part 14-16-2 Zone Districts

2-1 ZONE DISTRICTS ESTABLISHED

2-1(A) The zone districts listed in Sections 14-16-2-3 through 14-16-2-6 (Zone Districts) are hereby created. These zone districts shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the City Planning Department and available on the City of Albuquerque website. The zone districts are grouped into 4 types: Residential zone districts, Mixed-use zone districts, Non-residential zone districts, and Planned Development zone districts. In addition, Overlay zones are established and defined in Part 14-16-3.

2-1(B) Portions of lots within the public right-of-way shall be designated as Unclassified (UNCL) on the Official Zoning Map.[27]

2-1(C) See Subsection 14-16-1-10(B) for treatment of references to previous zone districts in other documents.

2-2 ZONE DISTRICT SUMMARY TABLE

Table 2-2-1 shows the City of Albuquerque's previous zone districts (established prior to May 17, 2018) in relation to IDO zone districts.

Table 2-2-1: Summary Table of Zone Districts

Previous Zone District		IDO Zone District	
Residential Zones		**Residential Zone Districts**	
RO-1	Rural Open	*Private land converted to R-A. City-owned Major Public Open Space converted to NR-PO-B.*	
RO-20	Rural Open Agriculture		
RA-1	Residential and Agricultural, semi-urban	R-A	Residential – Rural and Agricultural
RA-2	Residential and Agricultural		
R-1	Residential	R-1	Residential – Single-family [Dimensions vary to protect character] *R-LT converted to R-1A.*
R-LT	Residential Limited Townhouses		
MH	Mobile Home Developments	R-MC	Residential – Manufactured Home Community
R-T	Residential Townhouses	R-T	Residential – Townhouse
R-2	Residential Medium Density	R-ML	Residential – Multi-family Low Density
R-G	Residential Garden Apartment		
R-3	Residential High Density	R-MH	Residential – Multi-family High Density
Office and Commercial Zones		**Mixed-use Zone Districts**	
R-C	Residential/Commercial	MX-T	Mixed-use – Transition
O-1	Office and Institutional		
C-1	Neighborhood Commercial	MX-L	Mixed-use – Low Intensity
C-2	Community Commercial	MX-M	Mixed-use – Medium Intensity ***East Side**: all C-2.* ***West Side:** PT areas, lots <5 acres, designated C-2 (SC) shopping center sites.*
		NR-C	Non-residential – Commercial ***West Side:** outside of PT areas, lots 5+ acres, not designated C-2 (SC) shopping center.*

[27] Added and revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

Table 2-2-1: Summary Table of Zone Districts			
Previous Zone District		**IDO Zone District**	
C-3	Heavy Commercial	MX-H	Mixed-use – High Intensity ***East Side:*** *UC-AC-MS-PT-MT areas.* ***West Side:*** *PT areas.*
		NR-C	Non-residential – Commercial *All C-3 areas not listed above (which converted to MX-H).*
Form-based Zones		**Form-based Zone Districts and Sub-zones**	
SU-3	Downtown 2025 SDP Housing District	MX-FB-ID	Mixed-use – Form-based Infill Development Sub-zone *Within Downtown Center.*
		R-MH	Residential – Multi-family High Density *Outside of Downtown Center.*
	Downtown 2025 SDP Mixed-use Corridor	MX-FB-FX	Mixed-use – Form-based Flexible Development Sub-zone *Within Downtown Center.*
		MX-M	Mixed-use – Medium Intensity *Outside of Downtown Center.*
	Downtown 2025 SDP Arts & Entertainment	MX-FB-UD	Mixed-use – Form-based Urban Development Sub-zone
	Downtown 2025 SDP Government/Financial/Hospitality District	MX-FB-UD	Mixed-use – Form-based Urban Development Sub-zone *Within Downtown Center.*
		MX-H	Mixed-use – High Intensity *Outside of Downtown Center.*
	Downtown 2025 SDP Warehouse District	MX-FB-UD	Mixed-use – Form-based Urban Development Sub-zone
SU-1	Form-based Zones	MX-FB	Mixed-use – Form-based Zone District *Replaced SU-1 Form-based Zones in the Zoning Code.*
	Planned Neighborhood Development (PND)	MX-FB-ID	Mixed-use – Form-based Infill Development Sub-zone
	Mixed-use (MX)	MX-FB-FX	Mixed-use – Form-based Flexible Development Sub-zone
	Transit-oriented Development – Community Activity Center (TOD-COM)	MX-FB-AC	Mixed-use – Form-based Activity Center Sub-zone
	Transit-oriented Development – Major Activity Center (TOD-MAC)	MX-FB-UD	Mixed-use – Form-based Urban Development Sub-zone
Industrial Zones		**Non-residential Zone Districts**	
C-3	Heavy Commercial	MX-H	Mixed-use – High Intensity ***East Side:*** *UC-AC-MS-PT-MT areas.* ***West Side:*** *PT areas.*
		NR-C	Non-residential – Commercial *All C-3 areas not listed above (which converted to MX-H).*
IP	Industrial Park	NR-BP	Non-residential – Business Park
M-1	Light Manufacturing	NR-LM	Non-residential – Light Manufacturing
M-2	General Manufacturing	NR-GM	Non-residential – General Manufacturing

Table 2-2-1: Summary Table of Zone Districts			
Previous Zone District		**IDO Zone District**	
Special Use Zones		**Sensitive Use Zone Districts**	
SU-1	Special Use	NR-SU	Non-residential – Sensitive Use *Zones converted to the closest match according to the highest referenced zone or use in the zone description or to PD.*
SU-2	Special Neighborhood	*SU-2 and SU-3 zones integrated into IDO zone districts, development standards, and procedures or as small areas in Overlay zones, Use-specific Standards, Development Standards, or Administration and Enforcement standards. Zones converted to the closest match identified where Sector Development Plan referenced other zones.*	
SU-3	Special Center (other than Downtown)		
P	Parking	*Converted to MX-L for paid parking lots or to match the zone of the primary use the parking lot served.*	
P-R	Parking Reserve		
Various		NR-PO	Non-residential – Parks & Open Space - NR-PO-A City-owned or Managed Parks - NR-PO-B Major Public Open Space - NR-PO-C Non-City Parks and Open Space - NR-PO-D City BioPark
Planned Development Zones		**Planned Development Zone Districts**	
SU-1 PRD	Planned Residential Development	PD	Planned Development *If land use was clearly identifiable as low-density residential land use / development pattern: R-1 or R-T.*
R-D	Residential & Related Uses – Developing Area		
PC	Planned Community	PC	Planned Community

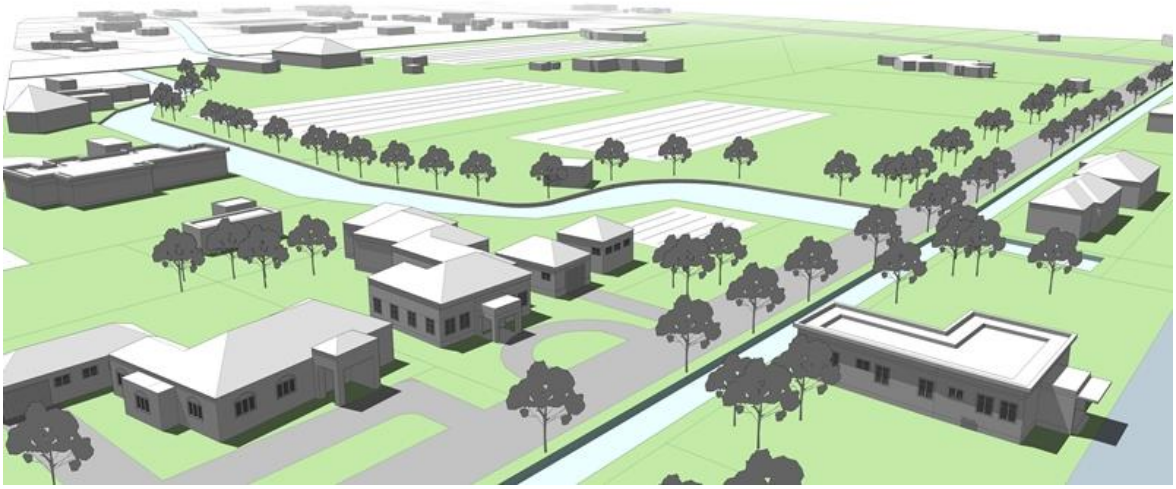
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2-3 RESIDENTIAL ZONE DISTRICTS

2-3(A) RESIDENTIAL – RURAL AND AGRICULTURAL ZONE DISTRICT (R-A)

2-3(A)(1) Purpose

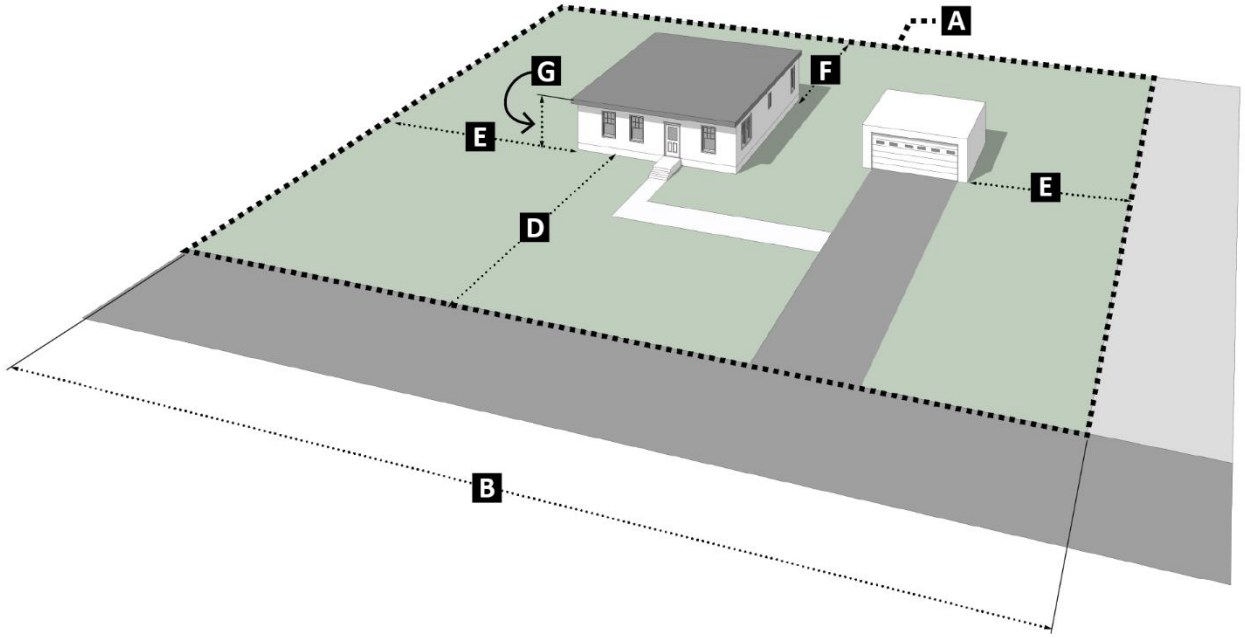
The purpose of the R-A zone district is to provide for lower density single-family residential and limited agricultural uses, generally on lots of ¼ acre or larger, as well as limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.



2-3(A)(2) Use and Development Standards

Table 2-3-1: R-A Zone District Dimensional Standards Summary *See Table 5-1-1 for complete Dimensional Standards*		
Site Standards		
A	Lot size, minimum	10,890 sq. ft.
B	Lot width, minimum	75 ft.
C	Usable open space, minimum	N/A
Setback Standards		
D	Front, minimum	20 ft.
E	Side, minimum	10 ft.
F	Rear, minimum	25 ft.
Building Height		
G	Building height, maximum	26 ft.

Table 2-3-2: Other Applicable IDO Sections	
Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-3(A)(3) District Standards

None.

2-3(B) RESIDENTIAL – SINGLE-FAMILY ZONE DISTRICT (R-1)

2-3(B)(1) Purpose

The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.



2-3(B)(2) Use and Development Standards

Table 2-3-3: R-1 Zone District Dimensional Standards Summary
See Table 5-1-1 for complete Dimensional Standards

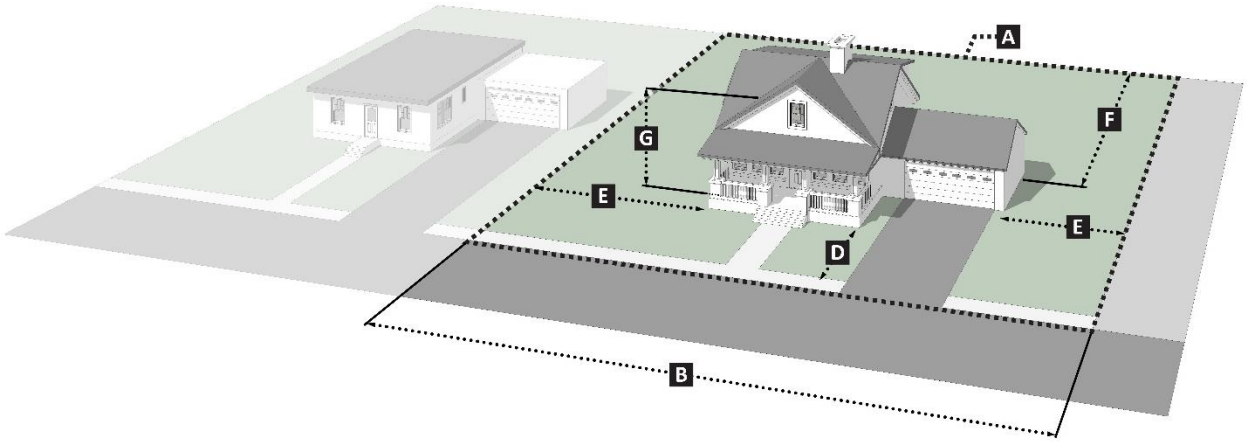
	R-1 Sub-zone	A	B	C	D
Site Standards					
A	Lot size, minimum	3,500 sq. ft.	5,000 sq. ft.	7,000 sq. ft.	10,000 sq. ft.
B	Lot width, minimum[28]	25 ft.	35 ft.	50 ft.	70 ft.
C	Usable open space, minimum	N/A	N/A	N/A	N/A
Setback Standards					
D	Front, minimum	10 ft.	15 ft.		20 ft.
E	Side, minimum	Interior: 5 ft. Street side: 10 ft.			10 ft.
F	Rear, minimum	10 ft.	15 ft.		
Building Height					
G	Building height, maximum	26 ft.			

Table 2-3-4: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12

[28] Revised from 37.5 ft. per EPC Condition #1 (Tech Edits).

Operation and Maintenance	14-16-5-13



2-3(B)(3) District Standards

None.

2-3(C) RESIDENTIAL – MANUFACTURED HOME COMMUNITY ZONE DISTRICT (R-MC)

2-3(C)(1) Purpose

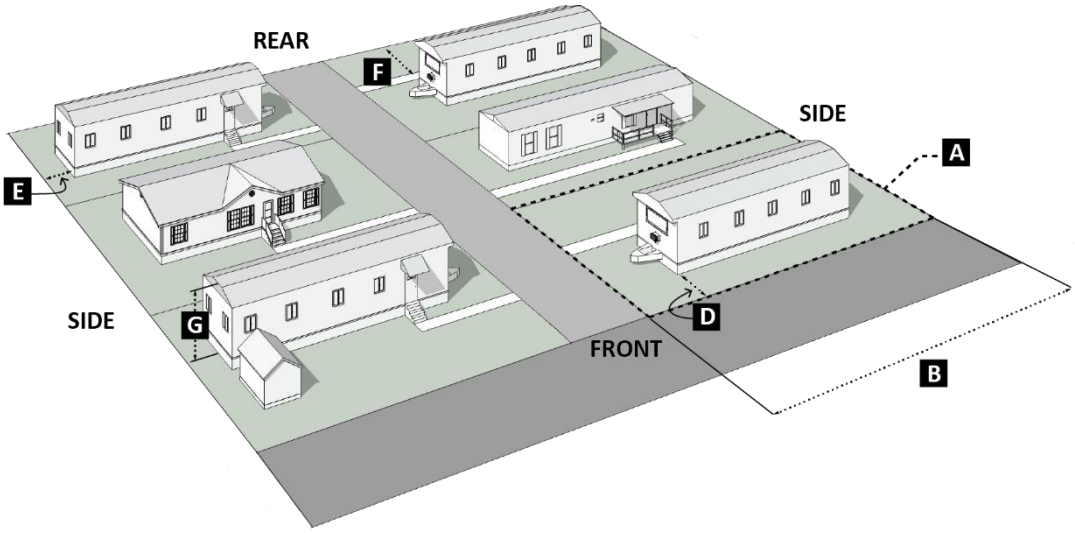
The purpose of the R-MC zone district is to accommodate manufactured home communities and to require those communities to incorporate high-quality planning and design. Allowable uses in the R-MC zone district are shown in Table 4-2-1.



2-3(C)(2) Use and Development Standards

Table 2-3-5: R-MC Zone District Dimensional Standards Summary *See Table 5-1-1 for complete Dimensional Standards*		
Site Standards		
A	Lot size, minimum	2,500 sq. ft. / space
B	Lot width, minimum	40 ft. / space
C	Usable open space, minimum	400 sq. ft. / space
Setback Standards		
D	Front, minimum	15 ft.
E	Side, minimum	Interior: 5 ft. Street side: 10 ft.
F	Rear, minimum	10 ft.
Building Height		
G	Building height, maximum	26 ft.

Table 2-3-6: Other Applicable IDO Sections	
Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-3(C)(3) District Standards

2-3(C)(3)(a) Manufactured and mobile homes that are not installed on a permanent foundation shall be skirted with materials similar in color, texture, and appearance to the siding of the manufactured or mobile home.

2-3(C)(3)(b) Anchorages and tie-downs constructed to comply with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code) shall be provided on each manufactured home space or lot to prevent overturning or uplift of the manufactured home.

2-3(C)(3)(c) Motor vehicles that are not parked inside a building must be operative and not partially or completely dismantled.

2-3(C)(3)(d) Carports, patios, decks, and accessory buildings may be located in side and rear setback areas of individual manufactured or mobile home sites. In such development, accessory buildings may not be located in any setbacks, usable open space, or landscape buffers required for the manufactured home community.

2-3(C)(3)(e) Storage sheds, accessory buildings, and carports shall be constructed of suitable weather-resistant materials.

2-3(C)(3)(f) All yard areas and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.

2-3(C)(3)(g) In cases where the owner of a manufactured home community intends to change the use or rezone the property to a zone district other than R-MC, which will result in expiration or termination of resident occupancy, the owner shall mail each resident written notice of their intent not less than 18 months prior to the rezoning of the property.

2-3(C)(3)(h) See Subsection 14-16-6-8(C)(7) for nonconformity provisions for mobile home dwellings and developments.

2-3(D) RESIDENTIAL – TOWNHOUSE ZONE DISTRICT (R-T)

2-3(D)(1) Purpose

The purpose of the R-T zone district is to accommodate a mix of single-family, two-family, and townhouse uses, as well as limited civic and institutional uses to serve the surrounding residential area. Other allowable uses are shown in Table 4-2-1.



2-3(D)(2) Use and Development Standards

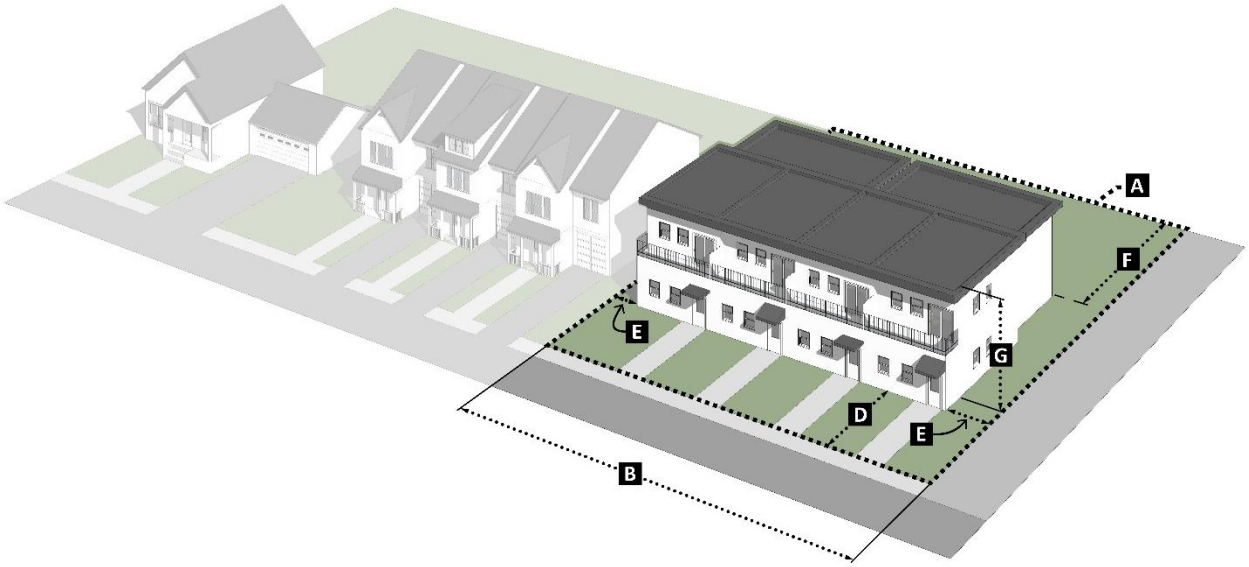
Table 2-3-7: R-T Zone District Dimensional Standards Summary

See Table 5-1-1 for complete Dimensional Standards

	Development Type	Single- or Two-family Detached	Townhouse or Other Allowable Use
Site Standards			
A	Lot size, minimum	3,500 sq. ft.	2,200 sq. ft.
B	Lot width, minimum	35 ft.	22 ft.
C	Usable open space, minimum	N/A	
Setback Standards			
D	Front, minimum	10 ft.	
E	Side, minimum	Interior: 5 ft. / Street side: 10 ft. UC-MS-PT: 0 ft.	
F	Rear, minimum	15 ft.	
Building Height			
G	Building height, maximum	26 ft.	

Table 2-3-8: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-3(D)(3) District Standards

None.

2-3(E) RESIDENTIAL – MULTI-FAMILY LOW DENSITY ZONE DISTRICT (R-ML)

2-3(E)(1) Purpose

The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.



2-3(E)(2) Use and Development Standards

Table 2-3-9: R-ML Zone District Dimensional Standards Summary
See Table 5-1-1 for complete Dimensional Standards

	Development Type	Single- or Two-family Detached	Townhouse or other allowable use	Multi-family
Site Standards				
A	Lot size, minimum	3,500 sq. ft.	2,200 sq. ft.	5,000 sq. ft.
B	Lot width, minimum	35 ft.	22 ft.	50 ft.
C	Usable open space, minimum	≤1 BR: 225 sq. ft. / unit[29] 2 BR:285 sq. ft. / unit[30] ≥3 BR: 350 sq. ft. / unit[31] UC-MS-PT: 50% reduction		
Setback Standards				
D	Front, minimum	15 ft.		
E	Side, minimum	Interior: 5 ft. / Street side: 10 ft. UC-MS-PT: 0 ft.		
F	Rear, minimum	15 ft.		

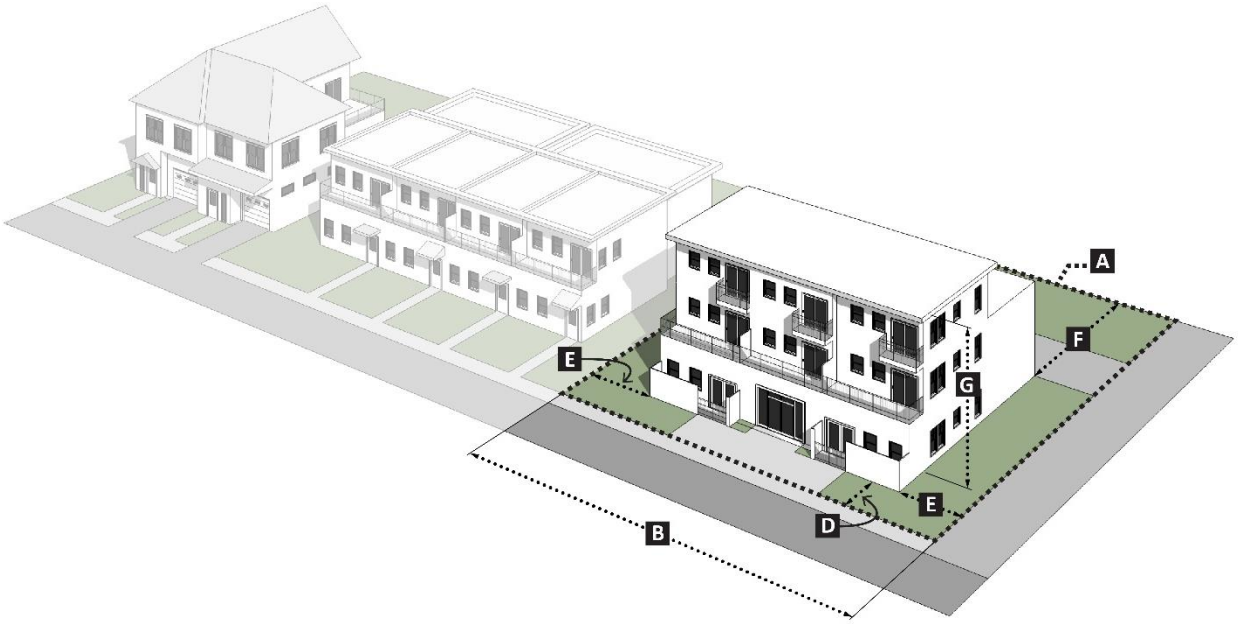
Table 2-3-10: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12

[29] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[30] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[31] Revised from 300 sq. ft. per City Council Floor Amendment C3.

Building Height		
G	Building height, maximum	38 ft.[32]

Operation and Maintenance	14-16-5-13



2-3(E)(3) District Standards

None.

[32] Revised from 35 ft. per City Council Amendment B2.

2-3(F) RESIDENTIAL – MULTI-FAMILY HIGH DENSITY ZONE DISTRICT (R-MH)

2-3(F)(1) Purpose

The purpose of the R-MH zone district is to promote and encourage the development of high-density attached and multi-family housing, with taller, multi-story buildings encouraged in Centers and Corridors in areas close to major streets and public transit facilities. The primary land use is multi-family development, with limited civic and institutional uses to serve the surrounding residential area. Other allowable uses are shown in Table 4-2-1.



2-3(F)(2) Use and Development Standards

Table 2-3-11: R-MH Zone District Dimensional Standards Summary
See Table 5-1-1 for complete Dimensional Standards

Development Location		General	UC-MS-PT
Site Standards			
A	Lot size, minimum	10,000 sq. ft.	
B	Lot width, minimum	150 ft.	100 ft.
C	Usable open space, minimum	≤1 BR: 225 sq. ft. / unit[33] 2 BR:285 sq. ft. / unit[34] ≥3 BR: 350 sq. ft. / unit[35]	50% reduction
Setback Standards			
D	Front, minimum / maximum	15 ft. / N/A	0 ft. / 10 ft.
E	Side, minimum / maximum	Interior: 5 ft.; Street side: 10 ft. / N/A	0 ft. / Street side: 15 ft.
F	Rear, minimum	15 ft.	

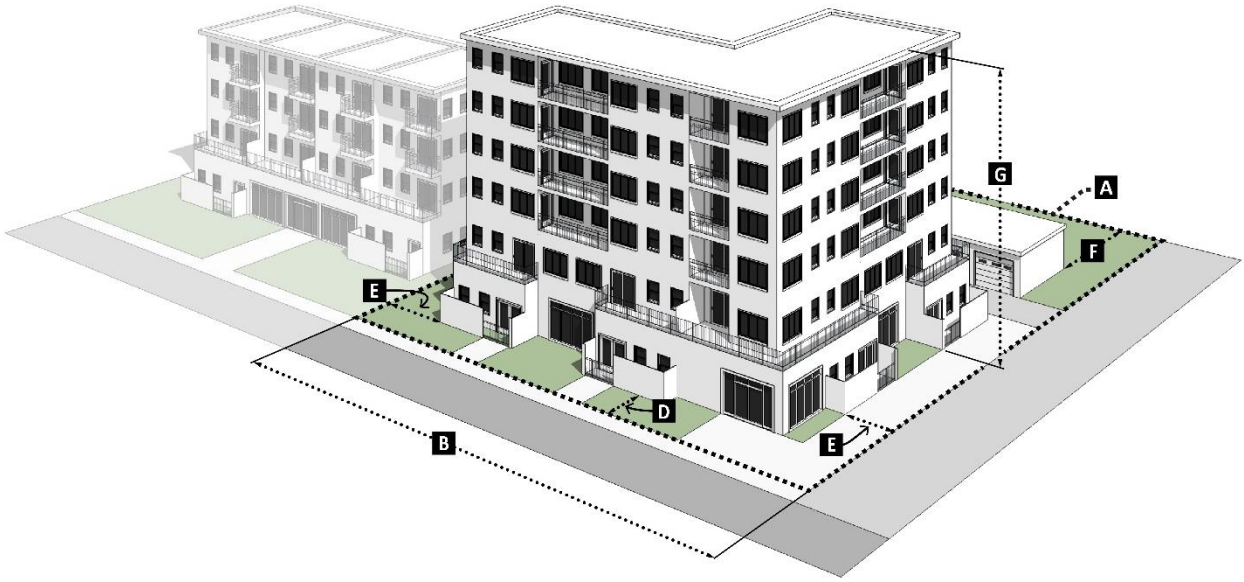
Table 2-3-12: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10

[33] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[34] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[35] Revised from 300 sq. ft. per City Council Floor Amendment C3.

Building Height			
G	Building height, maximum	48 ft.[36]	65 ft.
		>100 ft. from all lot lines: N/A	

Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-3(F)(3) District Standards

Non-residential conditional uses are limited to types and amounts that are justified to serve residents in the R-MH zone district.

[36] Revised from 45 ft. per City Council Amendment B2.

2-4 MIXED-USE ZONE DISTRICTS

2-4(A) MIXED-USE – TRANSITION ZONE DISTRICT (MX-T)

2-4(A)(1) Purpose

The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density residential, small-scale multi-family, office, institutional, and pedestrian-oriented commercial uses. Allowable uses are shown in Table 4-2-1.



2-4(A)(2) Use and Development Standards

Table 2-4-1: MX-T Zone District Dimensional Standards Summary
See Table 5-1-2 for complete Dimensional Standards

Development Location		General	UC-MS-PT
Site Standards			
A	Usable open space, minimum	≤1 BR: 225 sq. ft./unit[37] 2 BR: 285 sq. ft./unit[38] ≥3 BR: 350 sq. ft./unit[39]	50% reduction
Setback Standards			
B	Front, minimum / maximum	5 ft. / N/A	0 ft. / 15 ft.
C	Side, minimum / maximum	Interior: 0 ft.; Street side: 5 ft. / N/A	0 ft. / Street side: 15 ft.
D	Rear, minimum	15 ft.	Street or alley: 0 ft.[40]

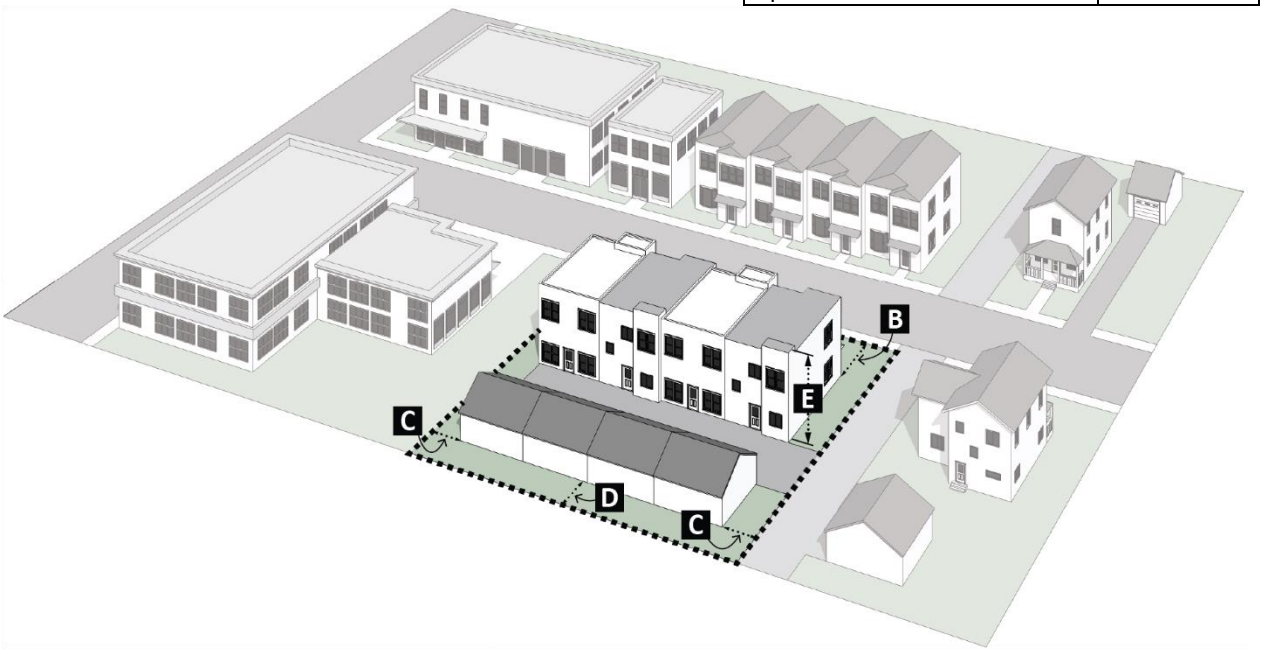
Table 2-4-2: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8

[37] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[38] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[39] Revised from 300 sq. ft. per City Council Floor Amendment C3.
[40] Added per City Council Amendment B12.

Building Height		
E	Building height, maximum	30 ft.

Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



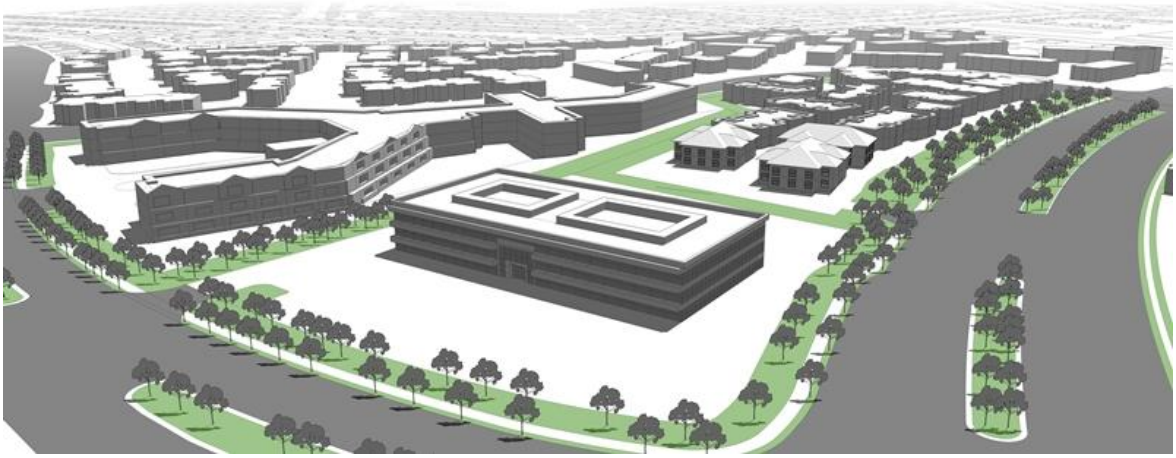
2-4(A)(3) District Standards

None.

2-4(B) MIXED-USE – LOW INTENSITY ZONE DISTRICT (MX-L)

2-4(B)(1) Purpose

The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors. Other allowable uses are shown in Table 4-2-1.



2-4(B)(2) Use and Development Standards

Table 2-4-3: MX-L Zone District Dimensional Standards Summary
See Table 5-1-2 for complete Dimensional Standards

Development Location		General	UC-MS-PT
Site Standards			
A	Usable open space, minimum	≤1 BR: 225 sq. ft./unit[41] 2 BR: 285 sq. ft./unit[42] ≥3 BR: 350 sq. ft./unit[43]	50% reduction
Setback Standards			
B	Front, minimum / maximum	5 ft. / N/A	0 ft. / 15 ft.
C	Side, minimum / maximum	Interior: 0 ft.; Street side: 5 ft. / N/A	0 ft. / Street side: 15 ft.
D	Rear, minimum	15 ft.	Street or alley: 0 ft.[44]
Building Height			

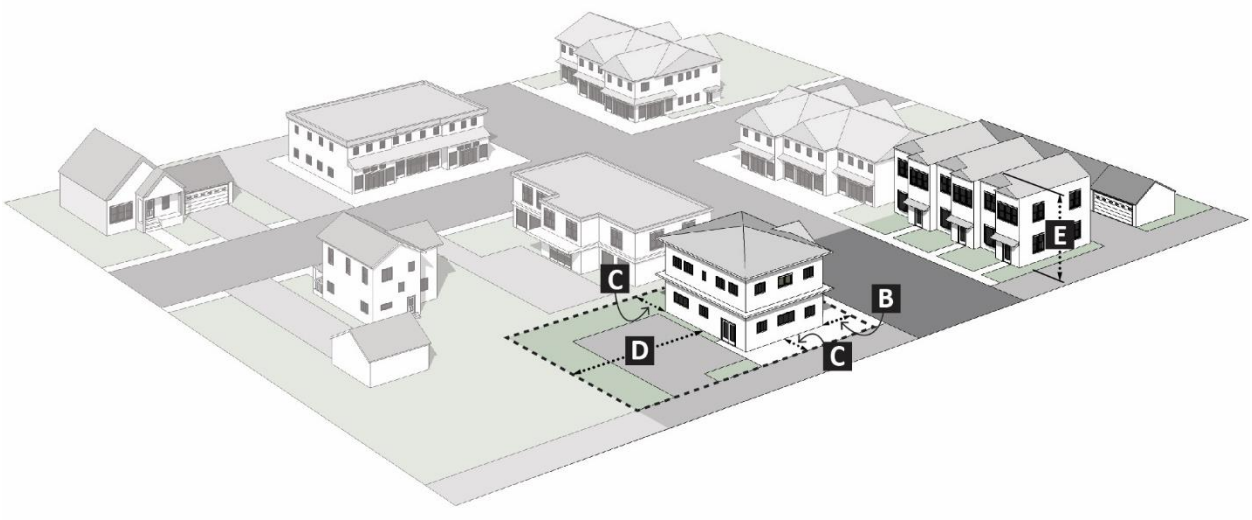
Table 2-4-4: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9

[41] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[42] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[43] Revised from 300 sq. ft. per City Council Floor Amendment C3.
[44] Added per City Council Amendment B12.

E	Building height, maximum	38 ft.[45]	55 ft.

Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-4(B)(1) District Standards

None.

[45] Revised from 35 ft. per City Council Amendment B2.

2-4(C) MIXED-USE – MEDIUM INTENSITY ZONE DISTRICT (MX-M)

2-4(C)(1) Purpose

The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Allowable uses are shown in Table 4-2-1.



2-4(C)(2) Use and Development Standards

Table 2-4-5: MX-M Zone District Dimensional Standards Summary
See Table 5-1-2 for complete Dimensional Standards

Development Location		General	UC-MS-PT
Site Standards			
A	Usable open space, minimum	≤1 BR: 225 sq. ft./unit[46] 2 BR: 285 sq. ft./unit[47] ≥3 BR: 350 sq. ft./unit[48]	50% reduction
Setback Standards			
B	Front, minimum / maximum	5 ft. / N/A	0 ft. / 15 ft.
C	Side, minimum / maximum	Interior: 0 ft.; Street side: 5 ft. / N/A	0 ft. / Street side: 15 ft.
D	Rear, minimum	15 ft.	Street or alley: 0 ft.[49]
Building Height			
E		48 ft.[50]	65 ft.

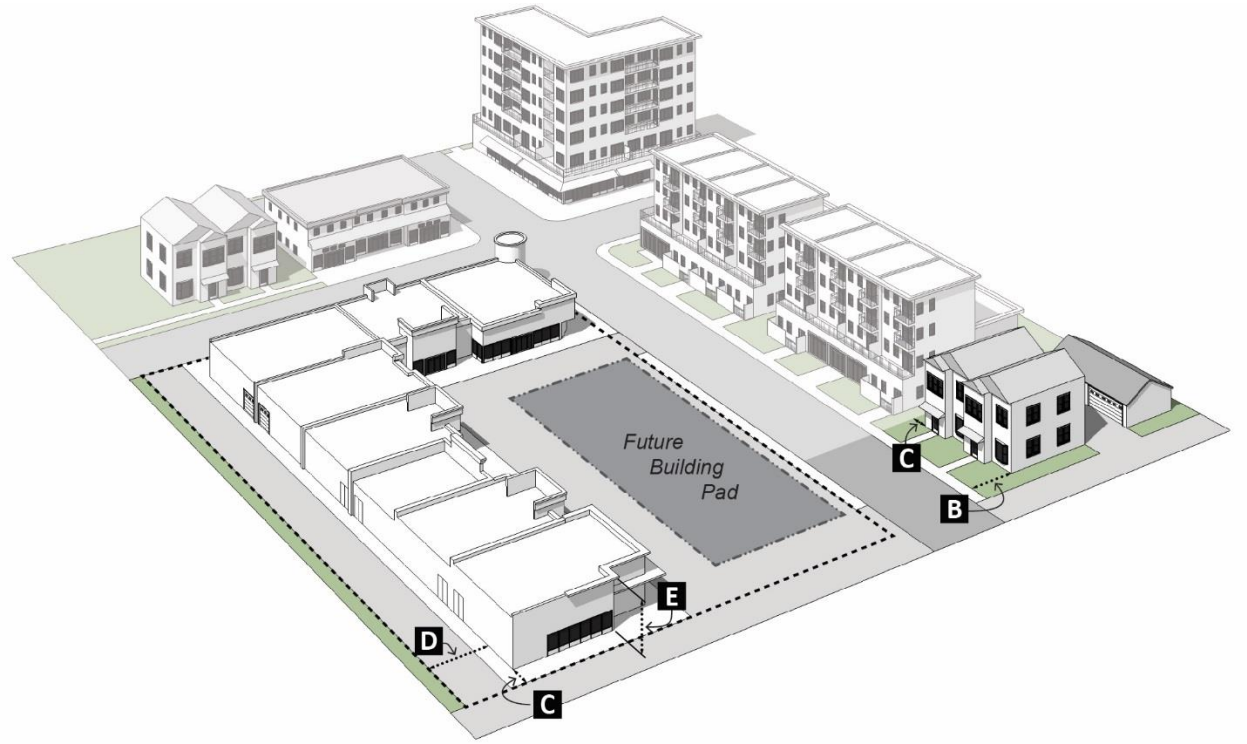
Table 2-4-6: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10

[46] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[47] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[48] Revised from 300 sq. ft. per City Council Floor Amendment C3.
[49] Added per City Council Amendment B12.
[50] Revised from 45 ft. per City Council Amendment B2.

	Building height, maximum	>100 ft. from all lot lines: N/A

Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-4(C)(3) District Standards

None.

2-4(D) MIXED-USE – HIGH INTENSITY ZONE DISTRICT (MX-H)

2-4(D)(1) Purpose

The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations. Allowable uses are shown in Table 4-2-1.



2-4(D)(2) Use and Development Standards

Table 2-4-7: MX-H Zone District Dimensional Standards Summary
See Table 5-1-2 for complete Dimensional Standards

Development Location		General	UC-MS-PT
Site Standards			
A	Usable open space, minimum	≤1 BR: 225 sq. ft./unit[51] 2 BR: 285 sq. ft./unit[52] ≥3 BR: 350 sq. ft./unit[53]	50% reduction
Setback Standards			
B	Front, minimum / maximum	5 ft. / N/A	0 ft. / 15 ft.
C	Side, minimum / maximum	Interior: 0 ft.; Street side: 5 ft. / N/A	0 ft. / Street side: 15 ft.
D	Rear, minimum	15 ft.	Street or alley: 0 ft.[54]
Building Height			

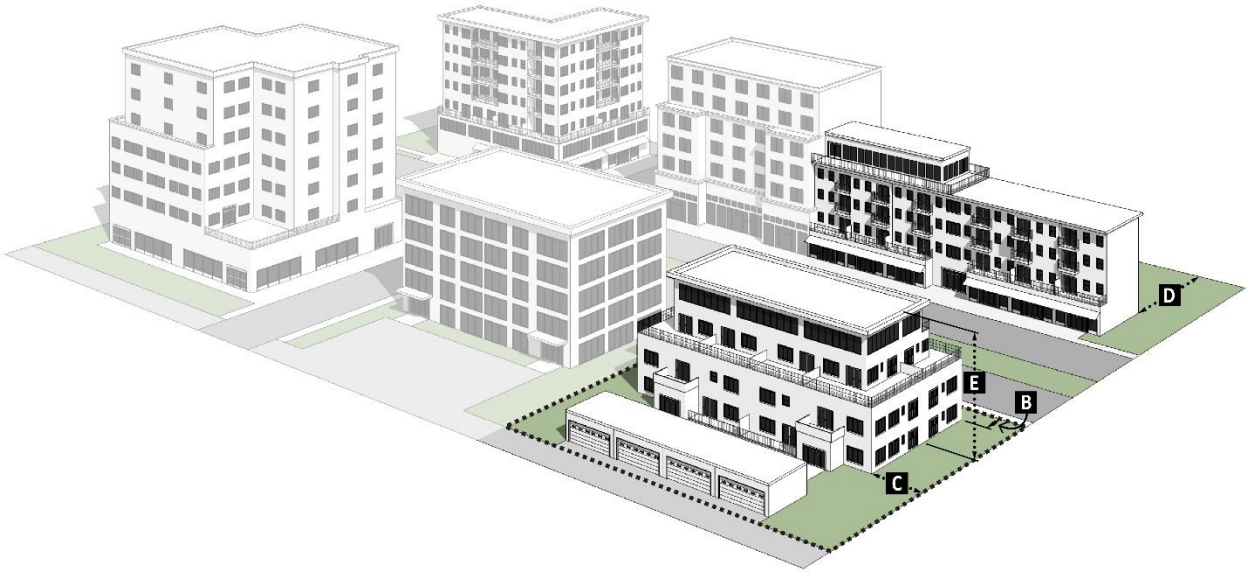
Table 2-4-8: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9

[51] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[52] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[53] Revised from 300 sq. ft. per City Council Floor Amendment C3.
[54] Added per City Council Amendment B12.

E	Building height, maximum	68 ft.[55]	75 ft.
		>100 ft. from all lot lines: N/A	

Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-4(D)(3) District Standards

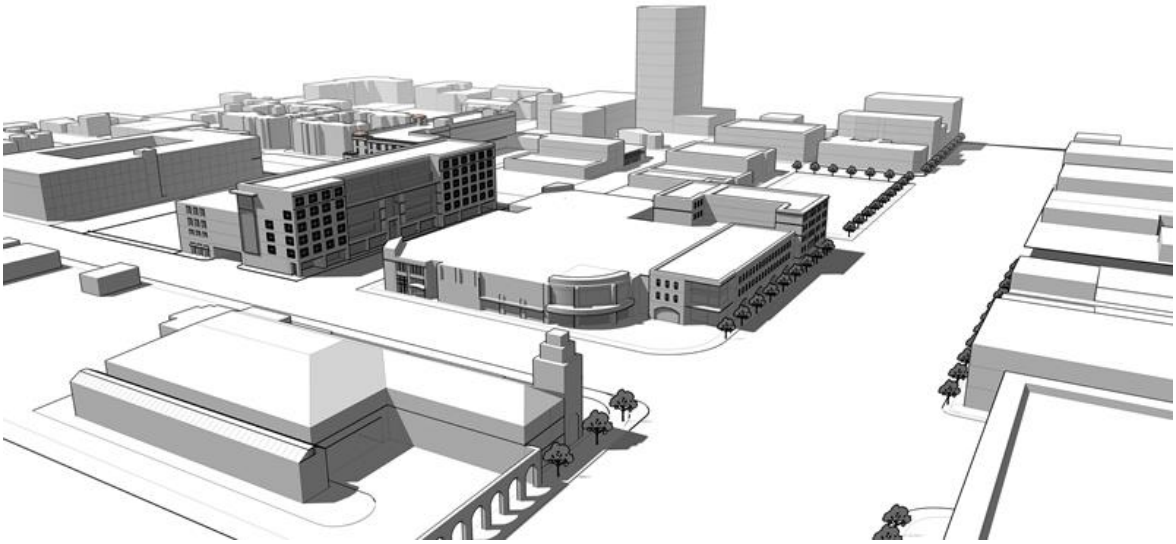
None.

[55] Revised from 65 ft. per City Council Amendment B2.

2-4(E) MIXED-USE – FORM-BASED ZONE DISTRICT (MX-FB)

2-4(E)(1) Purpose

The purpose of the MX-FB zone district is to allow a wide range of residential, commercial, and institutional uses subject to form-based zoning controls to ensure that the buildings they occupy establish or reinforce a well-defined urban character. Sub-zones within this zone district contain form-based controls tailored to the distinct character of each area where the district is applied. Allowable and prohibited uses are specified for each sub-zone in Subsection 14-16-2-4(E)(3)(c).





2-4(E)(2) Other Standards

Form-based controls in this Subsection 14-16-2-4(E) prevail over other IDO standards. Where this Subsection does not specify a different standard, applicable IDO standards in other Sections apply.

Table 2-4-9: Other Applicable IDO Sections	
Overlay Zones	Part 14-16-3
Allowable Uses[1]	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13
[1] Allowable Uses only apply in the FB-MX-ID sub-zone.	

2-4(E)(3) District Standards

2-4(E)(3)(a) Eligibility for Rezoning to MX-FB

A Site Plan – EPC that specifies site and development standards shall be reviewed and decided by the EPC in conjunction with review and decision of a zone change request pursuant to Subsection 14-16-6-7(G) (Zoning Map Amendment – EPC) or Subsection 14-16-6-7(H) (Zoning Map Amendment – Council).

2-4(E)(3)(b) Form-based Sub-zones

The MX-FB zone district includes the following 4 sub-zones, each of which has uses and development standards specified in this Subsection 14-16-2-4(E)(3).

1. Form-based Infill Development (MX-FB-ID)
   The purpose of the MX-FB-ID sub-zone is to encourage context-sensitive development on sites in developed areas along streets designated as collectors or arterials. The MX-FB-ID sub-zone provides opportunities to introduce neighborhood-scale uses to serve nearby residents.[56]
2. Form-based Flexible Development (MX-FB-FX)
   The purpose of the MX-FB-FX sub-zone is to support pedestrian-scale mixed-use development that is integral to an area designated as an Area of Change in the ABC Comp Plan, as amended.
3. Form-based Activity Center (MX-FB-AC)

[56] Revised per EPC Condition #1 (Tech Edits).

The purpose of the MX-FB-AC sub-zone is to provide community-scale non-residential and high-density residential development in areas designated as Activity Centers in the ABC Comp Plan, as amended. Buildings are generally smaller than in the MX-FB-UD sub-zone.

4. Form-based Urban Development (MX-FB-UD)
The purpose of the MX-FB-UD sub-zone is to allow a mix of high-density residential and high-intensity non-residential development in areas designated as Downtown or Urban Center in the ABC Comp Plan, as amended. The MX-FB-UD sub-zone is intended to create a compact, pedestrian-oriented urban form with uses that are served by and support transit.

2-4(E)(3)(c) Use Regulations

1. The allowable and prohibited land uses in each sub-zone are indicated in Table 2-4-10.
2. All allowable uses shall be conducted within a fully enclosed portion of a building, with the following exceptions:[57]
   a. Any use in the Telecommunications, Towers, and Utilities category in Table 4-2-1.
   b. Community garden.
   c. Farmers' market.
   d. Garden.
   e. Mobile vending cart.
   f. Mobile food truck.
   g. Outdoor dining area.
3. All allowable uses must follow any other applicable Use-specific Standards in Section 14-16-4-3.

Table 2-4-10: Allowable and Prohibited Uses in the MX-FB Sub-zones

	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Allowable Uses	Per MX-T allowable uses in Table 4-2-1, unless listed as prohibited	All uses unless listed as prohibited		
Prohibited Uses	Any use that requires NR-SU zoning			
	Adult Entertainment			
	Adult Retail			
	Paid Parking Lot			
	Heavy Manufacturing			
	Special Manufacturing			
	Drive-through or drive-up facility			

[57] Revised per EPC Condition #1 (Tech Edits).

2-4(E)(3)(d) Dimensional Standards

Table 2-4-11: Dimensional Standards in the MX-FB Sub-zones

Sub-zone	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Site Standards				
Usable open space, minimum[1][2]	15% UC-MS-PT: 50% reduction[58]	10%	5%	
Setback Standards				
Front, minimum	0 ft.			
Front, maximum	15 ft.	10 ft.	15 ft.	10 ft.
	60% of front property line width must be occupied by the primary building constructed within the required front setback area. On a corner lot, the required 60% must begin at the corner.			
Side, minimum	0 ft.			
Side, maximum	Interior: N/A Street side of corner lots: 15 ft.			Interior: N/A Street side of corner lots: 10 ft.
Rear, minimum	15 ft.	10 ft.	5 ft.	0 ft.
Building Height				
Building height, minimum	N/A			30 ft.
Ground floor height, minimum	10 ft.[59]			
Building height, maximum	<20 ft. from front property line: 35 ft.	<20 ft. from front property line: 45 ft.		
	≥20 ft. from front lot line: 55 ft.	≥20 ft. from front lot line: 65 ft.	≥20 ft. from front lot line: 75 ft.	≥20 ft. from front lot line: N/A
		UC-MS-PT: 12 ft. Structured Parking Bonus[3]		
		UC-MS-PT: 12 ft. Workforce Housing Bonus[3]		

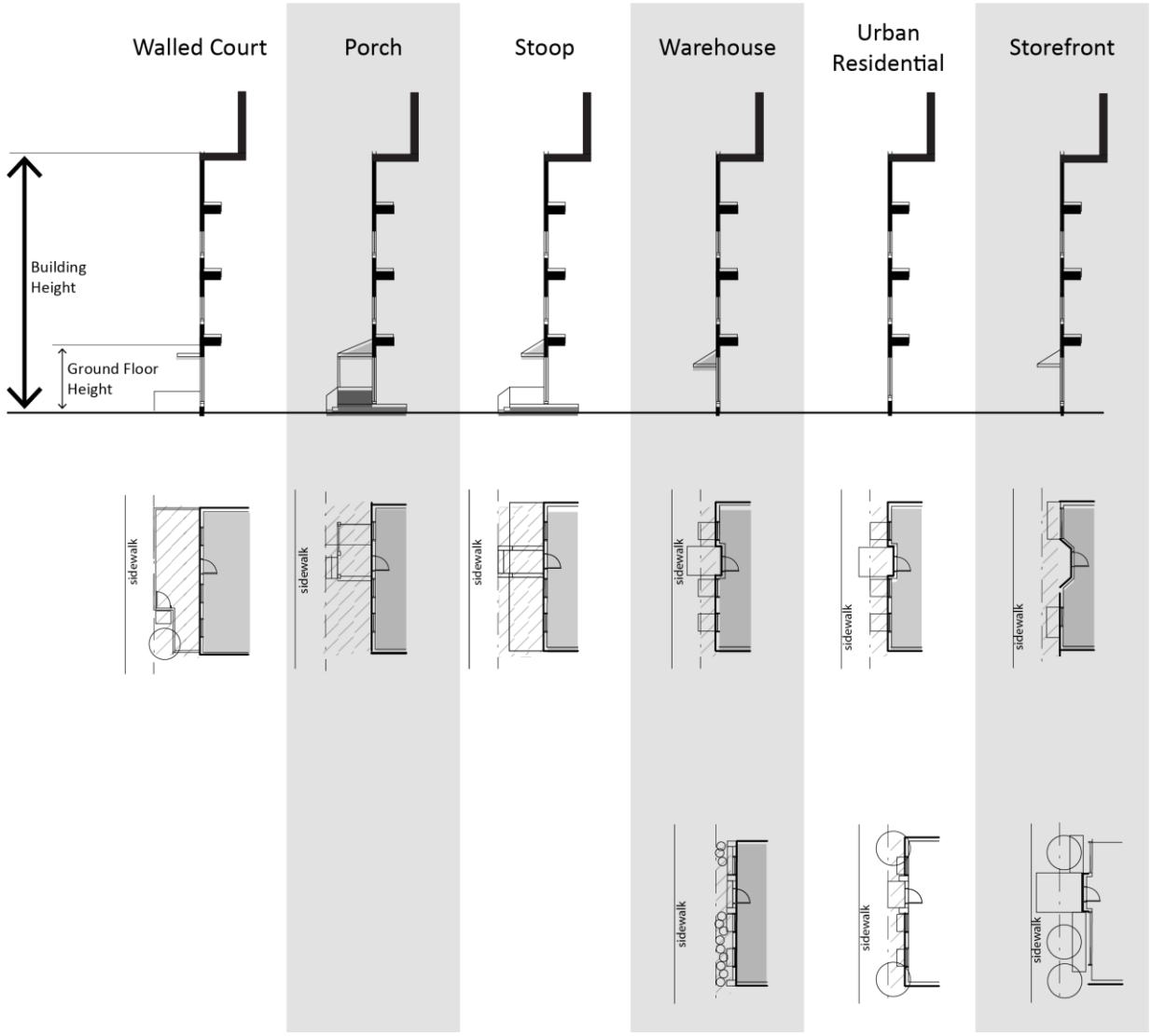
[1] For the MX-FB zone district only, usable open space is measured as a percentage of gross floor area of multi-family dwelling units.
[2] Usable open space is not required for properties located within 1,500 feet in any direction of any NR-PO-A or NR-PO-B sub-zone.[60]
[3] This bonus does not apply within 20 ft. of the front lot line.

2-4(E)(3)(e) Building Frontages

1. Building Frontage Types
   a. Each ground floor street-facing façade shall have at least 1 primary building frontage type pursuant to Table 2-4-12.
   b. All building frontage types may be combined.
   c. Forecourts, arcades, and walled courts are frontage types allowed in all sub-zones but only as accessory to a storefront, urban residential, or warehouse frontage.

[58] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #7.
[59] Revised from 12 ft. per City Council Amendment B8.
[60] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."

Table 2-4-12: Primary Building Frontage Types in the MX-FB Sub-zones				
Sub-zone	**MX-FB-ID**	**MX-FB-FX**	**MX-FB-AC**	**MX-FB-UD**
Frontage Type				
Porch	X	X		
Storefront	X	X	X	X
Stoop	X	X	X	X
Urban residential	X	X	X	X
Warehouse			X	X



2. Porches and Stoops
   a. A stoop shall be a minimum of 5 feet deep.
   b. A porch shall be a minimum of 5 feet deep and 8 feet wide.
   c. Ramps may be used in place of steps.

3. Arcades
   Arcades shall be a minimum of 8 feet wide and a minimum of 8 feet deep.

2-4(E)(3)(f) Façade Design

All buildings in an MX-FB sub-zone must meet all of the relevant provisions in this Subsection 14-16-2-4(E)(3)(f). These provisions are illustrated in the figure below.



1. Façade Articulation
   a. MX-FB-FX, MX-FB-AC, and MX-FB-UD Sub-zones
      i. Each ground floor street-facing façade shall incorporate variations in height, setback, or material at least every 20 to 50 feet of façade length.[61]
      ii. Each second floor and higher street-facing façade shall incorporate variations in height, setback, or material at least every 50 to 100 feet of façade length.[62]
   b. MX-ID Sub-zone
      i. Each street-facing façade shall incorporate variations in height, setback, or material at least every 20 to 50 feet of façade length.[63]
2. Shading
   a. Shading on street-facing façades is required in all MX-FB sub-zones, except where an urban residential frontage type is used.
   b. Shading elements may be portales, awnings, canopies, or overhangs and may project to within 2 feet of the curb with a minimum 8 foot vertical clearance.

[61] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".
[62] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".
[63] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".

c. In the MX-FB-ID, MX-FB-FX, and MX-FB-AC sub-zones, the minimum shading requirement shall be 75 percent of the building width.

d. In the MX-FB-UD sub-zone, the minimum shading requirement shall be 50 percent of the building width.

3. Windows and Doors

a. Ground Floor

i. For storefront building frontage types, any street-facing façade shall contain a minimum of 60 percent of its surfaces in transparent windows and/or doors with the lower edge of window sills no higher than 30 inches above the finished floor.

ii. For porch, stoop, urban residential, and warehouse frontage types, any street-facing façade shall contain a minimum of 40 percent of its surfaces in transparent windows and/or doors with the lower edge of window sills no higher than 30 inches above the finished floor.

iii. All buildings shall have at least 1 pedestrian entrance from a street-facing façade. This may be access to a lobby shared by individual tenants.

iv. Building entrances shall be recessed or extend a minimum of 1 foot from the front façade.

v. For buildings in which over 50 percent of the gross floor area of the ground floor is vacant, a Permit – Temporary Window Wrap may be granted pursuant to Subsection 14-16-6-5(E) for window wraps that meet the requirements of Subsection 14-16-5-11(E)(2)(b)2.c to temporarily obscure transparent windows and/or doors with opaque window wrap.[64]

b. Upper Floors[65]
Each second floor and higher façade facing a public street or alley shall contain a minimum of 30 percent of its surface in transparent windows and/or doors.[66]

4. Side and Rear Façades
Each side or rear façade of a primary building adjacent to a Residential or Mixed-use zone district shall have a similar level of façade articulation, materials, and detailing as required in Subsections 1 through 3 above.

2-4(E)(3)(g) Parking

1. Minimum Parking Requirements
The minimum off-street and bicycle parking requirements and parking types for the MX-FB sub-zones are indicated in Table

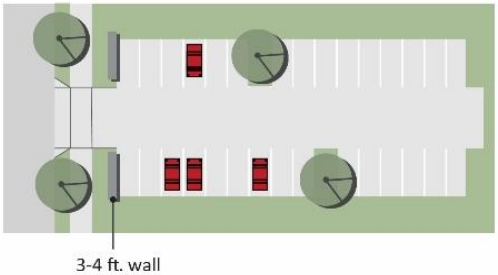
[64] Added per City Council Amendment B19.
[65] Deleted Subsection ii about window orientation per EPC Condition #1 (Tech Edits).
[66] Revised from 40% to 30% per EPC Condition #1 (Tech Edits).

2-4-13, except where off-street parking requirements are modified by Subsection 14-16-5-5(B)(2) (Exemptions and Reductions).

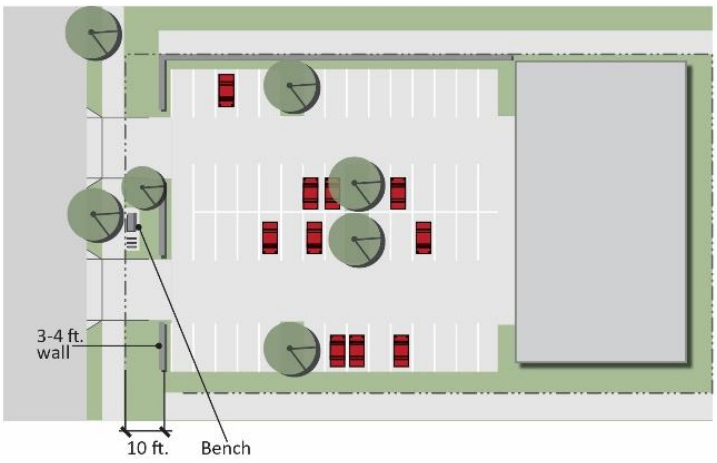
Table 2-4-13: Off-street and Bicycle Parking in the MX-FB Sub-zones

Sub-zone	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Off-street parking, minimum	1 space / 1,000 sq. ft. GFA		1 space / 1,500 sq. ft. GFA	N/A
Bicycle parking, minimum	5 spaces or 1 space / 2,000 sq. ft. GFA, whichever is greater			

2. Parking Lot Location and Design
   a. Parking lots may have 1 or multiple drive aisles.
   b. Parking lots must be located behind or to the side of any primary building on the site.
   c. Parking lots with multiple drive aisles must be set back at least 10 feet from any property line abutting a street.
   d. There is no required setback for parking lots with a single drive aisle.
3. Parking Lot Edges
   a. Parking lots shall have a wall at least 3 feet and no more than 4 feet high parallel to the street.
   b. For parking lots with 2 or more drive aisles, all of the following must be incorporated into the setback area required by Subsection 2.c above:
      i. The area must be landscaped pursuant to Subsection 14-16-5-6(F)(1)(i)2 (Side and Rear Lot Edges).
      ii. The required wall must be set back at least 10 feet from any property line abutting a street.
      iii. At least 1 bench shall be provided for every 300 square feet of parking lot setback area and shall be located near a required tree and between the required street wall and the street.

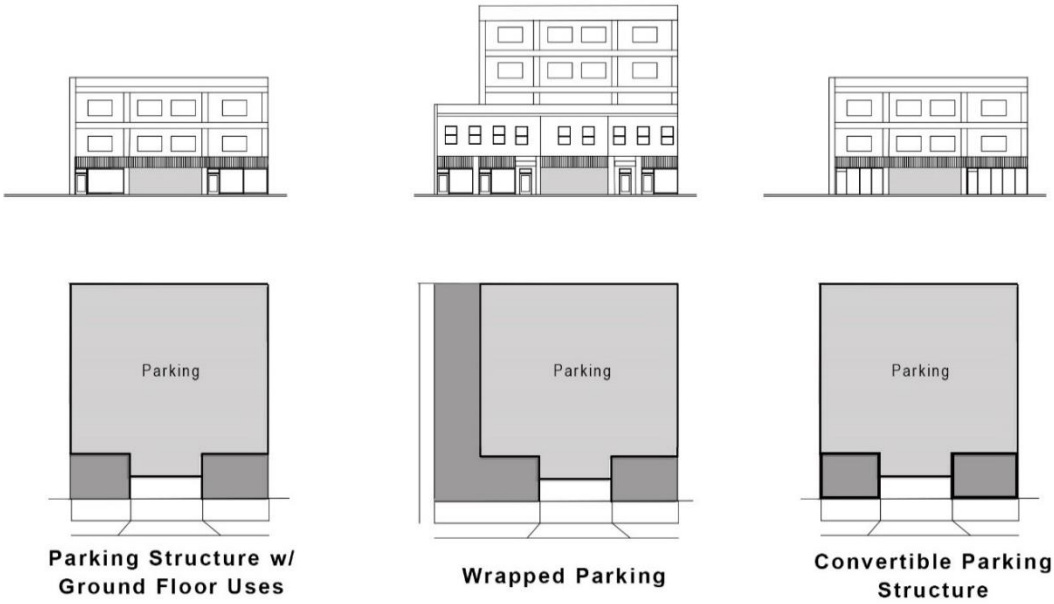


Parking Lot – Single Drive Aisle



Parking Lot – Multiple Drive Aisle

4. Structured and Wrapped Parking
   a. The following parking types are allowed in any MX-FB sub-zone, with requirements as noted. (See figure below.)



      i. Parking structure with ground floor uses
      ii. Wrapped parking
      iii. Convertible parking structure
      iv. Subterranean parking

   b. In addition to the provisions in Subsection 14-16-5-5(G) (Parking Structure Design), parking structures in any MX-FB zone district shall comply with all of the following provisions:
      i. Any ground floor street-facing façade shall be constructed using either a storefront or an urban residential building frontage type with pedestrian entrances spaced no more than 25 feet apart.
      ii. At street corners, at least 1 corner architectural element, including but not limited to a corner entrance, signage, and windows, shall be incorporated into the façade.

2-4(E)(3)(h) Landscaping

1. The minimum landscape area shall be as follows:
   a. MX-FB-ID sub-zone: 15 percent of the net lot area of each development.
   b. MX-FB-FX sub-zone: 10 percent of the net lot area of each development.
   c. MX-FB-AC and MX-FB-UD sub-zones: 5 percent of the net lot area of each development.

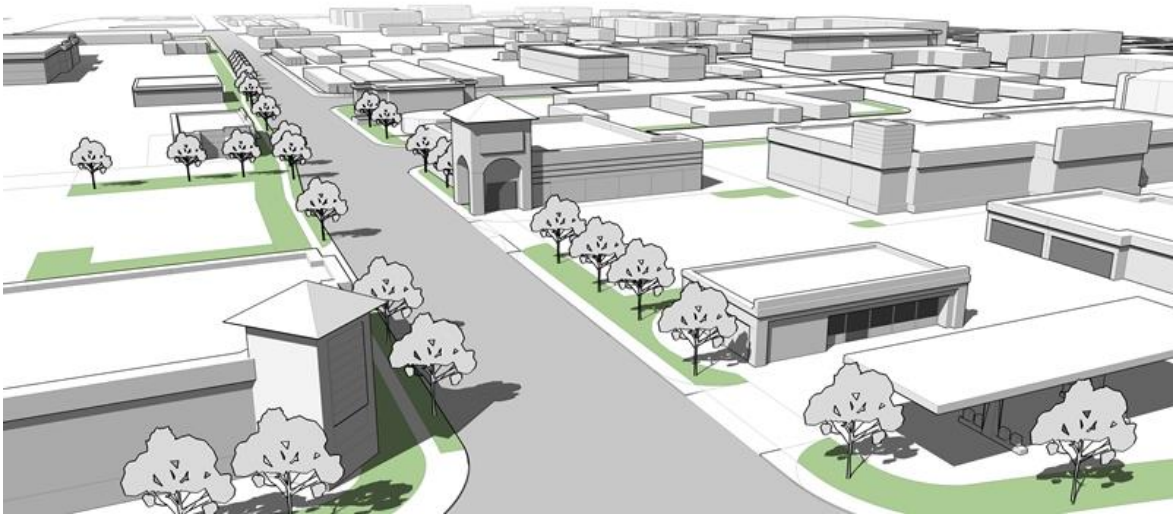
2. Street trees shall be provided pursuant to Subsection 14-16-5-6(D)(1) along all street frontages regardless of the street classification.

2-5 NON-RESIDENTIAL ZONE DISTRICTS

2-5(A) NON-RESIDENTIAL – COMMERCIAL ZONE DISTRICT (NR-C)

2-5(A)(1) Purpose

The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses. Allowable uses are shown in Table 4-2-1.



2-5(A)(2) Use and Development Standards

Table 2-5-1: NR-C Zone District Dimensional Standards Summary
See Table 5-1-3 for complete Dimensional Standards

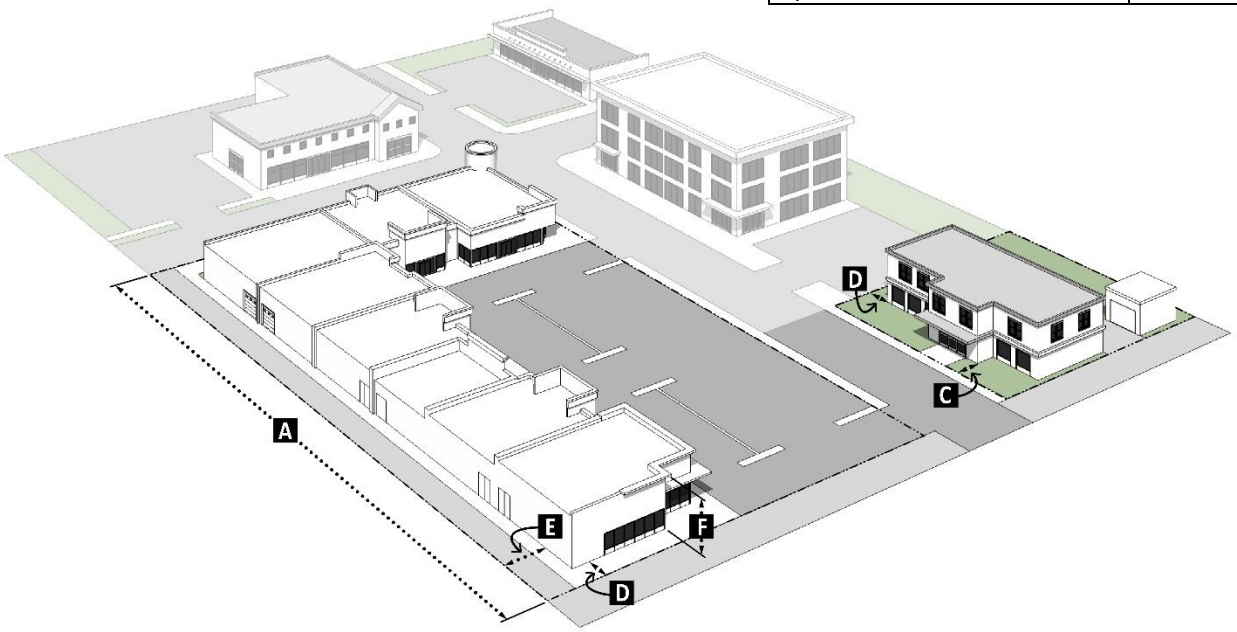
Development Location		General	UC-MS-PT
Site Standards			
A	Lot width, minimum	N/A	
B	Building coverage, maximum	N/A	
Setback Standards			
C	Front, minimum / maximum	5 ft. / N/A	0 ft. / 15 ft.
D	Side, minimum / maximum	O ft. / N/A	0 ft. / N/A interior; 15 ft. corner
E	Rear, minimum	0 ft.	15 ft.
Building Height			
F	Building height, maximum	38 ft.[67]	55 ft.
		>100 ft. from all lot lines: N/A	

Table 2-5-2: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11

[67] Revised from 35 ft. per City Council Amendment B2.

Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-5(A)(3) District Standards

None.

2-5(B) NON-RESIDENTIAL – BUSINESS PARK ZONE DISTRICT (NR-BP)

2-5(B)(1) Purpose

The purpose of the NR-BP zone district is to accommodate a wide range of non-residential uses in campus-like settings to buffer potential impacts on surrounding uses and adjacent areas. Allowable uses include a wide variety of office, commercial, research, light industrial, distribution, showroom, processing, and institutional uses. Allowable uses are shown in Table 4-2-1.



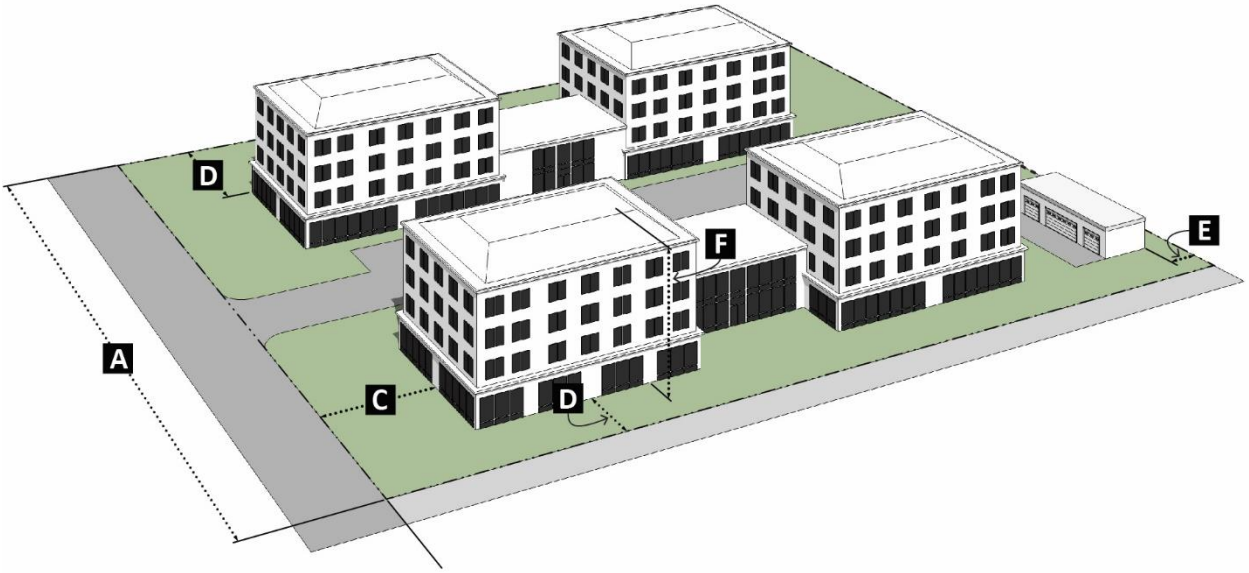
2-5(B)(2) Use and Development Standards

Table 2-5-3: NR-BP Zone District Dimensional Standards Summary
See Table 5-1-3 for complete Dimensional Standards

Site Standards		
A	Lot width, minimum	100 ft.
B	Building coverage, maximum	50%
Setback Standards		
C	Front, minimum	20 ft.
D	Side, minimum	10 ft.
E	Rear, minimum	10 ft.
Building Height		
F	Building height, maximum	65 ft. >100 ft. from front lot line: N/A

Table 2-5-4: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-5(B)(3) District Standards

2-5(B)(3)(a) Eligibility for Rezoning to NR-BP

1. The minimum total contiguous area eligible for an NR-BP zone designation is 20 acres.
2. Rezoning to the NR-BP zone district requires the approval of a Master Development Plan that furthers and implements applicable goals and policies of the ABC Comp Plan, as amended, and complies with all applicable requirements of the DPM. The Master Development Plan shall be submitted at the same time as the rezoning to the NR-BP zone district, and the requests shall be reviewed and decided as described in Subsections 14-16-6-6(F) (Master Development Plan) and 14-16-6-7(H) (Zoning Map Amendment – Council).

2-5(B)(3)(b) Allowable Uses

Allowable uses shall be per the NR-BP column in Table 4-2-1. Use-specific standards may be specified in the Master Development Plan as long they do not change the allowable uses in Table 4-2-1 and do not reduce requirements of any related Use-specific Standards in Section 14-16-4-3.

2-5(B)(3)(c) Development Standards

1. The Master Development Plan may specify development standards that apply to all lots and structures in the plan area in order to implement a coordinated and cohesive design for the project.
2. The site-specific standards in the Master Development Plan shall not conflict with or reduce other standards in this IDO, including those of any Overlay zone that applies to the site. In particular, the standards in the Master Development Plan may not reduce requirements in Section 14-16-5-9 (Neighborhood

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.[68]

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.[69]
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).[70]
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.
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).

[68] Added per EPC Condition #1 (Tech Edits).
[69] Added per EPC Condition #1 (Tech Edits).
[70] Added per EPC Condition #1 (Tech Edits).

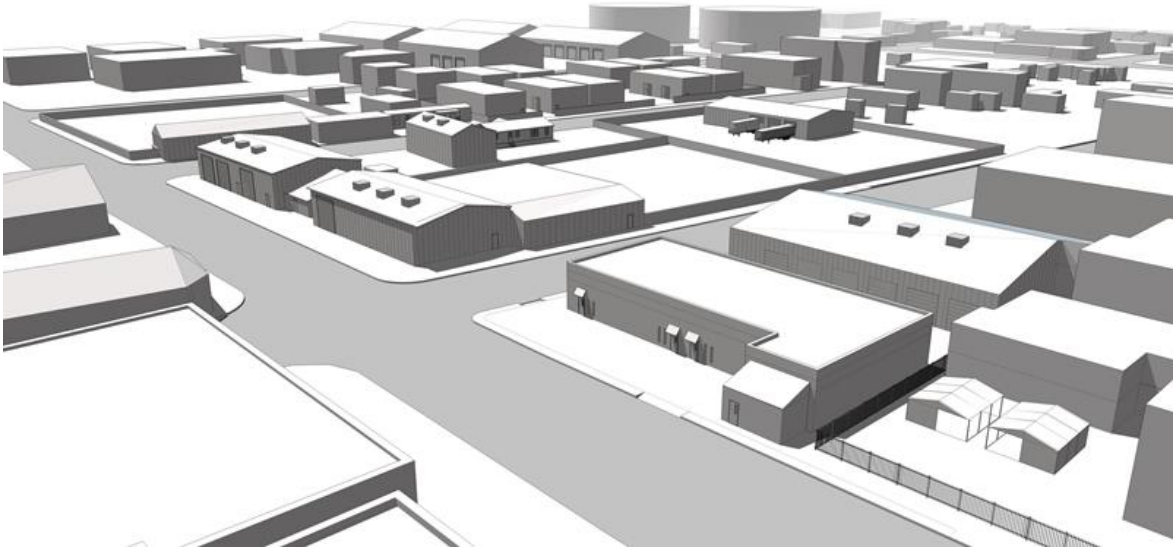
2-5(B)(3)(f) Master Development Plan Amendments

1. Master Development Plans may be amended by the procedures in Subsection 14-16-5-6-4(Y) (Amendments of Approvals) or Subsection 14-16-6-4(Z) (Amendments of Pre-IDO Approvals), as applicable.
2. See also Section 14-16-6-8 for Nonconformities.

2-5(C) NON-RESIDENTIAL – LIGHT MANUFACTURING ZONE DISTRICT (NR-LM)

2-5(C)(1) Purpose

The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and light manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses. Allowable uses are shown in Table 4-2-1.



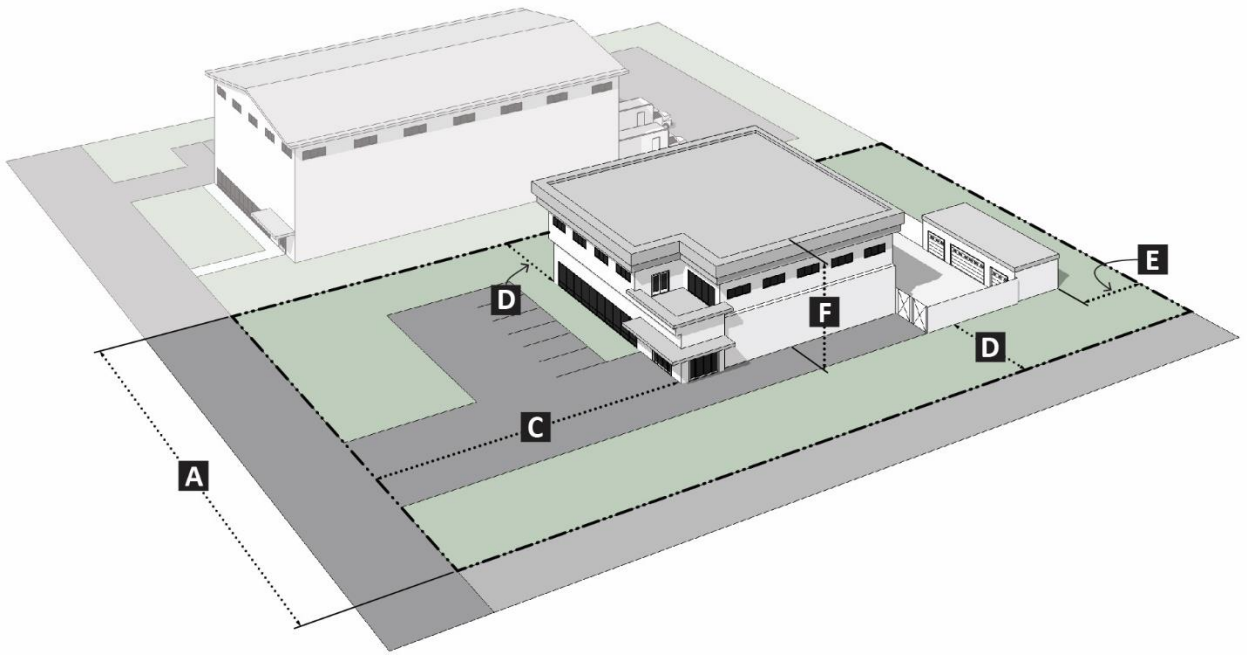
2-5(C)(2) Use and Development Standards

Table 2-5-5: NR-LM Zone District Dimensional Standards Summary
See Table 5-1-3 for complete Dimensional Standards

Site Standards		
A	Lot width, minimum	N/A
B	Building coverage, maximum	N/A
Setback Standards		
C	Front, minimum	5 ft.
D	Side, minimum	0 ft.
E	Rear, minimum	0 ft.
Building Height		
F	Building height, maximum	65 ft. >100 ft. from front lot line: N/A

Table 2-5-6: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



2-5(C)(3) District Standards

None.

2-5(D) NON-RESIDENTIAL – GENERAL MANUFACTURING ZONE DISTRICT (NR-GM)

2-5(D)(1) Purpose

The purpose of the NR-GM zone district is to accommodate a wide variety of industrial, manufacturing, and heavy commercial uses, particularly those with noise, glare, or heavy traffic impacts, in areas separated from Residential and Mixed-use areas and less intense, lighter impact businesses. Allowable uses are shown in Table 4-2-1.



2-5(D)(2) Use and Development Standards

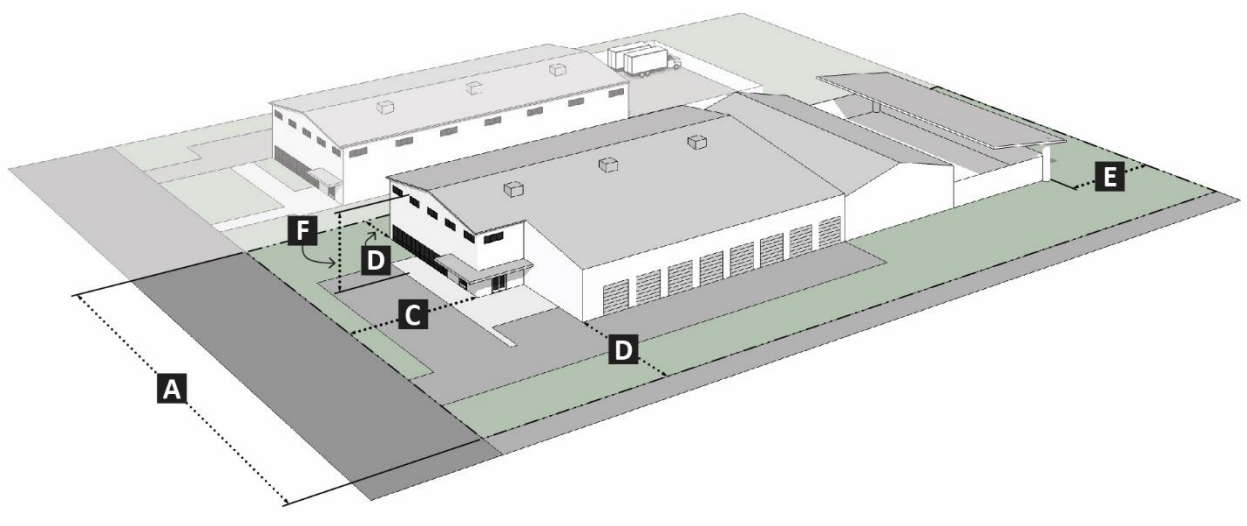
Table 2-5-7: NR-GM Zone District Dimensional Standards Summary

See Table 5-1-3 for complete Dimensional Standards

Site Standards		
A	Lot width, minimum	N/A
B	Building coverage, maximum	N/A
Setback Standards		
C	Front, minimum	5 ft.
D	Side, minimum	0 ft.
E	Rear, minimum	0 ft.
Building Height		
F	Building height, maximum	65 ft. >100 ft. from front lot line: N/A

Table 2-5-8: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13



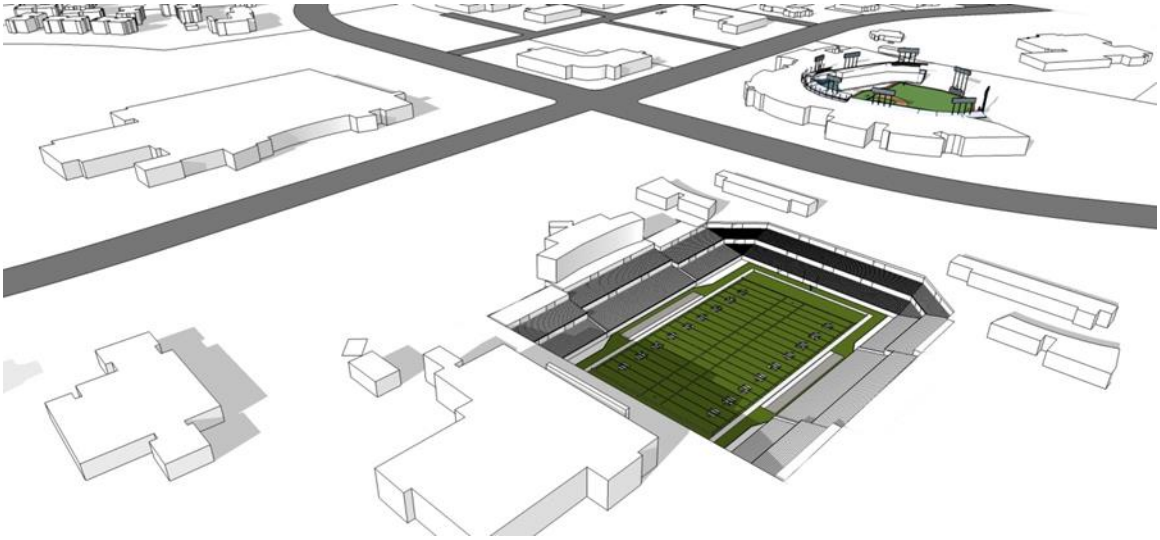
2-5(D)(3) District Standards

None.

2-5(E) NON-RESIDENTIAL – SENSITIVE USE ZONE DISTRICT (NR-SU)

2-5(E)(1) Purpose

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 zone districts and are shown in Table 4-2-1.



2-5(E)(2) Use and Development Standards

The following uses require an NR-SU zone district:

2-5(E)(2)(a) Airport
2-5(E)(2)(b) Campground or recreational vehicle park
2-5(E)(2)(c) Cemetery
2-5(E)(2)(d) Correctional facility
2-5(E)(2)(e) Crematorium
2-5(E)(2)(f) Fairgrounds
2-5(E)(2)(g) Fire or police station
2-5(E)(2)(h) Natural resource extraction
2-5(E)(2)(i) Solid waste convenience center
2-5(E)(2)(j) Stadium or racetrack
2-5(E)(2)(k) Waste and/or recycling transfer station

Table 2-5-9: Other Applicable IDO Sections[1]	
Overlay Zones	Part 14-16-3
Allowable Uses	As negotiated from among those listed in Section 14-16-4-2
Use-specific Standards	Section 14-16-4-3 unless varied in the NR-SU approval process
Dimensional Standards Tables and Exceptions	As applicable to the most similar use or district as shown in Section 14-16-5-1, unless different standards are approved in the NR-SU approval process
Site Design and Sensitive Lands	Section 14-16-5-2 unless varied in the NR-SU approval process
Access and Connectivity	Section 14-16-5-3 unless varied in the NR-SU approval process
Subdivision of Land	Section 14-16-5-4 unless varied in the NR-SU approval process
Parking and Loading	Section 14-16-5-5 unless varied in the NR-SU approval process
Landscaping, Buffering, and Screening	Section 14-16-5-6 unless varied in the NR-SU approval process
Walls and Fences	Section 14-16-5-7 unless varied in the NR-SU approval process
Outdoor and Site Lighting	Section 14-16-5-8 unless varied in the NR-SU approval process
Neighborhood Edges	Section 14-16-5-9 unless varied in the NR-SU approval process
Solar Acces	Section 14-16-5-10 unless varied in the NR-SU approval process
Building Design	Section 14-16-5-11 unless varied in the NR-SU approval process
Signs	Section 14-16-5-12 unless varied in the NR-SU approval process
Operation and Maintenance	Section 14-16-5-13 unless varied in the NR-SU approval process
[1] Some of the general controls in these sections may not apply to specific types of NR-SU zone districts or specific types of development if exempted by other provisions of this IDO.	

2-5(E)(3) District Standards

2-5(E)(3)(a) Eligibility for Rezoning to NR-SU

Rezoning to the NR-SU zone district require a Site Plan – EPC to be submitted that specifies uses, site standards, and development standards, reviewed and decided by the EPC in conjunction with review and decision of the zone change request pursuant to Subsection 14-16-6-7(G) (Zoning Map Amendment – EPC) or Subsection 14-16-6-7(H) (Zoning Map Amendment – Council), as applicable.

2-5(E)(3)(b) Allowable Uses

1. Uses that require a Zoning Map Amendment for NR-SU are not allowed in other zone districts. Allowable uses in the NR-SU zone district, including accessory uses, are listed in Table 4-2-1.
2. Additional uses may be approved as accessory uses if they are found to be compatible with the proposed primary sensitive use, pursuant to Subsection 14-16-4-1(A)(4)(b).[71]

2-5(E)(3)(c) Development Standards

Where the Site Plan is silent on any standard, IDO standards apply.

2-5(E)(3)(d) Provisions for Specific Areas

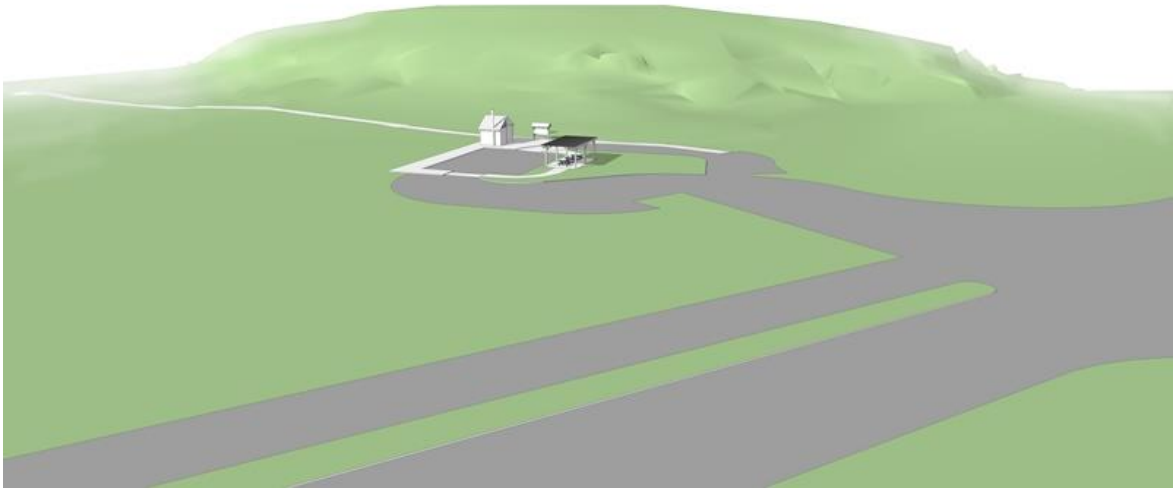
Approved Site Plans are on file at the City Planning Department.

[71] Sentence added per EPC Condition #1 (Tech Edits).

2-5(F) NON-RESIDENTIAL – PARK AND OPEN SPACE ZONE DISTRICT (NR-PO)

2-5(F)(1) Purpose

The purpose of the NR-PO zone district is to protect the natural character of designated private and public parks and open space for public recreation, use, and enjoyment. Primary uses are open space and related recreation facilities, picnic and other shelters, and service/maintenance facilities.



2-5(F)(2) Use and Development Standards

Dimensional standards in NR-PO sub-zones shall be determined in the approval of a Master Plan, Resource Management Plan, standards specified by the implementing Department, or standards specified in an approved Site Plan. Where the Master Plan, Resource Management Plan, or Site Plan is silent, standards in the following Subsections apply.

Table 2-5-10: Other Applicable IDO Sections[1]	
Allowable Uses	14-16-4-2
Use-specific Standards	14-16-4-3
Dimensional Standards	14-16-5-1
Site Design and Sensitive Lands	14-16-5-2
Access and Connectivity	14-16-5-3
Subdivision of Land	14-16-5-4
Parking and Loading	14-16-5-5
Landscaping, Buffering, and Screening	14-16-5-6
Walls and Fences	14-16-5-7
Outdoor and Site Lighting	14-16-5-8
Neighborhood Edges	14-16-5-9
Solar Acces	14-16-5-10
Building Design	14-16-5-11
Signs	14-16-5-12
Operation and Maintenance	14-16-5-13
[1] Some standards may not apply to NR-PO zone districts if exempted by other provisions of this IDO or as otherwise approved by the City Parks and Recreation Department.	

2-5(F)(3) District Standards

The NR-PO zone district includes the following 4 sub-zones, each of which has allowable uses and development standards specified in this IDO or a special approval as noted below.

2-5(F)(3)(a) Sub-zone A: City-owned or Managed Parks

1. Allowable uses other than those specified in Table 4-2-1 shall be reviewed and decided pursuant to Subsection 14-16-6-6(J) (Site Plan – EPC).
2. Development standards specified in a Master Plan approved or amended by the City Parks and Recreation Department for each facility prevail over IDO standards and may be reflected in Site Plans approved pursuant to this IDO.

2-5(F)(3)(b) Sub-zone B: Major Public Open Space

1. Uses and development standards specified in a Resource Management Plan or Master Plan approved or amended by the Open Space Division of the City Parks and Recreation Department for each facility or in the Facility Plan for Major Public Open Space prevail over IDO standards and may be reflected in Site Plans approved pursuant to this IDO.
2. For facilities without a Resource Management Plan or Master Plan, allowable uses other than those specified in Table 4-2-1 or the Facility Plan for Major Public Open Space may be approved pursuant to Subsection 14-16-6-6(J) (Site Plan – EPC).
3. Any Extraordinary Facility shall be reviewed and decided pursuant to Subsection 14-16-6-6(J) (Site Plan – EPC).

2-5(F)(3)(c) Sub-zone C: Non-City Parks and Open Space

Development standards may be specified in an approved Site Plan but may not conflict with or reduce other standards in this IDO, including those of an Overlay zone that applies to the site.

2-5(F)(3)(d) Sub-zone D: City BioPark

Uses and development standards specified in the BioPark Master Plan as approved or amended by the City Cultural Services Department apply.

2-6 PLANNED DEVELOPMENT ZONE DISTRICTS

2-6(A) PLANNED DEVELOPMENT ZONE DISTRICT (PD)

2-6(A)(1) Purpose

The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 4-2-1.

2-6(A)(2) Other Standards

Table 2-6-1: Other Applicable IDO Sections	
Overlay Zones	Part 14-16-3
Allowable Uses	As negotiated from among those listed in Section 14-16-4-2
Use-specific Standards	Section 14-16-4-3 unless varied in the PD approval process
Dimensional Standards Tables and Exceptions	As applicable to the most similar use or district as shown in Section 14-16-5-1, unless different standards are approved in the PD approval process
Site Design and Sensitive Lands	Section 14-16-5-2 unless varied in the PD approval process
Access and Connectivity	Section 14-16-5-3 unless varied in the PD approval process
Subdivision of Land	Section 14-16-5-4 unless varied in the PD approval process
Parking and Loading	Section 14-16-5-5 unless varied in the PD approval process
Landscaping, Buffering, and Screening	Section 14-16-5-6 unless varied in the PD approval process
Walls and Fences	Section 14-16-5-7 unless varied in the PD approval process
Outdoor and Site Lighting	Section 14-16-5-8 unless varied in the PD approval process
Neighborhood Edges	Section 14-16-5-9 unless varied in the PD approval process
Solar Acces	Section 14-16-5-10 unless varied in the PD approval process
Building Design	Section 14-16-5-11 unless varied in the PD approval process
Signs	Section 14-16-5-12 unless varied in the PD approval process
Operation and Maintenance	Section 14-16-5-13 unless varied in the PD approval process

2-6(A)(3) Eligibility for Rezoning to PD

2-6(A)(3)(a) A PD zone district must contain at least 2 but less than 20 contiguous acres of land.

2-6(A)(3)(b) A Site Plan – EPC that specifies uses, site standards, and development standards shall be reviewed and decided in conjunction with the review and decision of the zone change request pursuant to Subsection 14-16-6-7(G) (Zoning Map Amendment – EPC) or Subsection 14-16-6-7(H) (Zoning Map Amendment – Council), as applicable.[72]

2-6(A)(3)(c) A PD zone district will not be accepted or approved for any proposed development that could be achieved in substantially the

[72] Revised per EPC Condition #1 (Tech Edits).

same form through the use of one or more zone districts and/or Overlay zones.

2-6(A)(4) Allowable Uses

2-6(A)(4)(a) A PD zone district may contain any combination of uses listed in Table 4-2-1, except those that require NR-SU zoning, for all or part of the PD zone district, provided that those uses do not create significant adverse impacts on nearby existing neighborhoods, City parks or trails, or Major Public Open Space.

2-6(A)(4)(b) All allowable uses are subject to the Use-specific Standards listed for that use in Section 14-16-4-3 unless modified by the Site Plan – EPC associated with the PD zone district approval.

2-6(A)(5) Single-family Development[73]

For PD zone districts that show a clear pattern of single-family residential platting or land use based on a pre-IDO approval, the property owner may apply for a Site Plan – Administrative pursuant to Subsection 14-16-6-5(G) for low-density residential development that maintains the pattern of development in the surrounding subdivision.

2-6(A)(6) Development and Form Standards

2-6(A)(6)(a) All development in the PD zone district shall be subject to the provisions of Part 14-16-5 (Development Standards) for the type of use or structures in the approved Planned Development, unless those standards are modified by the Site Plan – EPC associated with the PD zone district approval.

2-6(A)(6)(b) A PD zone district approval may not reduce requirements in Section 14-16-5-9 (Neighborhood Edges) designed to protect abutting properties from potential adverse impacts of development.

2-6(A)(6)(c) A PD zone district approval may not reduce requirements in Subsection 14-16-5-2(J) (Major Public Open Space Edges) designed to protect Major Public Open Space properties from potential adverse impacts of development.

2-6(A)(7) Provisions for Specific Areas

Specific provisions and regulations applicable to each approved PD zone district are on file at the City Planning Department.

[73] Added per EPC Condition #1 (Tech Edits) to replace May 29, 2018 ZEO memo.

2-6(B) PLANNED COMMUNITY ZONE DISTRICT (PC)

2-6(B)(1) Purpose

The purpose of the PC zone district is to accommodate innovative, very large-scale residential or mixed-use communities that cannot be accommodated through the use of other zone districts, provided that those projects are consistent with the ABC Comp Plan, as amended, and include significant public benefits that would not otherwise be required of the applicant. Because of their size, projects in this zone district will include construction of new and expanded transportation networks and infrastructure. This growth may require additional analysis and resulting measures to mitigate impact on the surrounding community. This zone district is applied on a case-by-case basis to reflect a new or existing negotiated agreement with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 4-2-1.

2-6(B)(2) Dimensional and Other Standards

Table 2-6-2: Other Applicable IDO Sections	
Overlay Zones	Part 14-16-3
Allowable Uses	As negotiated from among those listed in Section 14-16-4-2
Use-specific Standards	Section 14-16-4-3 unless varied in the PC approval process
Dimensional Standards Tables and Exceptions	As applicable to the most similar use or district as shown in Section 14-16-5-1, unless different standards are approved in the PC approval process
Site Design and Sensitive Lands	Section 14-16-5-2 unless varied in the PC approval process
Access and Connectivity	Section 14-16-5-3 unless varied in the PC approval process
Subdivision of Land	Section 14-16-5-4 unless varied in the PC approval process
Parking and Loading	Section 14-16-5-5 unless varied in the PC approval process
Landscaping, Buffering, and Screening	Section 14-16-5-6 unless varied in the PC approval process
Walls and Fences	Section 14-16-5-7 unless varied in the PC approval process
Outdoor and Site Lighting	Section 14-16-5-8 unless varied in the PC approval process
Neighborhood Edges	Section 14-16-5-9 unless varied in the PC approval process
Solar Acces	Section 14-16-5-10 unless varied in the PC approval process
Building Design	Section 14-16-5-11 unless varied in the PC approval process
Signs	Section 14-16-5-12 unless varied in the PC approval process
Operation and Maintenance	Section 14-16-5-13 unless varied in the PC approval process

2-6(B)(3) Eligibility for Rezoning to PC

2-6(B)(3)(a) Each PC zone district must contain at least 100 contiguous acres of land or more than 500 single-family, two-family, or townhouse dwelling units. Each proposed development meeting or exceeding these thresholds, considering all proposed phases of development, shall be required to obtain approval through the PC zone district process in Subsection 14-16-6-7(H)(1) (Zoning Map Amendment – Council).

2-6(B)(3)(b) Rezoning to a PC zone district requires the preparation of a Framework Plan that furthers and implements applicable goals and policies of the ABC Comp Plan and complies with all applicable requirements of the DPM.

1. The Framework Plan shall indicate proposed zoning on platted lots or lots proposed to be platted or general proposed land uses and development densities/intensities for subsequent phases where platting is yet to be decided.
2. The Framework Plan shall indicate general circulation and mobility routes for various travel modes and general locations of open space.
3. The Framework Plan shall be submitted, reviewed, and decided at the same time and via the same process as the rezoning to the PC zone district, as described in Subsection 14-16-6-7(H)(1) (Zoning Map Amendment – Council). All later permits and approvals for the property under this IDO shall be consistent with the approved Framework Plan, as amended.

2-6(B)(3)(c) The City Council may require a Development Agreement to outline the phasing of development, to assign financial, operations, and management responsibilities over time via infrastructure/service agreements, to identify any public incentives or agreements between the City and the applicant/developer, and to address any other items deemed appropriate to ensure an efficient, self-sufficient community and to prevent net expense to the City.

2-6(B)(4) Allowable Uses

2-6(B)(4)(a) A PC zone may contain any of the uses listed in Table 4-2-1, except those that require NR-SU zoning, for all or part of the PC zone district, provided that those uses do not create significant adverse impacts on nearby existing neighborhoods, City parks or trails, or Major Public Open Space.

2-6(B)(4)(b) All allowable uses in the PC zone district are subject to the applicable Use-specific Standards listed for that use in Section 14-16-4-3 unless modified by the Framework Plan associated with the PC zone district approval.

2-6(B)(5) Development and Form Standards

2-6(B)(5)(a) General

1. All development in the PC zone district is subject to the provisions of Part 14-16-5 (Development Standards) for the type of use or structures in the approved Planned Community, unless those standards are modified by the Framework Plan associated with the PC zone district approval.
2. Subsection 14-16-1-10(A)(2) (Pre-IDO Approvals) applies to all properties that converted from a Special Use zone to the PC zone district through the adoption of this IDO.

2-6(B)(5)(b) Avoidance of Sensitive Lands

1. Each Planned Community shall be organized to protect or enhance the following types of natural resources and features, by including such areas in common landscaped areas or

dedicated open space or by mitigating the impacts of construction on these features to the maximum extent feasible.

a. Drainage channels, arroyos, and streams (in addition to floodplains).
b. Historic or archeological sites designated as significant by the State.
c. Significant views of the Sandia Mountains or Petroglyph National Monument from high points or public places.
d. Riparian wildlife habitat areas and corridors designated as significant by the State.
e. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rock falls, or expansive soils.

2. Lands that show evidence of slope instability, landslides, avalanche, flooding, or other natural or manmade hazards shall not be included in platted lots.
3. New structures intended for human occupancy are prohibited within 100 feet in any direction of any perennial stream, public lake, reservoir, or element of a public water supply system unless the City Engineer determines that a smaller setback would adequately protect water quality and wildlife habitat.[74]
4. Natural features to be protected shall be identified in a site analysis as part of a Framework Plan or with any Site Plan or plat when a Framework Plan is not required.

2-6(B)(5)(c) Adequate Water Supply

An application for a Planned Community shall not be processed unless accompanied by written documentation from the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) that adequate water is available to serve the development, based on known water supplies owned or controlled by the ABCWUA or the applicant, without creating adverse impacts on the cost, quality, or availability of water for existing residents of the city and the area served by the ABCWUA.

2-6(B)(5)(d) Mix of Uses and Housing Types

1. Each phase of a Planned Community shall include at least 10 percent of the land area for non-residential uses.
2. No phase of a Planned Community may develop more than 80 percent of the land area designated for residential or mixed-use development as single-family detached dwellings.
3. Parks shall be provided at a rate of 2 acres of park land for every 500 dwelling units designated NR-PO-C, which requires

[74] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."

parks to be built to City standards and designed as acceptable 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 Facility Plan for Major Public Open Space, the Facility Plan for Arroyos, and the 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 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[75]

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.

[75] Added per EPC Condition #1 (Tech Edits).

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Part 14-16-3 Overlay Zones[76]

3-1 OVERLAY ZONES ESTABLISHED

3-1(A) The Overlay zones listed in Sections 14-16-3-2 through 14-16-3-6 are hereby created. These Overlay zones shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the City Planning Department and available on the City of Albuquerque website.

3-1(B) These Overlay zones supplement, but do not replace, the underlying zone districts listed in Part 14-16-2 (Zone Districts). In the case of a conflict between the provisions of a zone district and the provisions of an Overlay zone, the provisions of the Overlay zone shall prevail. Where multiple Overlay zones apply to a property, development must comply with all relevant provisions. Where an Overlay zone is silent, IDO requirements apply.

3-2 OVERLAY ZONE SUMMARY TABLE

Table 3-2-1 shows the City of Albuquerque's previous overlays in relation to IDO Overlay zones.

Table 3-2-1: Summary Table of Overlay Zones

Previous Zone or Overlay		IDO Overlay Zone	
Airport Protection		**Airport Protection Overlay Zones**	
AP-1	Airport Protection	APO	Airport Protection Overlay
AP-2	Airport Protection		
Design and Urban Conservation Overlay Zones		**Character Protection Overlay Zones**	
DOZ	Design Overlay Zone	CPO-1	Barelas
		CPO-2	Coors Boulevard
		CPO-3	Downtown Neighborhood Area
		CPO-4	East Downtown
		CPO-5	High Desert
		CPO-6	Los Duranes
SDP	Sector Development Plan	CPO-7	Martineztown/Santa Barbara
		CPO-8	Nob Hill/Highland
UCOZ	Urban Conservation Overlay Zone	CPO-9	North 4th
		CPO-10	North I-25
		CPO-11	Rio Grande Boulevard
		CPO-12	Sawmill/Wells Park
		CPO-13	Volcano Mesa
Historic Zones and Overlays		**Historic Protection Overlay Zones**	
H-1	Historic Old Town Zone	HPO-5	Old Town
HOZ	Historic Overlay Zones	HPO-1	East Downtown
		HPO-2	Eighth and Forrester
		HPO-3	Fourth Ward
		HPO-4	Huning Highland
		HPO-6	Silver Hill
View Protection Regulations		**View Protection Overlay Zones**	
DOZ	Design Overlay Zone	VPO-1	Coors Boulevard

[76] EPC Condition #1 (Tech Edits) recommended revisions to several Overlay Zones. EPC Condition #8 removed this recommendation from the Tech Edits as such revisions requirequasi-judicial review and cannot be included in this legislative update process.

Table 3-2-1: Summary Table of Overlay Zones			
Previous Zone or Overlay		**IDO Overlay Zone**	
SDP	Sector Development Plan	VPO-2	Northwest Mesa Escarpment

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3-3 AIRPORT PROTECTION OVERLAY ZONE

3-3(A) PURPOSE

The purpose of the Airport Protection Overlay (APO) zone is to require that land use and development at or around public airport facilities comply with the regulations of the Federal Aviation Administration (FAA) that protect the public from noise, vibration, and hazard impacts of airport operations and that protect the safety of aircraft operators.

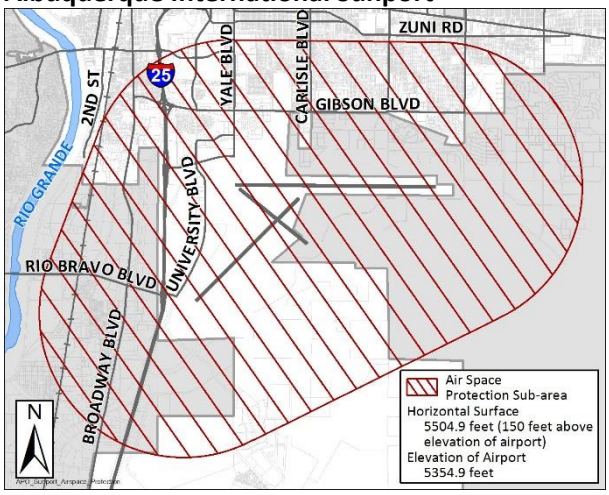
3-3(B) APPLICABILITY

The standards in this Section 14-16-3-3 apply to the Albuquerque International Sunport and Double Eagle II Airport and other properties in all zone districts within the following sub-areas of the APO zone, which are mapped and briefly described below. These sub-areas correspond to FAA "zones" and/or "surfaces" and are detailed separately by the FAA.

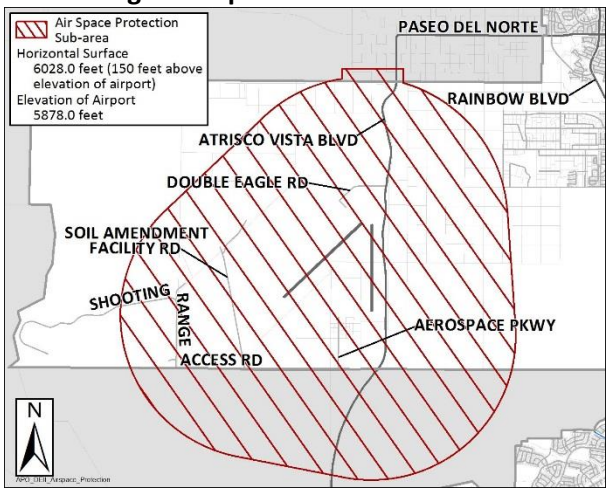
3-3(B)(1) Air Space Protection Sub-area

This sub-area underlies a Horizontal Surface established at a height of 150 feet above the highest point of the usable landing area at each airport, resulting in a Horizontal Surface at 5,504.9 feet in elevation for the Albuquerque International Sunport and at 6,028.0 feet in elevation for the Double Eagle II Airport.

3-3(B)(1)(a) Albuquerque International Sunport



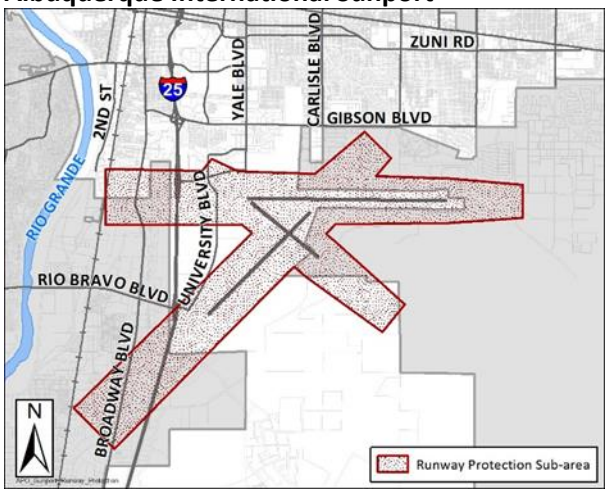
3-3(B)(1)(b) Double Eagle II Airport



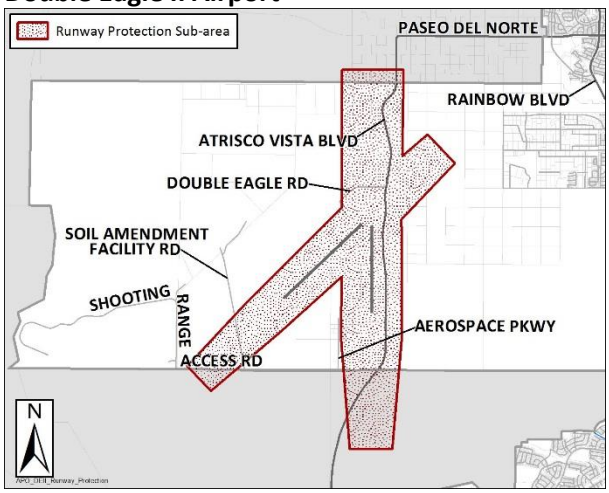
3-3(B)(2) Runway Protection Sub-area

This sub-area includes the runways, adjacent Approach Surfaces, and trapezoidal flares at the end of each runway.

3-3(B)(2)(a) Albuquerque International Sunport



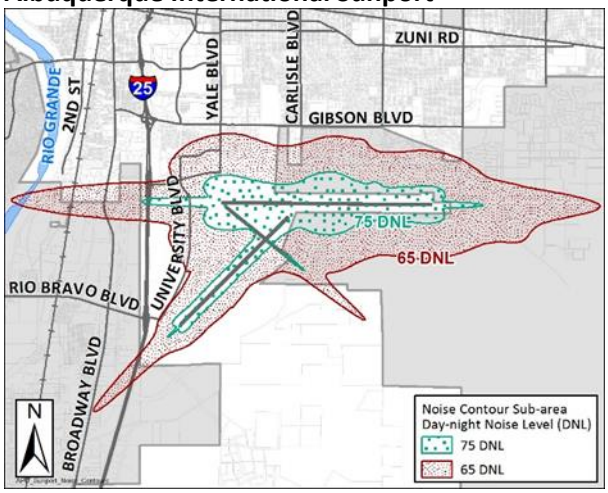
3-3(B)(2)(b) Double Eagle II Airport



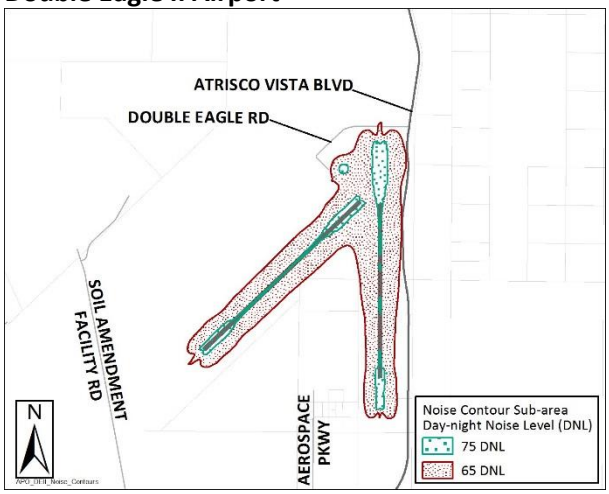
3-3(B)(3) Noise Contour Sub-area

This irregularly shaped sub-area reflects the intermittent noise levels that are expected in each airport area, based on averaged ambient conditions and existing and projected aircraft operations (landings and takeoffs). The effect of noise generated by any other specific land use is not reflected. The sub-area is bounded by the 65 Day-night Noise Level (DNL) contour and includes the 75 DNL contour, as calculated by the FAA Integrated Noise Model.

3-3(B)(3)(a) Albuquerque International Sunport



3-3(B)(3)(b) Double Eagle II Airport



3-3(C) USE REGULATIONS

3-3(C)(1) Air Space and Runway Protection Sub-areas

The following uses and activities are prohibited within the Air Space and Runway Protection Sub-areas:

3-3(C)(1)(a) Rifle range, public or private (see other outdoor entertainment in Table 4-2-1).

3-3(C)(1)(b) Private airport or helipad aircraft landing fields that would interfere with the safe use by aircraft of the Double Eagle II Airport or Albuquerque International Sunport as determined by the City Aviation Department.

3-3(C)(1)(c) Hot air balloon takeoff/landing (see Table 4-2-1).

3-3(C)(1)(d) Flying of kites.

3-3(C)(1)(e) Any primary, accessory, or temporary use that creates electrical interference with radio communication between the airport and aircraft, or that creates any interference with radar transmissions or with reception between aircraft and any radar installation or

between any radar installation and the airport, as determined by the City Aviation Department.

3-3(C)(1)(f) Any primary, accessory, or temporary use that makes it difficult for flyers to distinguish between airport lights and others, results in glare in the eyes of flyers using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking-off, or maneuvering of aircraft as determined by the City Aviation Department.

3-3(C)(1)(g) Any primary, accessory, or temporary use that produces smoke, fumes, gasses, or odors that would interfere with the safe use by aircraft of the Double Eagle II Airport or Albuquerque International Sunport, as determined by the City Aviation Department.

3-3(C)(2) Noise Contour Sub-area

The permissive uses in the Noise Contour Sub-area are as listed in Table 3-3-1 and Table 3-3-2, unless prohibited or more restricted in Subsection 14-16-3-3(C)(1) above or by the zone district.

3-3(C)(2)(a) 75 DNL contour of the Noise Contour Sub-area

Table 3-3-1: Permissive Uses within the 75 DNL Contour of the APO Noise Contour Sub-area

Uses	APO Use-specific Standard[1]
Primary Uses	
General agriculture	
Parks and open space	Open space only
Paid parking lot	
Airport	Private airport runways or taxiways only
Park-and-ride lot	
Natural resource extraction	Mining only
Accessory Uses	
Animal keeping	
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	
Parking of non-commercial vehicle	
Parking of recreational vehicle, boat, and/or recreational trailer	
Temporary Uses	
Park-and-ride facility, temporary	

[1] In addition to any Use-specific Standards referenced in Table 4-2-1.

3-3(C)(2)(b) 65 DNL and 75 DNL contours of the Noise Contour Sub-area

Table 3-3-2: Permissive Uses between the 65 DNL and 75 DNL contours of the APO Noise Contour Sub-area

Uses	APO Use-specific Standard[1]
Primary Uses	
Cemetery	
Parks and open space	Open space only
COMMERCIAL USES[2]	
AGRICULTURE AND ANIMAL-RELATED[2]	

Table 3-3-2: Permissive Uses between the 65 DNL and 75 DNL contours of the APO Noise Contour Sub-area

Uses	APO Use-specific Standard[1]
FOOD, BEVERAGE AND INDOOR ENTERTAINMENT[2]	
Hotel or motel	Construction shall provide 10 decibels extra noise reduction over the industry average for similar structures. The establishment shall have airport hazard insurance.
MOTOR VEHICLE-RELATED[2]	
OFFICES AND SERVICES[3]	
RETAIL SALES[2]	
Airport	Private airport runways or taxiways only
Other TRANSPORTATION[2]	
Natural Resource Extraction	Mining only
Other MANUFACTURING, FABRICATION, AND ASSEMBLY[2]	
TELECOMMUNICATIONS, TOWERS, AND UTILITIES	Solar energy generation subject to Glint and Glare Study per FAA
WHOLESALING AND STORAGE[2]	
Accessory Uses	
Animal keeping	
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	
Parking of non-commercial vehicle	
Parking of recreational vehicle, boat, and/or recreational trailer	
Temporary Uses	
Park-ride-lot facility, temporary	

[1] In addition to any Use-specific Standards referenced in Table 4-2-1.
[2] All or "Other" (if stated in this table) uses in this category as listed in Table 4-2-1.
[3] All uses in this category except Office as listed in Table 4-2-1.

3-3(C)(3) The conditional uses in the Noise Contour Sub-area are the permissive uses or conditional uses allowed by the zone district and not listed as permissive in Table 3-3-1 or Table 3-3-2. Conditional Use Approval shall be pursuant to Subsection 14-16-6-6(A) and shall also be subject to the Zoning Hearing Examiner's (ZHE) determination that, due to the particular nature of the use or the special character of the enclosing structure, one of the following applies:

3-3(C)(3)(a) The use will not be adversely affected by noise expected to be generated by operation of aircraft.

3-3(C)(3)(b) A small amount of adverse effect from the noise expected to be generated by operation of aircraft is clearly outweighed by a special need for the use.

3-3(D) DEVELOPMENT STANDARDS

3-3(D)(1) Height Standards

3-3(D)(1)(a) The height standards in this section apply to any permanent structure, temporary structure erected for however brief a period

of time, and to vegetation (typically trees) based on its expected height at maturity located within the Air Space Protection Sub-area and Runway Protection Sub-area.

3-3(D)(1)(b) In the Air Space Protection Sub-area, maximum building height is per the Dimensional Standards Tables in Section 14-16-5-1 for each zone district, but in no case may a building be higher than the Horizontal Surface for each airport. Maximum height may therefore vary based on the elevation of the land at the location of the proposed structure or vegetation.

3-3(D)(1)(c) Where an area is covered by more than one height limitation, including standards in the zone district or an Overlay zone, the most restrictive limitation shall prevail.

3-3(D)(2) Reflectivity

The exterior surfaces of structures shall not have a light reflective value (LRV) that results in glare in the eyes of flyers using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking-off, or maneuvering of aircraft as determined by the City Aviation Department and per applicable FAA regulations.

3-3(E) TRANSPORTATION ROUTES

Public and private streets and rail lines are allowed within the Noise Contour Sub-area. See also Subsection 14-16-5-4(L) (Easements or Rights-of-way).

3-3(F) HAZARD MARKING AND LIGHTING

The FAA or the City Aviation Department may require the owner of an existing structure or landscaping or the applicant for a new structure or landscaping in the APO zone at his/her own expense to install, operate, and maintain such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Such markers and lights shall conform to all applicable federal regulations and specifications and may require permitting through the City Planning Department.

3-3(G) CROSS-REFERENCES

3-3(G)(1) Subsection 14-16-5-8(B)(2) (Outdoor and Site Lighting).

3-3(G)(2) Subsection 14-16-6-4(J) (Referrals to Commenting Agencies).

3-3(G)(3) Subsection 14-16-6-6(O)(3)(b) (Variance in the APO Zone).

3-3(G)(4) Subsection 14-16-6-8(B)(2)(c) (Nonconforming Use of Land or a Structure in the APO Zone).

3-3(G)(5) Subsection 14-16-6-8(D)(9) (Airport Protection Overlay (APO) Zone).

3-4 CHARACTER PROTECTION OVERLAY ZONES[77]

3-4(A) PURPOSE

The purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones. These areas meet 1 or more of the following characteristics:

3-4(A)(1) Have recognized neighborhood identity and character.

3-4(A)(2) Have high architectural value.

3-4(A)(3) Have a relationship to HPO zones that make the area's conservation critical.

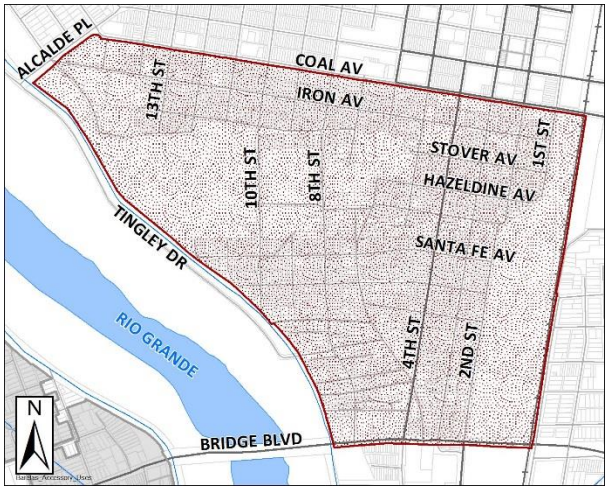
3-4(A)(4) Have a relationship with cultural landscapes identified in the Albuquerque/ Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

[77] Interim guidelines for North 4th Street were adopted in August 2019 (R-19-162, Enactment #R-2019-061). As of this Redline Draft, a revised version of those guidelines has been recommended for approval by the EPC and will be reviewed and decided by City Council. If City Council approves that amendment, it will be reflected in the effective draft of the IDO after this 2019 Annual Update is adopted. It is not reflected in this Redline draft.

3-4(B) BARELAS – CPO-1

3-4(B)(1) Applicability

The CPO-1 standards apply in the following mapped area. Where the CPO-1 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(B)(2) Site Standards

3-4(B)(2)(a) Lot Size, Minimum

1. Single-family detached dwellings in the R-1, R-T, and R-ML zone districts, minimum: 2,500 square feet.
2. Townhouse dwellings in the R-MH zone district: 2,500 square feet.

3-4(B)(2)(b) Lot Width, Minimum

1. Single-family detached dwellings in the R-1, R-T, and R-ML zone districts: 25 feet.
2. R-MH zone district: 60 feet, except for townhouse dwellings, which have a minimum lot width of 25 feet.

3-4(B)(3) Setback Standards

3-4(B)(3)(a) Contextual Standards

In the R-1, R-T, and R-ML zone districts, contextual standards for front setbacks in Subsection 14-16-5-1(C)(2)(c) shall apply regardless of development type or whether the development is in an Area of Consistency or an Area of Change.

3-4(B)(3)(b) R-1 Zone District

1. Front, minimum: 10 feet; garages must be set back at least 20 feet.
2. Side, minimum: 3 feet for lots less than 40 feet in width outside the Main Street area, or the setback required for adequate spacing between buildings as required by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code).

3-4(B)(3)(c) R-T, R-ML, and R-MH Zone Districts

1. Front, minimum: 10 feet; garages must be set back at least 20 feet.
2. Side, minimum: 3 feet for lots less than 36 feet in width outside the Main Street area with a single-family detached dwelling, or the setback required for adequate spacing between buildings as required by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code).

3-4(B)(3)(d) MX-H Zone District

1. Front, minimum: 0 feet.
2. Side, minimum: 0 feet.
3. Rear, minimum: 0 feet.

3-4(B)(3)(e) Exceptions

A 5-foot side or rear setback is required where a site abuts any lot with a residential use at any of the following addresses: 709 and 713 First Street SW, 704 2nd Street SW.

3-4(B)(4) Building Height

3-4(B)(4)(a) Maximum Building Height

Maximum building height allowances associated with a Center or Corridor designation shall not apply.

3-4(B)(4)(b) Neighborhood Edges

1. The General Requirement for Building Height Stepdown in the Neighborhood Edges Subsection 14-16-5-9(C)(1) applies regardless of Center or Corridor designation.
2. In the MX-H zone district, any portion of a building within 20 feet of any lot line is limited to 35 feet.

3-4(B)(5) Other Development Standards

In the R-ML and R-MH zone districts, off-street parking shall be provided at the rear of the lot. Where alleys exist, alley access is required.[78]

3-4(B)(6) Cross-references

3-4(B)(6)(a) Subsection 14-16-4-3(D)(21) (Paid Parking Lots Prohibited).

3-4(B)(6)(b) Subsection 14-16-4-3(F)(5) (Accessory Dwelling Units Allowed).

3-4(B)(6)(c) Subsection 14-16-5-5(B)(2)(c) (Parking Reduction).

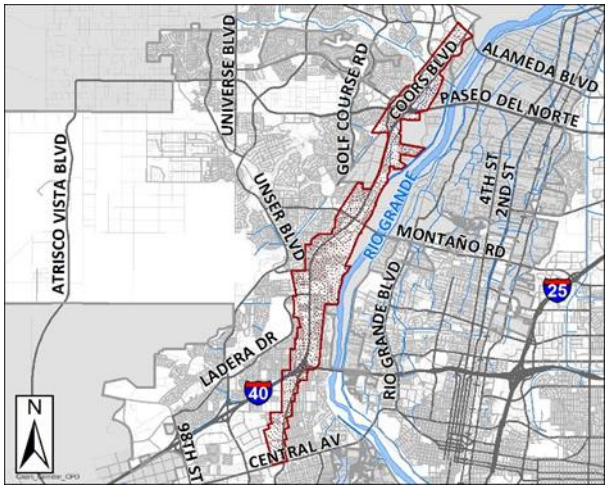
3-4(B)(6)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

[78] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

3-4(C) COORS BOULEVARD – CPO-2

3-4(C)(1) Applicability

The CPO-2 standards apply in the following mapped area. Where the CPO-2 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(C)(2) Site Standards

Lot size, width, and usable open space shall be provided according to the applicable standards listed in Section 14-16-5-1 (Dimensional Standards).

3-4(C)(3) Setback Standards

3-4(C)(3)(a) Bosque Buffer Strip

A 100-foot-wide buffer strip shall be established west of the Corrales Riverside Drain between the Calabacillas Arroyo and Namaste Road. The buffer strip shall remain undeveloped or be landscaped with perennial plants native to the Bosque.

3-4(C)(3)(b) Setback from Coors Boulevard

1. Setback from the public right-of-way of Coors Boulevard between Central Avenue and Western Trail or Namaste Road, minimum: 15 feet.
2. Setback from the public right-of-way of Coors Boulevard between Western Trail or Namaste Road and NM 528 (Alameda Boulevard), minimum: 35 feet.

3-4(C)(4) Building Height and Bulk

Buildings and structures shall not exceed the height limitation in the underlying zone. Buildings within the Coors Boulevard – VPO-1 shall comply with the height, bulk, and massing regulations of that Subsection 14-16-3-6(D).

3-4(C)(5) Other Development Standards

3-4(C)(5)(a) Floodplain

All development shall comply with all adopted drainage policies, including restrictions on development in the 100-year floodplain.[79]

[79] Last sentence deleted per City Council Amendment A10.

3-4(C)(5)(b) Grading

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

3-4(C)(5)(c) Landscaping in Setback along Coors Boulevard

All of the following must be incorporated into the required setback along Coors Boulevard:

1. Vegetative coverage is required for a minimum of 50 percent of the required setback area.
2. A combination of walls or decorative fences and a vegetative screen that visually screens vehicular circulation areas, parking lots, and parked cars from Coors Boulevard.

3-4(C)(5)(d) Outdoor Lighting

The mounting height of light fixtures in off-street parking, other vehicular use areas, and/or outdoor storage areas shall be no higher than 20 feet above finished grade.

3-4(C)(5)(e) Architectural Design and Details

1. The use of colors that contrast with the predominant color of the building is limited to 10 percent of each façade.
2. Parapet walls shall be treated as an integral part of the building design. Such walls shall not appear as unrelated visual elements.
3. In all zone districts, mechanical equipment shall be screened from public view from streets adjacent to the lot or from adjacent properties. The design of mechanical equipment screening shall be compatible with, and be an integral element of, the building structure. Location of such equipment within the building or at ground level is preferable to roof-mounting, unless such location would adversely affect the streetscape, pedestrian circulation, or open space.

3-4(C)(5)(f) Signs

1. Any sign type or design is prohibited that:
    a. Consists of banners pennants, ribbons, streamers, strings of light bulbs, or spinners, except in cases where a business must close or temporarily relocate due to fire, unavoidable casualty, force majeure, or similar circumstance. In these cases, one temporary banner up to 3 feet by 6 feet may be allowed for up to 90 calendar days, with approval pursuant to Subsection 14-16-6-5(D) (Permit – Temporary Use).

b. Is in any way animated (including twinkling or wind-activated movable parts), emits smoke, visible vapors, particles or odor, or rotates or moves in any manner.

c. Has flashing lights incorporated as part of its design and performance.

d. Is located (painted, affixed, etc.) on a water tower, storage tank, smoke stack, utility pole, or other similar structure.

e. Is a building-mounted sign that extends above the wall of the building.

f. Overhangs any property line.

2. On-premises signs in Mixed-use and Non-residential zone districts shall comply with the following standards:

a. Where 1 freestanding sign is allowed by the underlying zone district, a second freestanding sign is allowed on sites 5 acres or larger on any street frontage longer than 1,500 feet.

b. The size of freestanding and projecting signs shall comply with the sign standards in Table 5-12-2, but not exceed 75 square feet.

c. The height of freestanding signs in the area north of Western Trail/Namaste Road shall comply with the sign standards in Table 5-12-2, but not exceed 9 feet in height above grade.

d. The height of building-mounted signs shall comply with the sign standards in Table 5-12-2, but not exceed the height of the building.

e. No illuminated sign, or any illuminated element of any sign, shall flash, blink, or change its brightness.

f. No sign shall be erected, relocated, or maintained in such a manner as to cover or intrude upon any architectural features of a building such as windows, columns, moldings, or any major decoration or structural feature.

3-4(C)(6) Cross-references

3-4(C)(6)(a) Subsection 14-16-3-6(D) (View Protection in Coors Boulevard – VPO-1).

3-4(C)(6)(b) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-4(C)(6)(c) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

3-4(C)(6)(d) Subsection 14-16-5-12(F)(4)(b)2 (Portable Signs Prohibited).

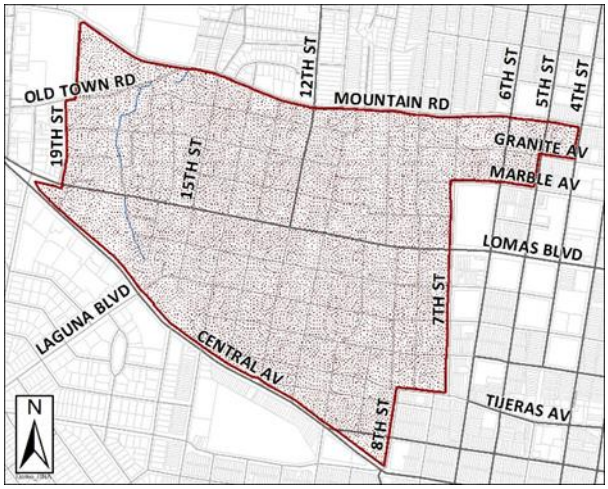
3-4(C)(6)(e) Subsection 14-16-5-12(H)(2)(d) (Electronic Signs Prohibited).

3-4(C)(6)(f) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(D) DOWNTOWN NEIGHBORHOOD AREA – CPO-3

3-4(D)(1) Applicability

The CPO-3 standards apply in the following mapped area. Where the CPO-3 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(D)(2) Site Standards

3-4(D)(2)(a) Lot Size, Minimum

1. R-T zone district: 2,000 square feet.
2. Townhouse dwellings in the R-ML zone district: 1,000 square feet.

3-4(D)(2)(b) Required Usable Open Space

1. R-T and MX-T Zone Districts
   a. 360 square feet per dwelling unit.
   b. Where there is no alley access for a garage: 500 square feet per dwelling unit.
2. R-ML Zone District
   a. Efficiency or 1 bedroom: 150 square feet per unit.
   b. Two (2) or more bedrooms: 200 square feet per unit.
3. MX-L Zone District
   50 square feet per dwelling unit.
4. MX-M Zone District
   a. Lots abutting Central Avenue or Lomas Boulevard: 100 square feet per dwelling unit.
   b. A minimum 10 percent of the site area shall be designated as usable open space for non-residential development and may be satisfied through features such as patios, plazas, exterior walkways, balconies, roof decks, or courtyards.

3-4(D)(3) Setback Standards

3-4(D)(3)(a) Contextual Standards

In the R-1, R-T, and R-ML zone districts, contextual standards for front setbacks in Subsection 14-16-5-1(C)(2)(c) shall apply regardless of development type or whether the development is in an Area of Consistency or an Area of Change.

3-4(D)(3)(b) MX-T and R-ML Zone Districts

1. Side, minimum: 5 feet; 10 feet if adjacent to an R-1A, R-1B or R-T zone district.
2. Rear: 15 feet.

3-4(D)(3)(c) MX-L and MX-M Zone Districts Abutting Central Avenue

1. Front, maximum
   a. 10 feet.
   b. If there is a front patio or dining space: 15 feet.
2. Side, minimum
   a. Interior: 0 feet.
   b. Street side of corner lots: 5 feet.
   c. Abutting an R-1 or R-T zone district: 10 feet.
3. Rear, minimum
   a. 15 feet.
   b. Abutting an R-1 or R-T zone district: 25 feet.
4. Off-street parking must be set back a minimum of 10 feet from any lot line abutting a public street. There is no minimum setback for off-street parking areas from any lot line abutting an alley.[80]
5. A minimum of 50 percent of street frontage shall be building. The remaining 50 percent may be courtyard, landscaping, seating for outdoor dining, or a combination thereof.

3-4(D)(4) Building Height

3-4(D)(4)(a) R-1 and R-T Zone Districts

A detached accessory dwelling shall not exceed the height of the primary dwelling or 18 feet, whichever is less.

3-4(D)(4)(b) R-ML and MX-T Zone Districts

1. Maximum building height: 40 feet.
2. Portions of buildings over 30 feet shall incorporate a minimum stepback of 6 feet from the front street-facing façade.

3-4(D)(4)(c) MX-M Zone District

1. Additional building height associated with Main Street areas is not applicable.

[80] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

2. For lots abutting Central Avenue, building height over 30 feet shall incorporate a minimum stepback of 6 feet from the front street-facing façade.

3-4(D)(5) Other Development Standards

3-4(D)(5)(a) Parking Location and Design

1. Parking Location
   a. Where alleys are available, garages and other off-street parking areas shall be located at the rear of the property and accessed from the alley.
   b. Where alleys are not available, garages and other off-street parking areas may be located on the side of the primary building. No garage door facing a street shall be more than 9 feet wide.
2. Parking Access
   Primary vehicular access to and from properties facing Central Avenue shall be provided as follows:
   a. For properties east of 14th Street, primary vehicular access from Central Avenue is prohibited.
   b. For properties west 14th Street, primary vehicular access shall be from Central Avenue. Access to non-residential development along Central from 15th Street, 16th Street, and Fruit Avenue is prohibited.

3-4(D)(5)(b) Building Design

1. Residential Building Design
   a. The primary pedestrian entrance to the building shall be oriented toward the street.
   b. Reflective or mirrored glass is prohibited on any ground floor façade.
   c. Front entry porches with a minimum depth of 5 feet at finished floor elevation are required.
   d. Regardless of residential building type, zone district, or Center or Corridor designation, façades shall meet the standards for windows in Subsection 14-16-5-11(D)(2).[81]
   e. Individual dwellings in the R-T zone district shall be distinguished through articulation of building massing, roof forms, color, or material.
   f. Balconies in the R-ML zone shall be designed and located to minimize impacts on the privacy of adjacent residential properties. Planters or trellises can be used to obstruct views while retaining the benefits of upper-level outdoor spaces.

[81] Revised per City Council Amendment B20.

2. Non-residential and Mixed-use Development[82]
   a. Front doors must face the nearest street and be connected to the public sidewalk by a walkway.
   b. Each ground floor façade shall contain a minimum of 50 percent of its surfaces in transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor.[83]
   c. Each second floor and higher façade shall contain a minimum of 30 percent of its surfaces in transparent windows and/or doors.
   d. In the MX-T, MX-M, and MX-L zone districts, each street-facing façade shall incorporate variations in height, setback, or material at least every 50 feet of façade length.[84]
   e. In the R-ML zone district, façades facing a public street shall change a minimum of every 50 linear feet in height, setback, or material.[85]
   f. In the MX-L zone district, shading shall be provided along the front façade using canopies, awnings, portals, or shade trees spaced 25 feet on center.

3-4(D)(5)(c) Signs

1. R-ML Zone District
   a. Freestanding signs shall not exceed 4 feet in height and 16 square feet per sign face.
   b. Internally lit signs are prohibited.
2. MX-T Zone District
   a. Wall and window signs combined shall not exceed 6 percent of the area of the façade to which they are related.
   b. Freestanding signs for office uses shall not exceed 4 feet in height and 16 square feet per sign face.
   c. Internally lit signs are prohibited.
3. MX-L and MX-M Zone Districts
   a. Wall, window, and canopy signs are the only allowed sign types.
   b. One (1) canopy sign per entrance or exit shall be allowed.
   c. Wall and window signs combined shall not exceed 6 percent of the area of the façade to which they are related.
   d. Internally lit signs are prohibited.

[82] Revised per City Council Amendment B20.
[83] Revised from 60 percent per City Council Amendment B20.
[84] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear". Removed R-ML per City Council Amendment B20.
[85] Added per City Council Amendment B20.

e. Notwithstanding Subsections a and d above, neon signs facing Central Avenue may be building-mounted or marquee signs and may be internally lit.

3-4(D)(6) Cross-references

3-4(D)(6)(a) Subsection 14-16-4-3(D)(21) (Paid Parking Lots Prohibited).

3-4(D)(6)(b) Subsection 14-16-4-3(F)(4) (Drive-through or drive up facility prohibited).

3-4(D)(6)(c) Subsection 14-16-4-3(F)(5) (Accessory Dwelling Units Allowed).

3-4(D)(6)(d) Subsection 14-16-5-1(C)(2) (Contextual Residential Development).

3-4(D)(6)(e) Subsection 14-16-5-5(F)(2)(a)3 (Carports Prohibited).

3-4(D)(6)(f) Subsection 14-16-5-7(D)(3)(h) (Front and Side Yard Walls).

3-4(D)(6)(g) Subsection 14-16-5-11(C)(1) (Primary Building Stepback).

3-4(D)(6)(h) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-4(D)(6)(i) Subsection 14-16-5-12(H)(2)(f) (Electronic Signs Prohibited).

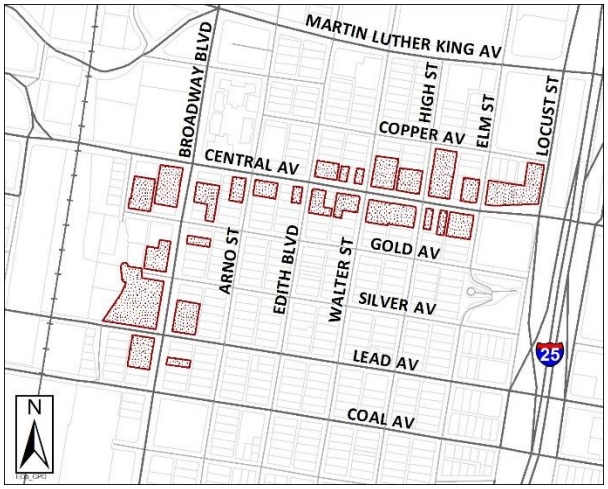
3-4(D)(6)(j) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(D)(6)(k) Subsection 14-16-6-6(B) (Demolition Review).

3-4(E) EAST DOWNTOWN – CPO-4

3-4(E)(1) Applicability

The CPO-4 standards apply to the specific lots in the following mapped area. Where the CPO-4 boundary crosses a lot line, the entire lot is subject to these standards. The CPO-4 standards apply to construction of new structures within the East Downtown - HPO-1.[86]



3-4(E)(2) Site Standards

Lot size, width, and usable open space shall be provided according to the applicable standards listed in Section 14-16-5-1 (Dimensional Standards).

3-4(E)(3) Setback Standards

3-4(E)(3)(a) Front

1. Minimum: 0 feet.
2. Maximum: 1 foot.

3-4(E)(3)(b) Side, Minimum

1. Interior: 0 feet.
2. Street side of corner lots: 5 feet.

3-4(E)(3)(c) Rear, Minimum

5 foot.

3-4(E)(4) Building Height Stepdown

3-4(E)(4)(a) Any portion of a building within 35 feet in any direction of an R-1 or R-T zone district shall be limited to 30 feet, in which case Neighborhood Edge provisions for building height in Subsection 14-16-5-9(C) do not apply.[87]

3-4(E)(4)(b) The height limit of any portion of a structure within 15 feet in any direction of a significant or contributing building or City landmark in the HPO-1 or HPO-4 zone shall be no more than 3 stories higher

[86] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[87] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

than the contributing building or the maximum height allowed by the zone district, whichever is less.[88]

3-4(E)(5) Other Development Standards

3-4(E)(5)(a) Parking Location and Design

1. Parking areas must be set back as follows:
   a. A minimum of 30 percent of the lot depth from the front lot line.
   b. A minimum of 10 feet from other lot lines that abut a street.
   c. A minimum of 5 feet from the rear lot line.
2. Vehicular access is allowed only from a side street or alley.
3. Parking structures shall have uses from Table 4-2-1 on the ground floor along at least 50 percent of the street-facing façade of the parking structure. Where ground floor uses are not provided, opaque walls at least 3 feet high or vegetative screens at least 3 feet high at the time of planting shall be provided.[89]

3-4(E)(5)(b) Façade Design

1. Each ground floor façade facing Central Avenue between Arno and High Streets shall be built to function as or appear as storefronts, and shall contain a minimum of 60 percent of its surfaces in transparent windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with the lower edge of window sills no higher than 30 inches above the finished floor.
2. All other ground floor façades facing Central Avenue or Broadway Boulevard shall contain a minimum of 40 percent of their surfaces in transparent windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with the lower edge of window sills no higher than 30 inches above the finished floor.
3. Wall openings shall not span vertically more than 1 story; double height entryways are prohibited.
4. Storefronts may extend a maximum of 1 foot in front of the rest of the façade.

3-4(E)(5)(c) Street Walls

1. The street wall shall be set back no more than 8 inches from any lot line abutting a street or adjacent façade alignment.[90]
2. An opaque vehicle entry gate, of a maximum 18 feet wide, and a pedestrian entry gate, of a maximum 6 feet wide, are both allowed as limited substitutions within any street wall length.

[88] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[89] Revised per City Council Amendment A10.
[90] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

3. All street wall façades shall be as carefully designed as the building façade, with the finished side facing the street.
4. Where clearly visible from the street, the following materials are allowed: native/regional stone and equivalent imitation stone, metal (e.g. wrought iron, welded steel, and/or aluminum electro-statically plated black), brick, stucco, or a combination of materials (e.g. stone piers with brick infill panels).
5. Metal work may additionally be treated to imitate a wrought-iron or copper patina.
6. Copings shall project between 1 inch and 4 inches from the face of the wall.

3-4(E)(6) Cross-references

3-4(E)(6)(a) Subsection 14-16-3-5(F) (Historic Preservation in East Downtown – HPO-1).

3-4(E)(6)(b) Subsection 14-16-4-3(F)(4) (Drive-through or drive up facility prohibited).

3-4(E)(6)(c) Subsection 14-16-5-5(G) (Parking Structure Design).

3-4(E)(6)(d) Subsection 14-16-5-12(F)(3) (Rooftop Signs Allowed).

3-4(E)(6)(e) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-4(E)(6)(f) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

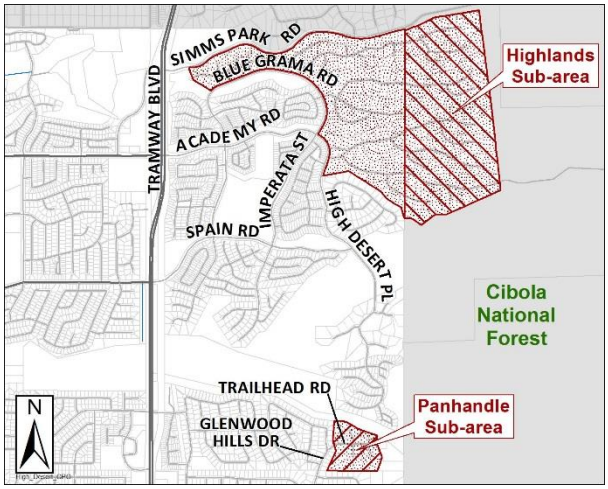
3-4(E)(6)(g) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(E)(6)(h) Subsection 14-16-6-6(B) (Demolition Review).

3-4(F) HIGH DESERT – CPO-5

3-4(F)(1) Applicability

The CPO-5 standards apply in the following mapped area. Where the CPO-5 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(F)(2) Site Standards

The following standards apply only to portions of the CPO-5 that are not within the Panhandle Sub-area.

3-4(F)(2)(a) Lot Size, Minimum
21,780 square feet (½ acre).

3-4(F)(2)(b) Lot Width, Minimum
100 feet.

3-4(F)(2)(c) Development Envelopes
All development on the lot must take place within an envelope that encloses no more than 12,000 square feet of land. The development envelope must include all buildings, structures, and landscaping other than native plant species on the site.

3-4(F)(3) Setback Standards

The following standards apply only to portions of the CPO-5 that are not within the Panhandle Area.

3-4(F)(3)(a) Development envelopes shall be set back as follows:

1. From lot lines, minimum: 10 feet.[91]
2. From rights-of-way, minimum: 20 feet.

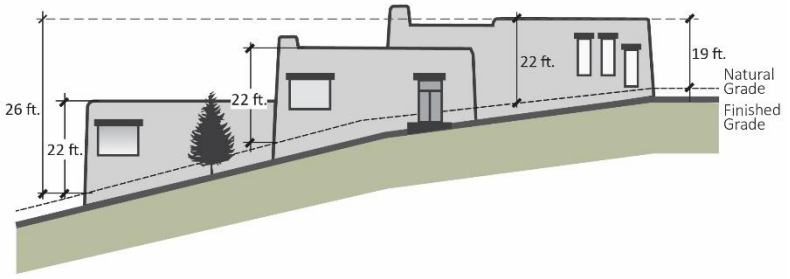
3-4(F)(3)(b) Within the Highlands Sub-area, the minimum setback from the edge of the CPO-5 shall be 100 feet, except that the minimum setback from the western boundary of Simms Park is 360 feet.

[91] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

3-4(F)(4) Building Height

3-4(F)(4)(a) Highlands Sub-area

1. From the highest point of natural grade abutting a building, the building height (excluding chimneys) shall not exceed 19 feet. (See figure below.)
2. From the lowest point of natural grade abutting any individual mass of a building, the building height (excluding chimneys) shall not exceed 22 feet in height. (See figure below.)
3. From the lowest point of natural grade abutting a building, the overall building height (excluding chimneys) shall not exceed 26 feet. (See figure below.)



4. Within 250 feet of the northern boundary of the CPO-5, no part of a building or structure (exclusive of chimneys) shall be higher than any straight line beginning 5 feet above the finished grade at the centerline of Simms Park Road just north of the CPO-5 and extending through any point 16 feet over the average natural grade along the north line of the platted building envelope in order to minimize their visual impact on the approach of Simms Park.

3-4(F)(4)(b) Panhandle Sub-area

Maximum building height: 26 feet.

3-4(F)(5) Other Development Standards

The following standards apply only in the Highlands Sub-area.

3-4(F)(5)(a) Color

Exterior surfaces of buildings and structures, including but not limited to roofs, mechanical devices, roof vents, and screening materials, shall be colors with LRV of 40 percent or less.

1. Colors include the yellow ochres, browns, dull reds, and grey-greens existing in the natural landscape of the mesa and in the foothills.
2. Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.

3-4(F)(5)(b) Reflectivity

Reflective or mirrored glass is prohibited.

3-4(F)(5)(c) Roofs

Pitched roofs must comply with all of the following:

1. Maximum slope of 1:3.
2. No ridges or peaks may be silhouetted against the skyline. They must abut a parapet or wall that is higher.
3. No metal roofs or asphalt shingles are allowed.
4. No mechanical equipment or skylights may be located on pitched roofs.
5. Tile roof materials must be 1 of the following type or characteristic:
   a. Two-part molded.
   b. Variegated colors darker than the building walls.
   c. Non-reflective.
   d. Mudded or grouted joints.
   e. Serpentine in pattern.

3-4(F)(5)(d) Massing and Articulation

1. Each building shall be composed of at least 3 building masses perceivable in each building elevation and distinguished from one another by both horizontal and vertical offsets of at least 2 feet. The height of each mass shall be measured from its highest adjacent natural grade. While it is anticipated that buildings will follow natural site contours, nothing in these standards shall prohibit residences with a single floor level, provided that the building height requirements previously described are otherwise met. The floor or roof plan of each structure should clearly show the extent of each building, with relevant information pertaining to its height above grade.
2. All doors and windows not protected by overhangs or portales shall be recessed at least 4 inches as measured from the door surface or window sash to the exterior face of the finished wall.

3-4(F)(5)(e) Views

1. The development envelope, and buildings and outdoor lighting within the development envelope, shall be sited to minimize impacts to views to and from adjacent lots and views of development from adjacent public rights-of-way.
2. Within 250 feet of the northern boundary of the CPO-5, views of the north line of any platted building envelope from Simms Park Road at its centerline shall be blocked by topography and existing or planted native vegetation that forms a vegetative screen at least 75 percent opaque at maturity, either within the CPO-5 or the National Forest. Sightings shall be taken from 90 degrees (perpendicular) from the centerline of Simms Park Road to the centerline of the north line of each platted building envelope and then 45 degrees generally northwest

from the centerline of the north line of the platted building envelope back to the centerline of Simms Park Road.

3-4(F)(6) Cross-references

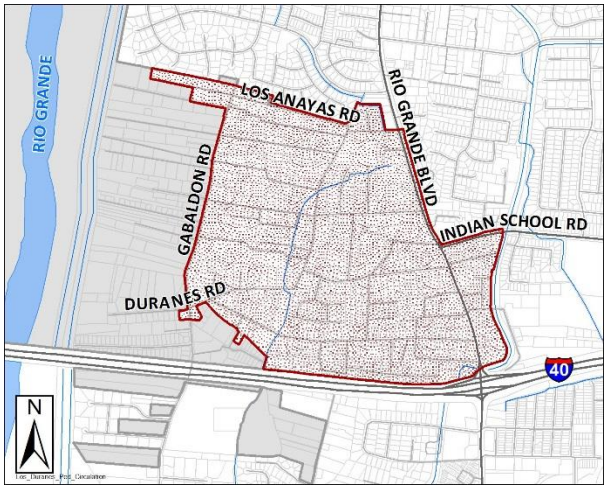
3-4(F)(6)(a) Subsection 14-16-4-3(F)(5) (Accessory Dwelling Units Allowed).

3-4(F)(6)(b) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(G) LOS DURANES – CPO-6

3-4(G)(1) Applicability

The CPO-6 standards apply in the following mapped area. Where the CPO-6 boundary crosses a lot line, the entire lot is subject to these standards.



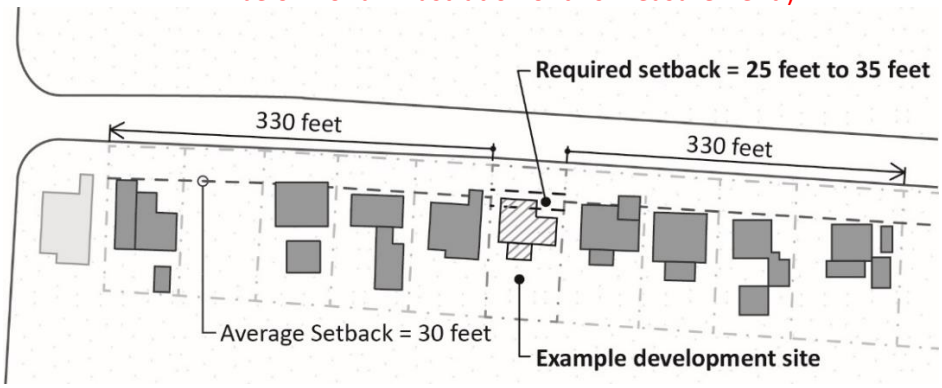
3-4(G)(2) Site Standards

In the R-A zone district, building coverage shall not exceed 50 percent of the lot.

3-4(G)(3) Setback Standards

3-4(G)(3)(a) Front Setbacks

1. Single-family and two-family detached dwellings, minimum: 10 feet to encourage staggered setbacks, compliant with 1 of the following:
   a. Within 5 feet of the average setback of existing primary dwellings on properties with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces. This distance shall be measured along the street from each corner of the subject property's lot line on the same side of the street as the subject property. (See figure below for an illustration of this measurement.)[92]



[92] Revised for consistency with other similar measurements. Revised per City Council Amendment B20.

b. In new subdivision developments of 5 or more single-family detached dwellings, front setbacks shall be within 5 feet of the front setback of 1 existing single-family detached dwelling located on an abutting lot facing the same street as the subject property.[93]

2. Multi-family residential development, minimum: 15 feet.[94]

3-4(G)(3)(b) Setbacks for Cluster Development Dwellings

1. Front, minimum
   a. From public right-of-way: 15 feet.
   b. From a private way: 10 feet.
2. Rear, minimum
   From cluster development boundary: 25 feet.
3. Side, minimum
   From cluster development boundary: 10 feet.

3-4(G)(4) Building Height

3-4(G)(4)(a) R-A, R-1, R-T, and R-ML Zone Districts

1. Building height, maximum: 26 feet.
2. Portions of buildings over 15 feet in height must meet 1 of the following standards, as noted:
   a. Single-family and Two-family Detached Dwellings
   Any portion of the building over 15 feet in height is limited to 65 percent of the building footprint.
   b. Townhouse and Multi-family Dwellings
   Any portion of the building over 15 feet in height is limited to 75 percent of the building footprint.

3-4(G)(4)(b) MX-M Zone District

Building height, maximum: 35 feet for buildings located more than 450 feet from Interstate Highway 40.

3-4(G)(5) Other Development Standards

3-4(G)(5)(a) Common Open Space in Cluster Developments

1. If the project site abuts a ditch, lateral, or drain designated on the Los Duranes Community Acequias map in Subsection 14-16-5-2(G) (Irrigation Facility (Acequia) Standards), at least ½ of the common open space shall be abutting and parallel to this facility. The common open space may include an easement associated with a Los Duranes Community Acequia.
2. Common open space may be within a plazuela compound (i.e. bounded on 3 sides by detached or attached dwellings), provided that no street goes through the common open space.

[93] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).
94 Revised per City Council Amendment B20.

3. If a common open space abuts a Los Duranes Community Acequia or is in a plazuela compound, it is not required to be partially visible from a public right-of-way.

3-4(G)(5)(b) Parking Access

Two-family detached dwellings and townhouses: 2 adjoining dwelling units with vehicle access from the street are required to share a drive pad with a maximum width of 16 feet.

3-4(G)(5)(c) Drive-through Facilities

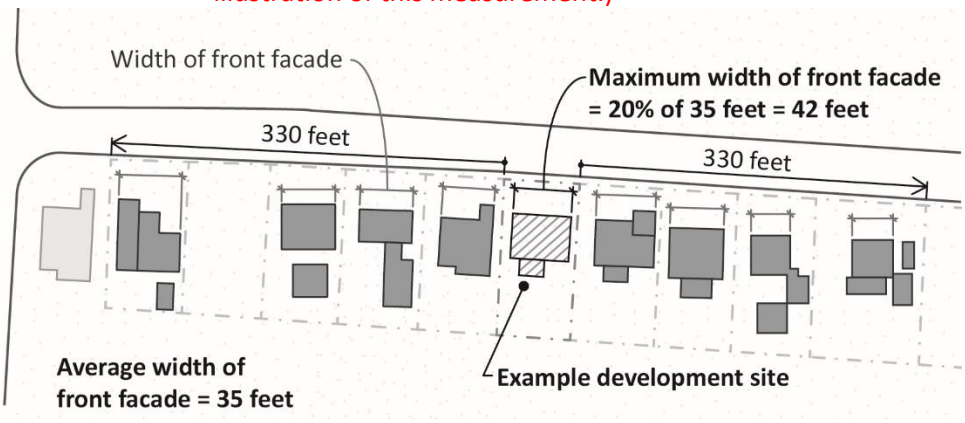
1. Drive-through service windows shall not be on any façade facing Rio Grande Boulevard.
2. Drive-through service windows shall be oriented away from pedestrian areas, including but not limited to sidewalks, plazas, Residential zone districts, and other public streets, where practicable.
3. Drive-through lanes shall not be located parallel to Rio Grande Boulevard, unless they are behind a building.

3-4(G)(5)(d) Building Separation, Minimum

Townhouse and multi-family dwellings: 15 feet.

3-4(G)(5)(e) Building Design

1. Single-family detached dwellings: The front façade shall not exceed 120 percent of the average width of existing primary buildings on properties with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces. This distance shall be measured along the street from each corner of the subject property's lot line on the same side of the street as the subject property. (See figure below for an illustration of this measurement.)[95]



2. Townhouse dwellings: Façades of townhouses on the same frontage shall be articulated at least every 40 feet or every third dwelling unit with a minimum change of 2 feet in setback.

[95] Revised for consistency with other similar measurements.

3. Multi-family residential development in any Residential or Mixed-use zone district shall comply with all of the following:[96]
   a. Entrances to second floor units shall be internal to the building.
   b. The maximum building length shall be 80 feet.

3-4(G)(6) Cross-references

3-4(G)(6)(a) Subsection 14-16-3-4(L) (Rio Grande Boulevard – CPO-11). Where there is conflict between the Los Duranes – CPO-6 and the Rio Grande Boulevard – CPO-11, the provisions of the Los Duranes – CPO-6 prevail, except that the second story building stepback requirements in the Rio Grande Boulevard – CPO-11 also apply.

3-4(G)(6)(b) Subsection 14-16-4-3(B)(2) (Dwelling, Cluster Development).

3-4(G)(6)(c) Subsection 14-16-4-3(D)(21)(d) (Paid Parking Lots Prohibited).

3-4(G)(6)(d) Subsection 14-16-4-3(F)(5)(e) (Accessory Dwelling Units Allowed).

3-4(G)(6)(e) Subsection 14-16-5-2(G)(4) (Acequia Setbacks).

3-4(G)(6)(f) Subsection 14-16-5-3(D)(1) (Sidewalks in Residential Development).

3-4(G)(6)(g) Subsection 14-16-5-11(C)(1) (Primary Building Stepback).

3-4(G)(6)(h) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

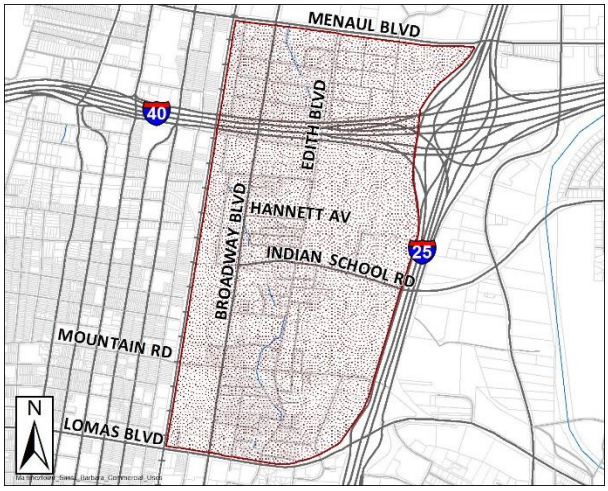
3-4(G)(6)(i) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

[96] Revised per City Council Amendment B20.

3-4(H) MARTINEZTOWN/SANTA BARBARA – CPO-7

3-4(H)(1) Applicability

The CPO-7 standards apply in the following mapped area. Where the CPO-7 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(H)(2) Site Standards

3-4(H)(2)(a) Lot Width, Minimum

Multi-family dwellings (where allowable): 60 feet.

3-4(H)(2)(b) Usable Open Space, Minimum

Usable open space for multi-family dwellings is required as follows:

1. General
   a. Efficiency or 1 bedroom: 300 square feet per unit.
   b. Two (2) bedrooms: 350 square feet per unit.
   c. Three (3) or more bedrooms: 400 square feet per unit.
2. MX-T Zone District
   500 square feet per unit.

3-4(H)(3) Setback Standards

3-4(H)(3)(a) Low-density Residential Development

1. Front, minimum: 10 feet.
2. Garages and carports, minimum: 20 feet.

3-4(H)(3)(b) MX-L Zone District

Front, minimum: 10 feet.

3-4(H)(4) Building Height, Maximum

In Residential and Mixed-use zone districts: 26 feet, unless the site is 5 acres or greater, in which case the height standards in Table 5-1-2 apply.

3-4(H)(5) Signs

3-4(H)(5)(a) MX-L Zone District

Signs are allowed pursuant to Subsection 14-16-5-12 (Signs) for the MX-T zone district.

3-4(H)(5)(b) MX-M Zone District

1. Signs on lots abutting arterial or collector streets are allowed pursuant to Subsection 14-16-5-12 (Signs) for the MX-M zone district.
2. Signs on lots in other locations are allowed pursuant to Subsection 14-16-5-12 (Signs) for the MX-L zone district.

3-4(H)(6) Cross-references

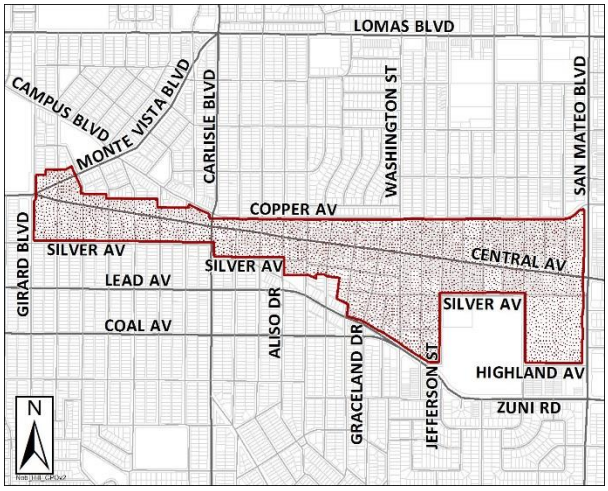
3-4(H)(6)(a) Subsection 14-16-4-3(D)(21) (Paid Parking Lots Prohibited).

3-4(H)(6)(b) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(I) NOB HILL/HIGHLAND – CPO-8

3-4(I)(1) Applicability

The CPO-8 standards apply in the following mapped area. Where the CPO-8 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(I)(2) Site Standards

Lot size, width, and usable open space shall be provided according to the applicable standards listed in Section 14-16-5-1 (Dimensional Standards).

3-4(I)(3) Setback Standards

3-4(I)(3)(a) Side, Minimum

0 feet.

3-4(I)(3)(b) Rear, Minimum

0 feet.

3-4(I)(3)(c) Street Wall for Existing Setbacks

Where existing buildings are set back from the front lot line along Central Avenue, the street wall shall be strengthened through vegetative screens or walls no more than 3 feet high along a minimum of 50 percent of the length of the building or lot along each street frontage.[97]

3-4(I)(4) Building Height

3-4(I)(4)(a) Exception to Unlimited Building Height

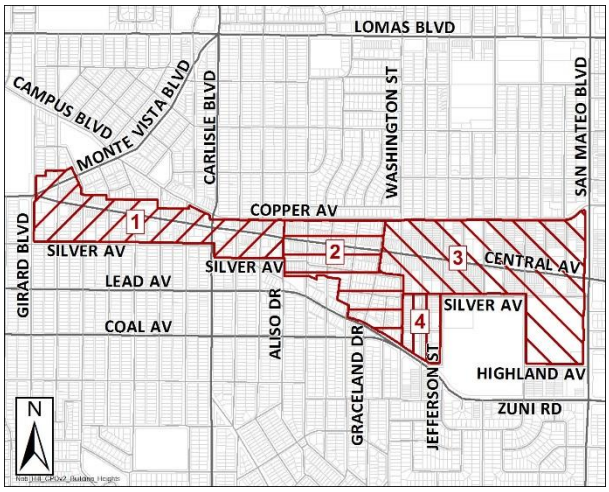
The provision for unlimited building height over 100 feet from each lot line in the Dimensional Standards Tables in Section 14-16-5-1 does not apply. Maximum building heights are pursuant to Subsection 14-16-3-4(I)(4)(b) below.

3-4(I)(4)(b) Maximum Building Height

The following map illustrates the sub-areas within the Nob Hill/Highland – CPO-8 where the maximum building height is pursuant to this Subsection 14-16-3-4(I)(4)(b). In these areas,

[97] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

building height allowances associated with a Center or Corridor designation shall not apply.



1. In sub-area 1 mapped above, between Girard Boulevard and Aliso Drive, building heights shall not exceed 30 feet (2 stories), except that 1 of the bonuses in Subsection 5 below may be applied.
2. In sub-area 2 mapped above, generally between Aliso Drive and Graceland Drive (north of Silver Avenue) or Washington Street (south of Silver Avenue), building heights shall not exceed 45 feet (3 stories), except that 1 of the bonuses in Subsection 5 below may be applied.
3. In sub-area 3 mapped above, generally between Graceland Drive and San Mateo Boulevard, building heights shall not exceed 65 feet (5 stories), except that up to 2 of the bonuses in Subsection 5 below may be applied.
4. In sub-area 4 mapped above, generally between Washington Street and Jefferson Street south of Silver Avenue, building heights shall not exceed 55 feet (4 stories), except that 1 of the bonuses in Subsection 5 below may be applied.
5. The following bonuses may be applied for an additional 12 feet (1 story) of building height each as noted in Subsections 1 through 4 above:
   a. Workforce Housing Bonus
   b. Structured Parking Bonus
   c. Ground Floor Commercial Bonus

3-4(I)(4)(c) Neighborhood Edges

1. The Building Height Stepdown for Neighborhood Edges in Subsection 14-16-5-9(C)(1) (General Requirement) applies regardless of Center or Corridor designation.
2. For properties fronting the south side of Copper Avenue between Graceland Drive and San Mateo Boulevard, the maximum building height shall be as follows:

a. For any portion of a building within 50 feet of a lot line abutting Copper Avenue: 45 feet.[98]

b. For any portion of a building more than 50 feet and up to 100 feet from a lot line abutting Copper Avenue: 65 feet.[99]

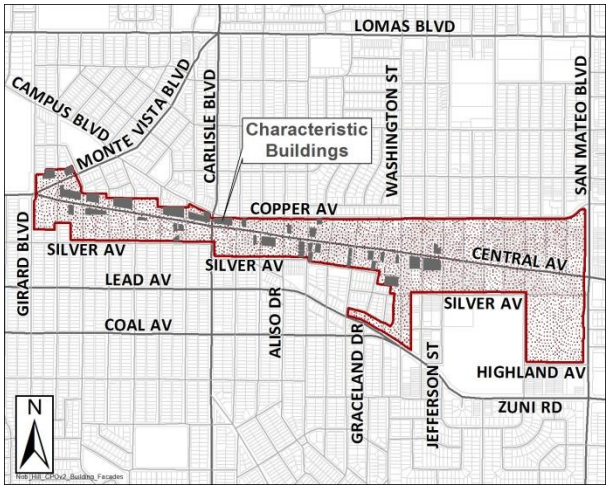
3-4(I)(5) Other Development Standards

3-4(I)(5)(a) Vehicular Access

1. Vehicular access to the site shall be provided from the alley. Where it is impractical, as determined by the Planning Director, parking ingress and egress to the site may be provided in 1 of the following ways:
   a. One (1) ingress location, no more than 12 feet in width, is allowed from the side street.
   b. One (1) ingress/egress location, no more than 30 feet in width, is allowed from the side street if Subsection a is infeasible.
2. Alternate vehicular ingress/egress may be approved where pedestrian access to storefronts or residences is infeasible due to the adjacent sidewalk grades as determined by the Planning Director.

3-4(I)(5)(b) Façade Design

The following articulation standards apply to all properties within the sub-area of Nob Hill/Highland – CPO-8 mapped below.



1. Each ground floor façade facing Central Avenue shall do all of the following:
   a. Be built to function as or appear as storefronts.
   b. Contain a minimum of 60 percent of its surfaces in transparent windows and/or doors, as measured to include the first 12 feet of building height above the

[98] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).
[99] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

sidewalk, with the lower edge of window sills no higher than 30 inches above the finished floor.

2. On façades facing Central Avenue between Girard Boulevard and Washington Street, openings shall occur every 25 feet, and building façades shall change in height, setback, or material every 25 feet.
3. On façades facing Central Avenue between Washington Street and San Mateo Boulevard, openings shall occur every 40 feet, and building façades shall change in height, setback, or material every 40 feet.
4. On streets that intersect Central Avenue, each ground floor street-facing façade within 150 feet of or to the first alley or street from Central Avenue, whichever occurs first, shall do all of the following:
    a. Have at least 1 entrance within 40 feet of Central Avenue.
    b. Be built to function as or appear as storefronts or residential façade.
    c. Contain a minimum of 60 percent of its surfaces in transparent windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with the lower edge of window sills no higher than 30 inches above the finished floor.
5. Each second floor and higher street-facing façade shall comply with the following:
    a. Non-residential and mixed-use development: each façade shall contain a minimum of 40 percent of its surfaces in transparent windows and/or doors.
    b. Residential development: each façade shall contain a minimum of 20 percent of its surface in transparent windows and/or doors.
    c. The lower edges of windows shall be located no more than 30 inches above the finished floor.
6. Existing façades of buildings that are designated on State and National Historic Registers, as City landmarks, or as characteristic buildings in the map above, and that abut a public right-of-way, shall comply with all of the following:
    a. Façade rehabilitation or remodeling shall maintain the historically characteristic window and door proportion and character of the building.
    b. Any new building materials shall be consistent with historically employed materials on such façades.
    c. Additions to characteristic buildings shall reflect the historic façade demarcations (i.e. walls, pilasters, or similar elements).

d. Additions above characteristic buildings shall be vertically aligned with the historic demising walls of the storefronts below. (See figure below.)



3-4(I)(5)(c) Signs

1. Building-mounted signs shall not extend above the wall of the building more than 5 feet.
2. Freestanding signs are prohibited, except for pole signs that meet the provisions of Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue) and any other applicable provisions of Section 14-16-5-12 (Signs).

3-4(I)(5)(d) Street Cross Sections

Development within the Nob Hill/Highland – CPO-8 shall comply with all requirements in the DPM related to transportation design standards, including but not limited to street cross sections.

3-4(I)(6) Cross-references

3-4(I)(6)(a) Subsection 14-16-4-3(F)(4) (Drive-through or drive up facility prohibited).

3-4(I)(6)(b) Subsection 14-16-5-5(B)(2) (Parking Exemptions).

3-4(I)(6)(c) Subsection 14-16-5-5(F)(2) (Carports Prohibited).

3-4(I)(6)(d) Section 14-16-5-7 (Walls and Fences).

3-4(I)(6)(e) Subsection 14-16-5-11(C)(1) (Primary Building Stepback).

3-4(I)(6)(f) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

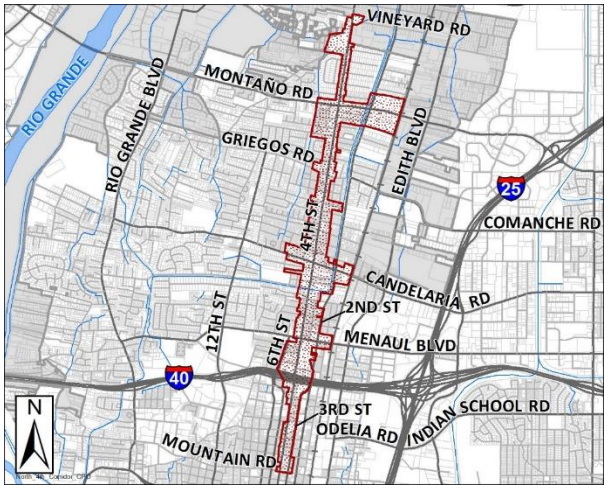
3-4(I)(6)(g) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(I)(6)(h) Subsection 14-16-6-6(B) (Demolition Review).

3-4(J) NORTH 4TH CORRIDOR – CPO-9

3-4(J)(1) Applicability

The CPO-9 standards apply in the following mapped area. Where the CPO-9 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(J)(2) Site and Setback Standards

Lot size, width, usable open space, and setbacks shall be provided according to the applicable standards in Section 14-16-5-1 (Dimensional Standards), with the exception of the following:

3-4(J)(2)(a) Front setback, minimum: 10 feet.

3-4(J)(2)(b) Front setback maximum: 15 feet.

3-4(J)(3) Building Height and Stepback

3-4(J)(3)(a) Maximum Building Height

1. The maximum building height for properties zoned MX-M or higher is 55 feet.
2. No height bonuses allowed by Table 5-1-2 for Workforce Housing or Structured Parking are allowed.
3. If more than 165 feet of frontage along 4th Street is being developed or redeveloped, 1/3 of the new development, with any fractions rounded down to the nearest foot, is limited to 45 feet in height.

3-4(J)(3)(b) Building Stepback

Any portion of a building over 30 feet tall shall incorporate a minimum stepback of 6 feet from any front façade facing a public street.

3-4(J)(4) Other Development Standards

3-4(J)(4)(a) Building Design

Regardless of any Center or Corridor designation that applies to the subject property, building façades shall meet the requirements in Subsection 14-16-5-11(E)(2)(b) (Urban Centers, Activity Centers, and Main Street and Premium Transit Areas).

3-4(J)(4)(b) Street Cross Sections

Development within the North 4th Corridor – CPO-9 shall comply with all requirements in the DPM related to transportation design standards, including but not limited to street cross sections.

3-4(J)(5) Cross-references

3-4(J)(5)(a) Subsection 14-16-4-3(D)(38) (Liquor Retail).

3-4(J)(5)(b) Subsection 14-16-5-12(G)(1)(e)10 (Off-premises Signs Prohibited).

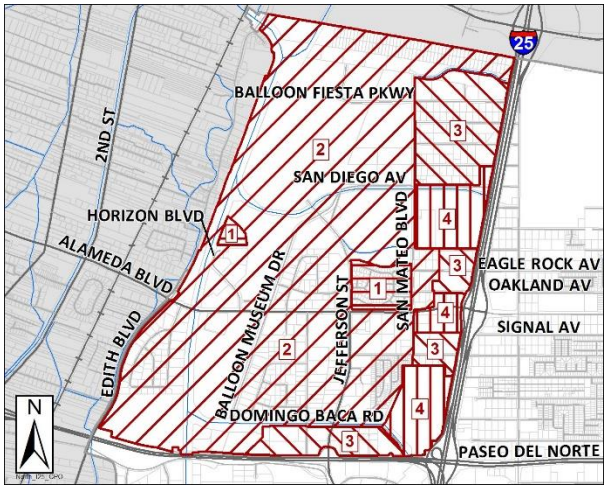
3-4(J)(5)(c) Subsection 14-16-5-12(H)(2)(f)3 (Electronic Signs Prohibited).

3-4(J)(5)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(K) NORTH I-25 – CPO-10

3-4(K)(1) Applicability

The CPO-10 standards apply in the following mapped area. Where the CPO-10 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(K)(2) Site and Setback Standards

Lot size, width, usable open space, and setbacks shall be provided according to the applicable standards listed in Section 14-16-5-1 (Dimensional Standards).

3-4(K)(3) Building Height

3-4(K)(3)(a) Exception to Unlimited Building Height

The provision for unlimited building height over 100 feet from each lot line in the Dimensional Standards Tables in Section 14-16-5-1 does not apply. Maximum building heights are pursuant to Subsection 14-16-3-4(K)(3)(b) below.

3-4(K)(3)(b) Maximum Building Height

Maximum building height for each sub-area within the North I-25 – CPO-10 is pursuant to this Subsection 14-16-3-4(K)(3)(b).

1. In sub-area 1: 26 feet.
2. In sub-area 2: 39 feet.
3. In sub-area 3: 52 feet.
4. In sub-area 4: 65 feet, except for hotel or motel uses, which are limited to 120 feet (10 stories).

3-4(K)(4) Other Development Standards

3-4(K)(4)(a) Outdoor Lighting

1. The height of light poles within 330 feet in any direction of Balloon Fiesta Park as delineated on its approved Master Plan shall not exceed 20 feet.[100]

[100] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

2. Pedestrian-scale lighting for sidewalks and trails on properties abutting Balloon Fiesta Park shall be limited to bollard lighting only.

3-4(K)(4)(b) Building Design

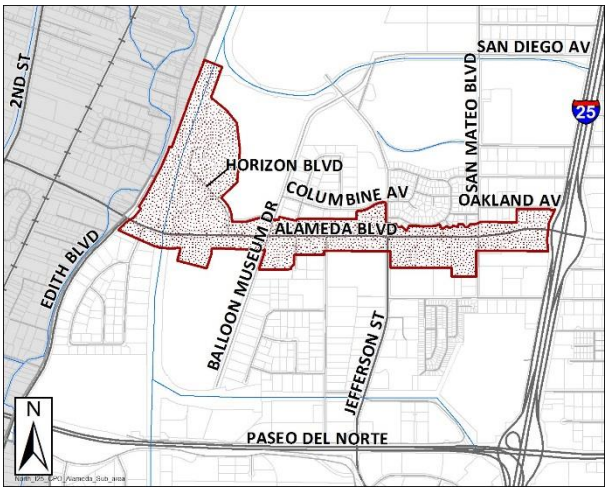
All multi-family, mixed-use, and non-residential development shall comply with the standards in Subsection 14-16-5-11(E) (Mixed-use and Non-residential Zone Districts), with the following exceptions:

1. Notwithstanding the exclusion of the NR-LM and NR-GM zone districts in Subsection 14-16-5-11(E) (Mixed-use and Non-residential Zone Districts), development in these zone districts shall meet the standards in that Subsection.
2. Primary building façades that face a public street shall wrap around the building at a distance of 1/3 the depth of the building or 20 feet, whichever is greater.
3. Building materials and colors shall have a light reflective value (LRV) ranging from 20 percent to 50 percent.
4. Reflective or mirrored glass is prohibited.

3-4(K)(4)(c) On-premises Signs

Sign standards for the MX-M zone district in Subsection 14-16-5-12(F) (On-premises Signs) apply in the Mixed-use and Non-residential zone districts of CPO-10 unless specified otherwise in this Subsection 14-16-3-4(K)(4)(c).

1. Projecting Signs
   a. Maximum size: 2 feet in height and 4 feet in width.
   b. A projecting sign on a multi-story building shall be located no higher than the top of the ground floor.
2. Freestanding Signs
   a. Pole signs are prohibited.
   b. Monument signs shall be a maximum size of 50 square feet with a maximum height of 13 feet, including a base with a height of at least 2 and no more than 3 feet.
   c. 1 additional monument sign is allowed on a premises of 5 acres or more.
3. Alameda Boulevard Sub-area
   Additional standards in this Subsection 14-16-3-4(K)(4)(c)3 apply in the following mapped area along Alameda Boulevard:



a. Wall signs shall not exceed 10 percent of the façade area, inclusive of door and window openings.

b. Freestanding signs shall be monument signs only with a maximum height of 8 feet.

c. No sign or any part of a sign shall rotate.

3-4(K)(5) Cross-references

3-4(K)(5)(a) Subsection 14-16-4-3(E)(12)(k) (Collocations, Public Utility Collocations, and Architecturally Integrated WTFs)

3-4(K)(5)(b) Subsection 14-16-5-2(H) (Landfill Buffers).

3-4(K)(5)(c) Subsection 14-16-5-12(F)(4)(b)2 (Portable Signs Prohibited).

3-4(K)(5)(d) Subsection 14-16-5-12(H)(2)(f) (Electronic Signs Prohibited).

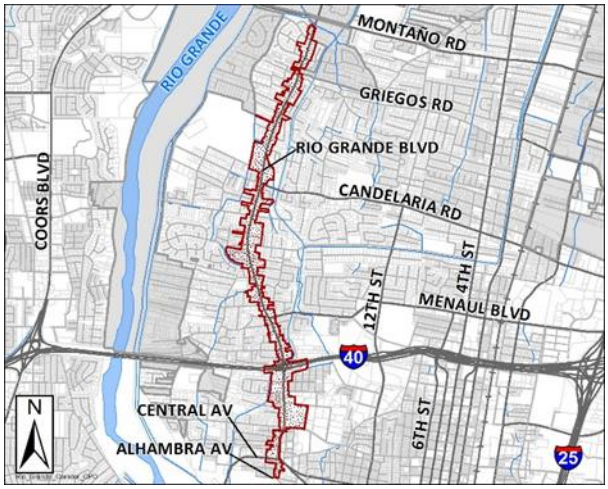
3-4(K)(5)(e) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

3-4(K)(5)(f) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-4(L) RIO GRANDE BOULEVARD – CPO-11

3-4(L)(1) Applicability

The CPO-11 standards apply in the following mapped area. Where the CPO-11 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(L)(2) Site Standards

Lot size, width, and usable open space shall be provided according to the applicable standards listed in Section 14-16-5-1 (Dimensional Standards).

3-4(L)(3) Setback Standards

Between Indian School Road and Montano Road, front, side, and rear setbacks for properties facing Rio Grande Boulevard in all zone districts except R-A shall 20 feet minimum.

3-4(L)(4) Building Stepback

Portions of buildings over 1 story in height shall be stepped back a minimum of 6 feet from the façade of the preceding story on sides of the building abutting a street or a lot containing any use in the Household Living category.

3-4(L)(5) Other Development Standards

3-4(L)(5)(a) Outdoor Storage and Display

1. All outdoor storage and display of construction equipment, materials, or vehicles (other than as required for temporary construction projects) shall meet the standards in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas) and in Subsection 14-16-4-3(D)(24) (Construction Contractor Facility and Yard).
2. Outdoor storage or display of construction equipment and materials (other than as required for temporary construction projects) shall be located at least 10 feet outside of the public right-of-way of Rio Grande Boulevard.

3-4(L)(5)(b) Parking Lots

Parking lots shall be designed and landscaped to minimize glare and reflection and reduce the visual impact of large numbers of

cars and trucks. Parking and buffering regulations shall be the same as Sections 14-16-5-5 (Parking and Loading) and 14-16-5-6 (Landscaping, Buffering, and Screening) with the following exceptions and additions:

1. At least 15 percent of the parking lot area shall be landscaped. Landscaping shall consist primarily of shade trees distributed throughout the parking area.
2. Trees shall be planted so that no parking space is more than 50 feet in any direction from a tree.[101]
3. Parking lots for new non-residential development shall not be located between buildings and the street. On lots less than 200 feet deep, parking may be located behind or beside non-residential buildings.

3-4(L)(5)(c) Lighting

Site lighting regulations shall be the same as Section 14-16-5-8 (Outdoor Lighting), except that the mounting height of lights in vehicle and/or storage areas shall be no higher than the building height or 26 feet, whichever is lower.

3-4(L)(5)(d) Building Design

1. Exposed concrete masonry unit (CMU) block and untreated metal are not allowed as finish materials for buildings or walls.
2. Exterior mechanical and electrical equipment must be screened from public view as required by Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas). Such equipment shall be located at ground level unless such a location would adversely affect the streetscape, pedestrian circulation, or open space.
3. Reflective or mirrored glass is prohibited on façades facing public streets.
4. New non-residential development shall have windows, plazas, and porches on the street-side of buildings.
5. Secondary entrances for new non-residential development shall be oriented toward rear and side parking lots.

3-4(L)(6) Cross-references

3-4(L)(6)(a) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-4(L)(6)(b) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

3-4(L)(6)(c) Subsection 14-16-5-12(H)(2)(c) (Electronic Signs Prohibited).

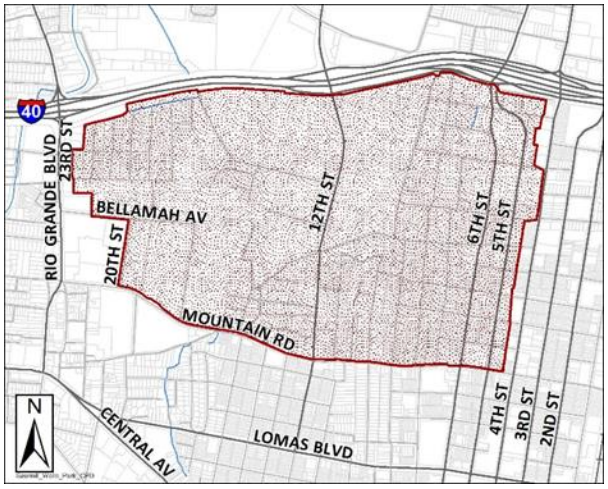
3-4(L)(6)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

[101] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

3-4(M) SAWMILL/WELLS PARK – CPO-12

3-4(M)(1) Applicability

The CPO-12 standards apply in the following mapped area. Where the CPO-12 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(M)(2) Site Standards

3-4(M)(2)(a) Lot Size

1. R-T, MX-T, and MX-L zone districts
   a. Two-family detached dwellings on one lot, minimum 7,000 square feet.
   b. Townhouse dwellings, minimum: 3,200 square feet per dwelling.
   c. Lot size, maximum: 10,000 square feet.
2. R-ML zone district
   a. Two-family detached dwellings on a lot, minimum: 2,700 square feet.
   b. Townhouse dwellings, minimum: 2,400 square feet per dwelling.
   c. Multi-family dwellings, minimum: 7,000 square feet.

3-4(M)(2)(b) Lot Width, Minimum

1. R-T zone district
   Townhouse dwellings: 32 feet per dwelling unit.
2. R-ML zone district
   a. Two-family detached dwellings on one lot: 24 feet.
   b. Townhouse dwellings: 32 feet per dwelling.
   c. Multi-family dwellings: 70 feet.

3-4(M)(2)(c) Usable Open Space, Minimum

In the R-ML, MX-T, and MX-L zone districts, usable open space for multi-family residential development is required as follows:

1. Efficiency or 1 bedroom: 400 square feet per unit.

2. Two (2) bedroom: 500 square feet per unit.
3. Three (3) or more bedrooms: 600 square feet per unit.

3-4(M)(3) Setback Standards

3-4(M)(3)(a) Low-density Residential Development in Any Zone District

1. Front, minimum
   a. 15 feet.
   b. Garage: 25 feet from the lot line abutting a street.[102]
2. Side, minimum
   a. Interior: 0 feet.
   b. Street side of corner lots: 10 feet.
   c. Between a single-family detached dwelling and any other dwelling: 10 feet.
3. Rear, minimum: 15 feet.

3-4(M)(3)(b) MX-L Zone District

Except as noted in Subsection (a) above for low-density residential development, front setbacks are required as follows:

1. Minimum: 15 feet.
2. On lots abutting Mountain Road: 0 feet minimum; 15 feet maximum.

3-4(M)(3)(c) NR-LM and NR-BP Zone Districts

Front, side, and rear, minimum: 10 feet, except 25 feet minimum adjacent to any Residential zone district, a lot containing a residential use in a Mixed-use zone district, or a designated trail.

3-4(M)(4) Building Height, Maximum

3-4(M)(4)(a) R-ML and MX-L zone districts: 26 feet.

3-4(M)(4)(b) NR-BP zone district: 35 feet.

3-4(M)(4)(c) NR-LM zone district: 55 feet.

3-4(M)(5) Other Development Standards

3-4(M)(5)(a) Enclosures and Screening

1. Non-residential uses within or adjacent to any Residential zone district shall be conducted within the fully enclosed portion of a building.[103]
2. All non-residential outdoor activities, including but not limited to storing materials, vehicle circulation, and parking adjacent to a lot in any Residential zone district, a lot containing a residential use in any Mixed-use zone district, or a lot containing a Civic and Institutional use in any zone district, shall be visually screened with an opaque wall or fence at least

[102] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).
[103] Revised per EPC Condition #1 (Tech Edits).

6 feet high and a landscaped buffer at least 10 feet wide with evergreen trees and/or shrubs.

3-4(M)(5)(b) Building Design for Residential Development

For all residential development, the following building design regulations apply:

1. No portion of any building within 25 feet of the front lot line or within 10 feet of any interior side lot line shall exceed 15 feet in height.[104]
2. Building exterior materials, colors, window and door styles, and roof slope and materials must be the same or similar on all parts of the building and any detached dwellings on the lot.
3. Front doors must face the nearest street, except that in townhouse and multi-family dwellings, only the dwelling unit(s) abutting the street must have front doors facing the street.
4. Each street-facing façade shall contain 12.5 percent or more of its surface in transparent windows and/or doors.
5. New windows must be recessed not less than 2 inches and/or shall be surrounded by a window casing not less than 2 inches wide.
6. Exposed CMU block is not allowed as a finished material for buildings.
7. Reflective or mirrored glass is prohibited.
8. Street-facing façades over 35 feet long on residential buildings must be designed to appear as a collection of smaller buildings.[105]
9. Half gables or shed roofs may only be used on lean-to portions of buildings, on the first story only.
10. The slope of new roofs may not exceed a 45 degree angle.
11. The slope of roofs on new buildings over 15 feet high must be 30 to 45 degrees.

3-4(M)(5)(c) Non-residential Building Design

In the MX-T, MX-L, and NR-LM zone districts, the following building design regulations apply:

1. No portion of any building within 25 feet of the front lot line shall exceed 15 feet in height.[106]
2. Front doors must face the nearest street.
3. Exposed CMU block is not allowed as a finished material for buildings.
4. Reflective or mirrored glass is prohibited.

[104] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).
[105] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".
[106] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

5. Street-facing façades over 35 feet long on non-residential buildings must be designed to appear as a collection of smaller buildings.[107]

3-4(M)(5)(d) Mixed-use and Non Residential Zone Districts
For all development except residential and industrial development, each street-facing façade shall contain 25 percent or more of its surface in transparent windows and/or doors.

3-4(M)(6) Cross-references

3-4(M)(6)(a) Subsection 14-16-4-3(F)(5)(e) (Accessory Dwelling Units Allowed).

3-4(M)(6)(b) Subsection 14-16-5-11(C)(1) (Primary Building Stepback).

3-4(M)(6)(c) Subsection 14-16-5-12(H)(2)(f) (Electronic Signs Prohibited).

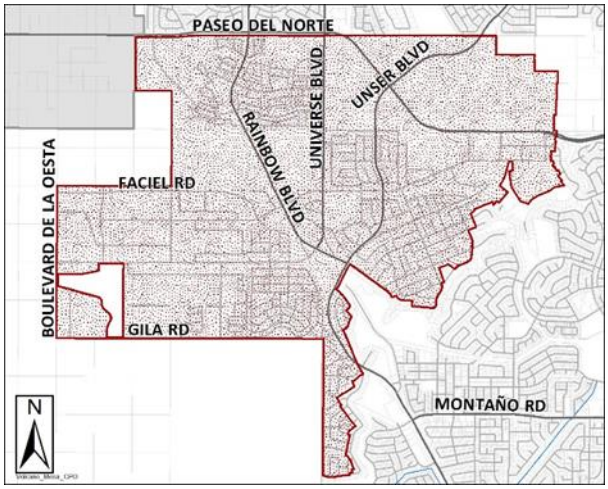
3-4(M)(6)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

[107] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".

3-4(N) VOLCANO MESA – CPO-13

3-4(N)(1) Applicability

The CPO-13 standards apply to low-density residential development in the following mapped area. Where the CPO-13 boundary crosses a lot line, the entire lot is subject to these standards.



3-4(N)(2) Site Standards

Lot size, width, and usable open space shall be provided according to the applicable standards listed in Section 14-16-5-1 (Dimensional Standards).

3-4(N)(3) Setback Standards

For lots larger than 10,000 square feet, building setbacks shall be as follows:

3-4(N)(3)(a) Front, minimum: 25 feet.

3-4(N)(3)(b) Side, minimum: 15 feet.

3-4(N)(3)(c) Rear, minimum: 15 feet.

3-4(N)(4) Building Height

Standards in this Subsection 14-16-3-4(N)(4) apply only outside of the area indicated in Subsection 14-16-3-6(E)(2) as the Northwest Mesa VPO-2 Height Restrictions area.

3-4(N)(4)(a) Building height, maximum: 18 feet.

3-4(N)(4)(b) Building height may be increased to 26 feet on a maximum of 50 percent of the building footprint.

3-4(N)(5) Other Development Standards

3-4(N)(5)(a) Façade Design

1. Each façade shall incorporate variations in material and/or a vertical or horizontal offset of at least 24 inches at least every 60 feet of façade length.[108]
2. Each single-family detached dwelling shall address the street with 1 of the options below:

[108] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".

a. A covered porch or stoop at least 5 feet in depth with a floor area of at least 100 square feet and at least 6 feet clear in any direction.

b. A walled courtyard with an entry feature, including but not limited to a gate, easily visible from the street. The entry feature must be a minimum of 6 feet wide and at least 6 feet, 8 inches and no more than 8 feet high, placed within the appropriate setback, connected to the dwelling by a courtyard wall at least 4 feet and no more than 5 feet high, and both designed and finished to complement the dwelling in color and architectural style. Notwithstanding Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height), any wall or entry feature provided to meet this standard shall not require a Permit – Wall or Fence – Major.[109]

c. A street-facing façade containing at least 25 percent of its surfaces in transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor.

3-4(N)(5)(b) Building Design Standards

1. Exterior Finishes
   Wall finishes may be stucco, masonry, adobe, and/or native stacked stone (or synthetic equivalent). Plain block, wood, and reflective panels shall not be used as an exterior finish. Veneer materials shall extend around exterior corners at least 1 foot. Brick coping and trims as per traditional New Mexico architectural styles are encouraged. Steel and synthetic wood substitutes are allowed for trim and detailing.
2. Roofs
   a. Reflective roofs are prohibited.
   b. Mansard roofs are prohibited.
   c. Parapets shall hide flat roofs.
3. Gutters and Downspouts
   Where a building is not setback from a lot line, gutters and downspouts shall drain to the street or water harvesting area to avoid impact to abutting lots.[110]

3-4(N)(5)(c) Residential Garage Access

1. Where alleys are available, residential garages for detached dwellings shall be accessed from the alley.
2. On streets designated as a local or collector, residential garages on corner lots shall be accessed from a side street or alley.

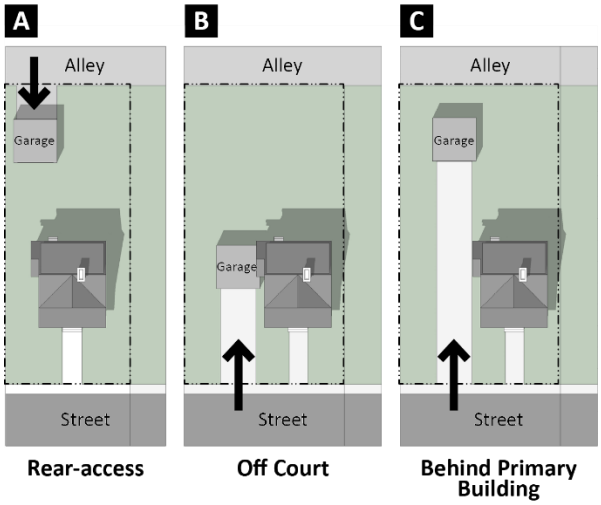
[109] Revisions to consistently use the term "dwelling" per EPC Condition #1 (Tech Edits). Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[110] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

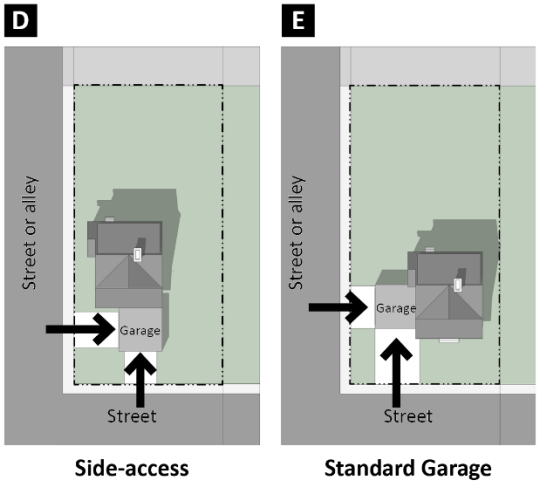
3. Townhouses shall use rear-loaded garages.
4. Garage types are limited by lot width, as described in Table 3-4-1 and illustrated below.
5. Garage Types D and E may be accessed from either front or side.
6. Driveway access, including drive pad but exclusive of wings, is limited to 20 feet wide for Garage Types B, C, D, and E, except where providing access from alleys.

Table 3-4-1: Allowable Garage Types and Minimum Setbacks[1]

Lot Width	Allowable Garage Types	Front Garage Setback from Front Façade *(front-loaded)*, minimum	Side Garage Setback from Lot Line *(side-accessed)*, minimum	Rear Garage Setback from Lot Line *(rear-loaded)*, minimum
< 40 ft.	A, D	10 ft.	5 ft.	2 ft.
≥ 40 ft.	A, B, C, D, E	5 ft.	5 ft.	2 ft.

[1] Garage setbacks are minimums only. The garage must first meet required building setbacks. For lots 10,000 sq. ft. or more, required building setbacks are in Subsection 14-16-3-4(N)(3) (Setback Standards); for lots less than 10,000 sq. ft, building setbacks are in Table 5-1-1 for the underlying zone district.





3-4(N)(5)(d) Residential Garage Design

In addition to setback requirements in Table 5-1-1 and garage design standards in Subsection 14-16-5-11(C)(2), the following provisions apply:

1. Garages other than Type D shall be set back from the street-facing façade of the dwelling. The street-facing façade shall share a common roof with the dwelling and garage.
2. Three-car garages are only allowed on lots over 55 feet wide, and the third garage shall be set back a minimum of 2 feet from the façade of the other garage.
3. The color of garage doors shall blend with or complement the exterior wall color in order to minimize the prominence of the garage door.

4. For garages built on a lot line, the requirements in Subsection 14-16-5-1(F) (Buildings Constructed on a Lot Line) apply.[111]

3-4(N)(5)(e) Street Cross Sections

Development within the Volcano Mesa – CPO-13 shall comply with all requirements in the DPM related to transportation design standards, including but not limited to street cross sections.

3-4(N)(6) Cross-references

3-4(N)(6)(a) Subsection 14-16-3-6(E)(4) (All development within the Volcano Mesa – CPO-13 is subject to color limitations in Northwest Mesa Escarpment – VPO-2).

3-4(N)(6)(b) Subsection 14-16-4-3(F)(5)(e) (Accessory Dwelling Units Allowed).

3-4(N)(6)(c) Subsection 14-16-5-11(C)(3) (Garages).

3-4(N)(6)(d) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

3-4(N)(6)(e) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

[111] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits). Revised to refer to citywide requirement per City Council Amendment B20.

3-5 HISTORIC PROTECTION OVERLAY ZONES

3-5(A) PURPOSE

The purpose of the Historic Preservation Overlay (HPO) zone is to preserve, protect, enhance, perpetuate, and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological, or geographic significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities. Properties in this district have 1 or more of the following characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.

3-5(A)(4) Possess high artistic value.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

3-5(B) DESIGNATED CITY LANDMARKS

3-5(B)(1) The list of individually designated City landmarks and the standards and guidelines applicable to each City landmark are available online: http://www.cabq.gov/planning/boards-commissions/landmarks-urban-conservation-commission/historic-landmarks.

3-5(B)(2) Maintenance requirements for City landmarks can be found in Subsection 14-16-5-13(B)(3).

3-5(C) DESIGNATION OF HISTORIC PROTECTION OVERLAY ZONES AND CITY LANDMARKS

3-5(C)(1) Landmark sites or structures and HPO Zones may be designated by the City Council pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

3-5(C)(2) Restrictions on and procedures for demolition of landmark structures and structures in HPO zones are regulated pursuant to Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

3-5(D) CERTIFICATE OF APPROPRIATENESS REQUIRED

3-5(D)(1) Within the boundaries of an HPO zone, the exterior appearance of any structure, including but not limited to any sign, shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor) or Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

3-5(D)(2) On a City landmark, the appearance of any structure, including but not limited to interior and exterior elements, landscaping, and signs, shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor) or Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

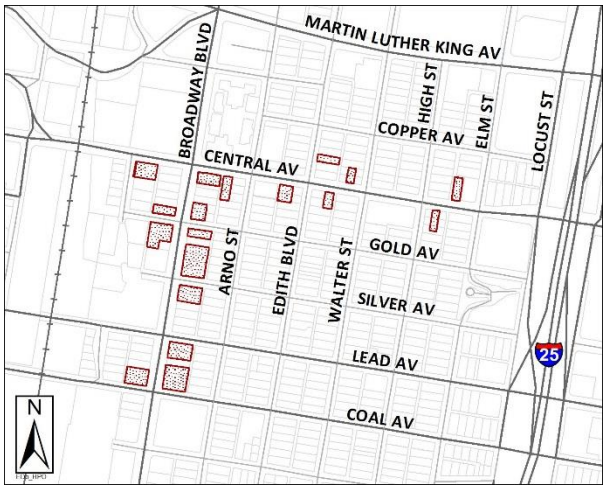
3-5(E) WIRELESS TELECOMMUNICATIONS FACILITIES

Where allowed, Wireless Telecommunications Facilities (WTFs) located in a designated HPO zone shall comply with the Use-specific Standards in Subsection 14-16-4-3(E)(12).

3-5(F) EAST DOWNTOWN – HPO-1

3-5(F)(1) Applicability

The HPO-1 standards and guidelines apply to all buildings that have been identified as significant and contributing to the relevant historic era and City landmarks listed in the Huning Highland National District on the National Register of Historic Places within the following mapped area. For City landmarks, the Landmark Guidelines shall prevail over these standards and guidelines. Construction of new structures within the HPO-1 shall comply with the standards in Subsection 14-16-3-4(E) (East Downtown – CPO-4).



3-5(F)(2) Setback Standards

Setbacks shall be maintained as is to preserve the pattern of building fronts and setbacks from the street.

3-5(F)(3) Building Height

Height shall be maintained as is, and in the case of additions, alterations, or new construction, not exceed neighboring building heights.

3-5(F)(4) Other Development Standards

3-5(F)(4)(a) Parking

Parking areas shall not be located between buildings and the street.

3-5(F)(4)(b) Walls and Fences

1. New walls and fences shall be wood, stone, brick, adobe, or wrought iron. Chain link is prohibited.
2. Exposed materials and features shall comply with the standards in Subsection 14-16-3-4(E)(5)(c) (Street Walls in East Downtown – CPO-4).

3-5(F)(4)(c) Building Design

1. Mass and scale shall be maintained as is or proportional to other buildings on the block in the case of additions or alterations.

2. Profiles shall maintain the geometry created by similar shapes and sizes (for example, by pitched roofs).
3. The patterns of existing walls, steps, and raised entrances shall be maintained.

3-5(F)(4)(d) Façade Design

1. Primary building entrances shall be oriented toward the sidewalk abutting the façade of the building on the street with the highest vehicular traffic volume.[112]
2. If an addition or alteration is made to a historic building, all materials shall be compatible with materials on that building.
3. Original exposed materials shall not be covered by other materials.

3-5(F)(4)(e) Energy Efficient Design

Additions to existing structures to allow the use of solar energy to increase energy efficiency are allowed. The design of such elements must be integrated into the overall building pattern with particular emphasis on preserving façades and roof slope and shape. Solar panels should not be visible from the front street.

3-5(F)(4)(f) Interiors

No interior elements are governed by these HPO-1 standards. However, if the structure is a City landmark, interior guidelines may be applicable to that structure only, according to the guidelines for that landmark.

3-5(F)(5) Standards and Guidelines

Additional standards and guidelines adopted by the LC that apply in this HPO-1 zone are found in the East Downtown Development Standards and Guidelines and are available online: https://www.cabq.gov/planning/codes-policies-regulations/historic-standards-and-guidelines.

3-5(F)(6) Cross-references

3-5(F)(6)(a) Subsection 14-16-5-5(F)(4) (Parking Location and Design in HPOs).

3-5(F)(6)(b) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-5(F)(6)(c) Subsection 14-16-5-12(F)(3) (Rooftop Signs Allowed).

3-5(F)(6)(d) Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).

3-5(F)(6)(e) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

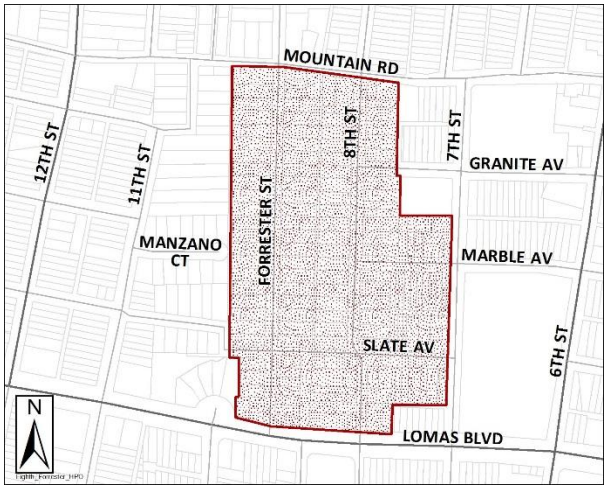
3-5(F)(6)(f) Subsection 14-16-6-5(F)(3) (Sign Review in HPOs).

[112] Revised per City Council Amendment B20

3-5(G) EIGHTH AND FORRESTER – HPO-2

3-5(G)(1) Applicability

The HPO-2 standards and guidelines apply in the following mapped area.



3-5(G)(2) Standards and Guidelines

The standards and guidelines applicable in this HPO-2 zone are found in the New Town Neighborhoods Development Guidelines and are available online: https://www.cabq.gov/planning/codes-policies-regulations/historic-standards-and-guidelines.

3-5(G)(3) Cross-references

3-5(G)(3)(a) Subsection 14-16-5-5(F)(4) (Parking Location and Design in HPOs).

3-5(G)(3)(b) Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).

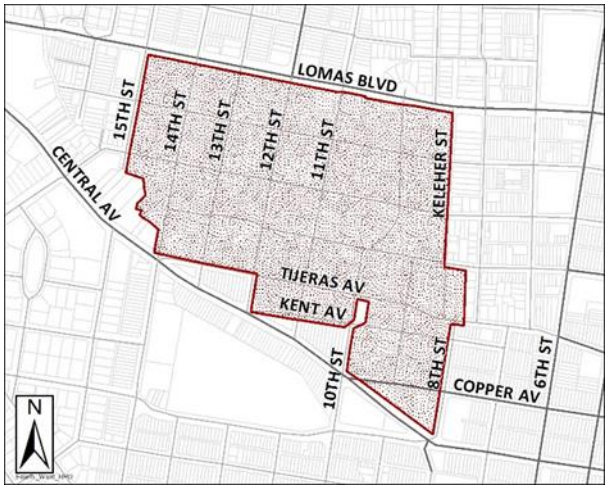
3-5(G)(3)(c) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-5(G)(3)(d) Subsection 14-16-6-5(F)(3) (Sign Review in HPOs).

3-5(H) FOURTH WARD – HPO-3

3-5(H)(1) Applicability

The HPO-3 standards and guidelines apply in the following mapped area.



3-5(H)(2) Standards and Guidelines

The standards and guidelines applicable in this HPO-3 zone are found in the New Town Neighborhoods Development Guidelines and are available online: https://www.cabq.gov/planning/codes-policies-regulations/historic-standards-and-guidelines.

3-5(H)(3) Cross-references

3-5(H)(3)(a) Subsection 14-16-5-5(F)(4) (Parking Location and Design in HPOs).

3-5(H)(3)(b) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-5(H)(3)(c) Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).

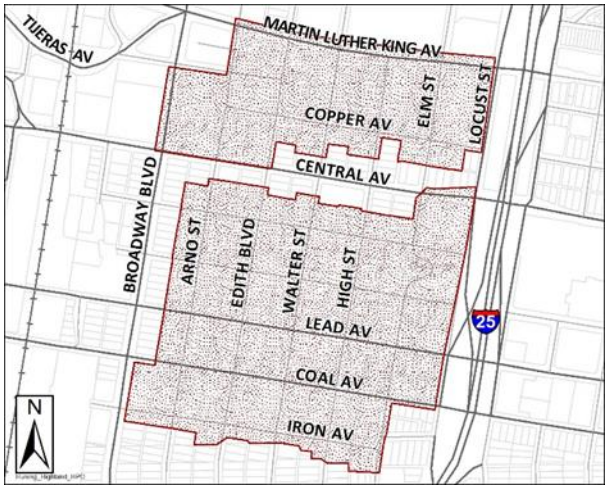
3-5(H)(3)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-5(H)(3)(e) Subsection 14-16-6-5(F)(3) (Sign Review in HPOs).

3-5(I) HUNING HIGHLAND – HPO-4

3-5(I)(1) Applicability

The HPO-4 standards and guidelines apply in the following mapped area.



3-5(I)(2) Standards and Guidelines

The standards and guidelines applicable in this HPO-4 zone are found in the New Town Neighborhoods Development Guidelines and are available online: https://www.cabq.gov/planning/codes-policies-regulations/historic-standards-and-guidelines

3-5(I)(3) Cross-references

3-5(I)(3)(a) Subsection 14-16-5-5(F)(4) (Parking Location and Design in HPOs).

3-5(I)(3)(b) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).

3-5(I)(3)(c) Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).

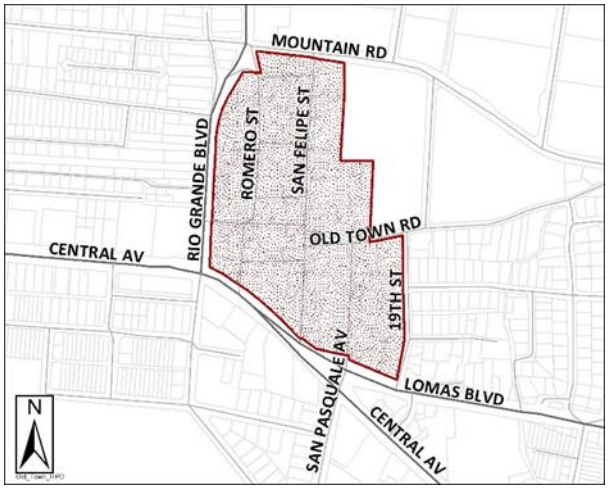
3-5(I)(3)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-5(I)(3)(e) Subsection 14-16-6-5(F)(3) (Sign Review in HPOs).

3-5(J) OLD TOWN – HPO-5

3-5(J)(1) Applicability

The HPO-5 standards and guidelines apply in the following mapped area.



3-5(J)(2) Building Height

Building height, maximum: 26 feet, unless the Landmarks Commission (LC) requires a lower height to protect the historic character of the area.

3-5(J)(3) Other Development Standards

3-5(J)(3)(a) Parking and Loading, Minimum

None, except that 1 off-street loading space that meets the requirements of the DPM shall be provided for each property with primarily commercial uses if there is ground floor space available on the lot to accommodate that loading space.[113]

3-5(J)(3)(b) Parking Lot Landscaping

The Rio Grande Boulevard – CPO-11 provisions in Subsection 14-16-3-4(L)(5)(b) (Parking Lots), shall apply within this HPO-5.

3-5(J)(3)(c) Signs[114]

1. Prohibited Signs
   a. Internally lit signs.
   b. Signs that flash or blink or signs with visible bulbs, neon tubing, luminous paint, or plastics (with the exception of vinyl lettering), except for neon signs allowed pursuant to Subsection 14-16-3-5(J)(3)(c)3.c below.
   c. Signs with wind-activated parts or signs that rotate or move in any manner.
   d. Signs or any part of any sign that changes its message or picture.
   e. Streamers.
2. Maximum Number of Signs

[113] Revised per City Council Amendment B20
[114] Sign regulations revised per O-19-52 and associated Exhibit #1.

A maximum of 2 signs that meet the type, dimension, and location requirements in Table 3-5-1 are allowed per establishment, with the following exceptions:

a. The following sign types do not count toward the maximum number of signs that are allowed:
   i. Window signs.
   ii. Temporary signs displayed on the day of an outdoor demonstration of the creation of retail goods.

b. Additional signs are allowed as follows:
   i. Restaurants are allowed 1 additional wall sign not to exceed 6 square feet.
   ii. Establishments that face 2 or more streets are allowed 1 additional sign.
   iii. The LC may approve 1 additional sign per establishment where the LC determines that there is not reasonable visibility of the establishment from the public right-of-way or adjacent property without such an additional sign. Such signs shall not exceed the maximum sign area in Table 3-5-1 as relevant to the type and location of the sign.
   iv. Premises with 2 or more establishments, at least 1 of which does not face the public right-of-way, are allowed additional signs as follows:
      a. Total sign area of any additional sign(s) shall not exceed 25 square feet, not to exceed 2 square feet per establishment.
      b. Within the sign sub-area established pursuant to Subsection 14-16-3-5(J)(3)(c)3.b. below, establishments are allowed 1 additional wall sign.
      c. Establishments in other locations are allowed either 1 additional wall sign or 1 additional freestanding sign that shall not exceed a height of 10 feet above finished grade.
   v. An additional wall or freestanding sign that meets the following requirements is allowed no more than 20 feet in any direction from where the edges of two public rights-of-way intersect or where the public right-of-way intersects a parking lot with over 20 parking spaces.[115]
      a. The sign area shall not exceed 2 square feet per establishment or 18 square feet total.
      b. The sign may advertise establishments on- or off-premises, as determined by the property owner

[115] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

where the sign is located, but all establishments advertised must be located within the Old Town – HPO-5 boundary.

c. Sign height for a freestanding sign shall not exceed 9 feet.

3. On-premises Signs

a. Sign types are allowed pursuant to Table 3-5-1.

Table 3-5-1: On-premises Signs in Old Town HPO-5

Sign Type	All Zone Districts	
	Sign Sub-area	All Other Locations
Wall Sign		
Area, maximum	On a façade facing an arterial or collector street and that is wholly visible from an arterial street:[116] 20 sq. ft. Other locations: 10 sq. ft.	
Window Sign		
Area, maximum[1]	2 sq. ft.	
Canopy Sign		
Area, maximum	Ground floor: 4 sq. ft. Other floors: 5 sq. ft.	
Projecting Sign		
Area, maximum	Prohibited	Ground floor: 4 sq. ft. Other floors: 5 sq. ft.
Freestanding Sign		
Area, maximum	Prohibited	4 sq. ft.
Temporary Sign on the Day of an Outdoor Demonstration of Retail Goods		
Area, maximum	3 sq. ft. each	
Portable Sign		
Area, maximum	Per Subsection 14-16-5-12(F)(4)(b)	

[1] For window signs, the maximum size in this table is the sign area allowed per establishment and may be achieved through one or multiple signs.

b. The following map illustrates the Sign Sub-area, which contains the area within 150 feet in any direction of the Plaza Park. Different allowable sign types and other standards may apply for any portion of a lot within the Sign Sub-area.[117]

[116] Revised per EPC Condition #1 (Tech Edits).
[117] Revised per City Council Amendment B20



c. Neon signs are allowed as window signs but shall not flash or blink.

d. No sign shall exceed the height of the façade, eaves, or fire wall of a building, whichever is lower.

e. The display of signs on railings is prohibited.

3-5(J)(3)(d) Outdoor Display[118]

1. Outdoor retail sales and related display of "handcrafted items" are allowed on specified portions of the public sidewalk pursuant to Section 13-3-2 of ROA 1994 (Old Town Solicitations).
2. The display of retail goods is allowed on private premises on tables, cases, racks, kiosks, boards, or chairs, provided that all of the following requirements are met:
   a. The tables, cases, racks, kiosks, boards, or chairs shall be removed outside of operating hours, unless they are allowed to be permanently affixed to a structure as approved in a Historic Certificate of Appropriateness – Minor pursuant to Subsection 14-16-6-5(B).[119]
   b. The display of retail goods on metal and/or plastic freestanding racks is prohibited.
   c. The display of retail goods on railings is prohibited.
   d. The area of any one surface of an individual item or the total (cumulative) surface area of more than one item displayed by any one establishment shall not exceed 15 square feet.
3. The display of chile ristras is not restricted.

[118] Sign regulations revised per O-19-52 and associated Exhibit #1.
[119] Revised per City Council Amendment B20.

3-5(J)(3)(e) Outdoor Demonstration[120]

Outdoor demonstrations of the creation of retail goods that are for sale within an associated establishment are allowed, provided that all of the following requirements are met:

1. Only one demonstration is allowed at an establishment at any given time.
2. The demonstration shall take place in an outdoor area on the same premises as the establishment selling the item being demonstrated.
3. The demonstration is limited to any combination of the following elements:
   a. People demonstrating the creation of retail goods that are for sale within the associated establishment.
   b. Tables or other functional items associated with the demonstration.
   c. The display of items created on the day of the demonstration.
   d. Temporary signs, which can only be displayed on the day of the demonstration and must be removed at the end of the demonstration.
4. The demonstration shall not be conducted within the public right-of-way or in a location that obstructs the public right-of-way.
5. The demonstration shall not obstruct any entrance to an establishment or access to any establishment.
6. All sales shall be conducted in the fully enclosed portion of the building containing the associated establishment.[121]

3-5(J)(4) Additional Standards and Guidelines

Additional standards and guidelines adopted by the LC that apply in this HPO-5 zone are available online: https://www.cabq.gov/planning/codes-policies-regulations/historic-standards-and-guidelines

3-5(J)(5) Cross-references[122]

3-5(J)(5)(a) Subsection 14-16-3-4(L) (Rio Grande Boulevard – CPO-11).

3-5(J)(5)(b) Subsection 14-16-4-3(D)(36)(a) (Outdoor Display or Storage).

3-5(J)(5)(c) Subsection 14-16-4-3(D)(36)(d) (General Retail, Small Allowed in MX-T).

3-5(J)(5)(d) Subsection 14-16-5-5(B)(2) (Parking and Loading Exemptions and Reductions).

3-5(J)(5)(e) Subsection 14-16-5-5(F)(4) (Parking Location and Design in HPOs).

3-5(J)(5)(f) Subsection 14-16-5-12(F) (On-premises Signs).

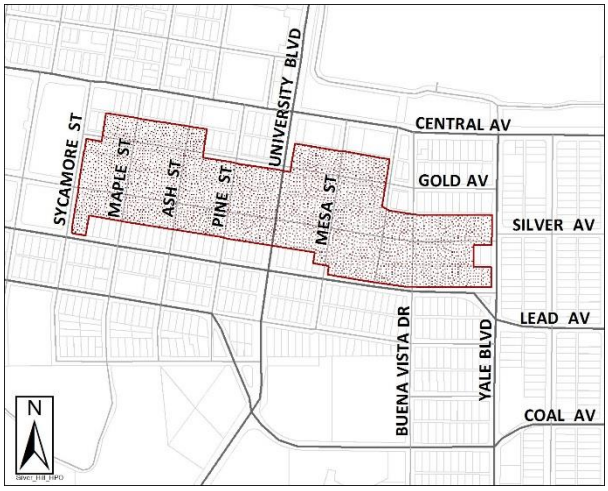
[120] Sign regulations revised per O-19-52 and associated Exhibit #1.
[121] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to the term 'building.'
[122] New cross-references per O-19-52 and associated Exhibit 1.

3-5(J)(5)(g)	Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).
3-5(J)(5)(h)	Subsection 14-16-5-12(F)(4)(b) (Portable Signs).
3-5(J)(5)(i)	Subsection 14-16-5-12(G) (Off-premises Signs).
3-5(J)(5)(j)	Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).
3-5(J)(5)(k)	Subsection 14-16-5-12(I) (Temporary Signs).
3-5(J)(5)(l)	Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).
3-5(J)(5)(m)	Subsection 14-16-6-5(C)(2)(a)2 (Sign Review in HPOs).

3-5(K) SILVER HILL – HPO-6

3-5(K)(1) Applicability

The HPO-6 standards and guidelines apply in the following mapped area.



3-5(K)(2) Standards and Guidelines

The standards and guidelines applicable in this HPO-6 zone are found in the Early Automobile Suburbs Development Guidelines and are available online: http://www.cabq.gov/planning/documents/SilverHillHistoricZoneDevelopmentGuidelines102010.pdf

3-5(K)(3) Cross-references

3-5(K)(3)(a) Subsection 14-16-5-5(F)(4) (Parking Location and Design in HPOs).

3-5(K)(3)(b) Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).

3-5(K)(3)(c) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-5(K)(3)(d) Subsection 14-16-6-5(F)(3) (Sign Review in HPOs).

3-6 VIEW PROTECTION OVERLAY ZONES[123]

3-6(A) PURPOSE

The purpose of the View Protection Overlay (VPO) zone is to preserve areas with unique and distinctive views that are worthy of conservation, such as those from public rights-of-way to cultural landscapes identified in the ABC Comp Plan, as amended.

3-6(B) WIRELESS TELECOMMUNICATIONS FACILITIES

Where allowed, WTFs located in a designated VPO zone or view corridor identified in Subsection 14-16-4-3(E)(12)(k) shall comply with the standards in that subsection, in addition to relevant Use-specific Standards in Subsection 14-16-4-3(E)(12).

3-6(C) DEVIATIONS AND VARIANCES

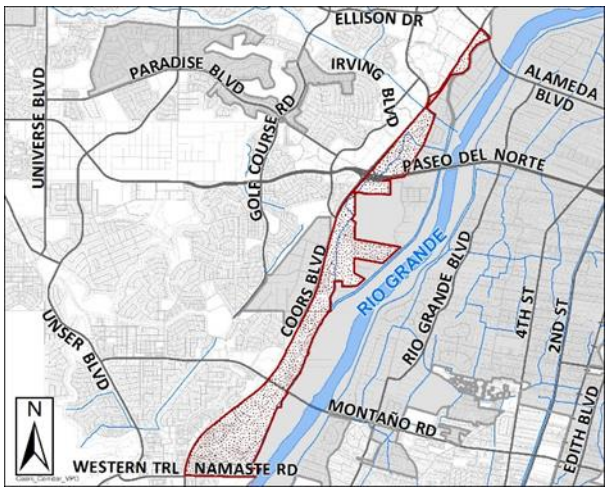
Administrative deviations from VPO zone standards are not allowed. Variances from these standards are only available pursuant to Subsection 14-16-6-6(O) (Variance – ZHE) or Subsection 14-16-6-6(N) (Variance – EPC), which require a public hearing.

[123] Council Amendment U introduces a new VPO for West Central. This Amendment was withdrawn.

3-6(D) COORS BOULEVARD – VPO-1

3-6(D)(1) Applicability

The VPO-1 standards apply to all development in the following mapped area. Where the VPO-1 boundary crosses a lot line, the entire lot is subject to these standards.



3-6(D)(2) Protected Views

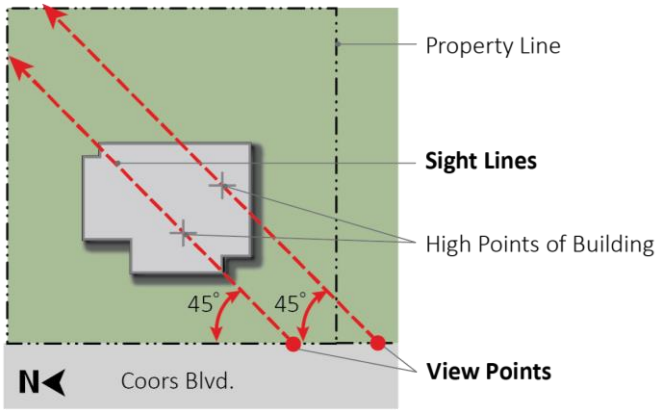
Views protected by this VPO-1 are from Coors Boulevard, along the segment between Western Trail/Namaste Road and Alameda Boulevard, looking toward the Rio Grande Bosque and Sandia Mountains.

3-6(D)(3) Definitions

The terms defined and illustrated below are used in the standards of this VPO-1.

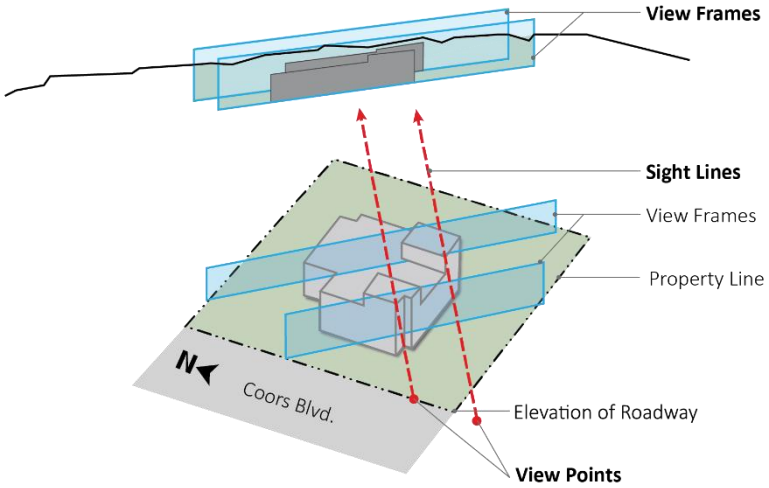
3-6(D)(3)(a) Sight Line

Line that begins at the east edge of the public right-of-way of Coors Boulevard and follows a 45 degree angle to Coors Boulevard, in an approximately northeast direction toward the Sandia ridgeline. Sight lines are required to intersect the highest point(s) of the proposed building(s) on the site and, if the building has no higher point, the lowest elevation(s) of the public right-of-way of Coors Boulevard abutting or nearest the site. (See figure below.)



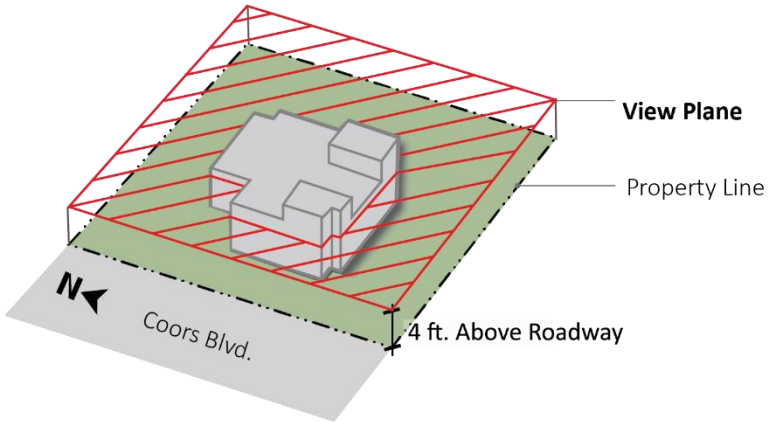
3-6(D)(3)(b) View Frame

A vertical rectangular frame drawn perpendicular (i.e. 90 degrees) to a given sight line through the highest point of the proposed building. The top of the view frame is established by the highest visible point of the Sandia ridgeline within the view frame. The bottom of the view frame is the elevation of the public right-of-way of Coors Boulevard where the sight line begins. The left and right edges of the view frame are an upward projection of the property lines at the site boundary where the view frame intersects the property lines. As many view frames as necessary to capture all the sight lines on a site are required. (See figure below.)



3-6(D)(3)(c) View Plane

A view plane 4 feet above the elevation of the east edge of the east driving lane on Coors Boulevard and extending horizontally above sites located east of Coors Boulevard. (See figure below.)



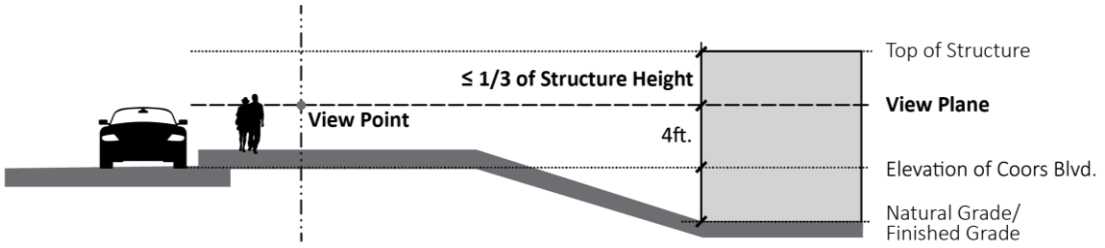
3-6(D)(4) Setback Standards

Within this VPO-1, the setback standards in Subsection 14-16-3-4(C)(3)(b) (Setback from Coors Boulevard) shall apply for lots abutting Coors Boulevard.

3-6(D)(5) Structure Height

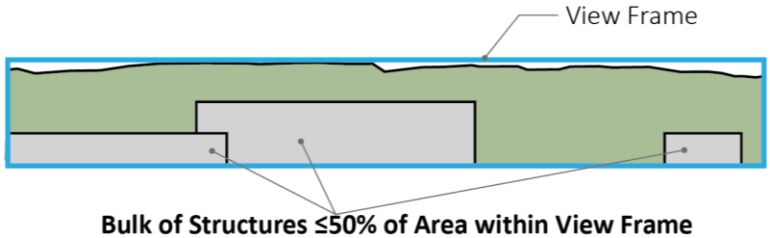
3-6(D)(5)(a) No more than 1/3 of the height of structures (including building parapets, mechanical equipment and associated screening, walls, and fences) shall be allowed to penetrate above the view plane as shown in section diagram below.

3-6(D)(5)(b) On lots with developable area that is constrained because the natural grade (or finished grade, if infrastructure is already installed) is less than or equal to 10 feet below the elevation of the east edge of the public right-of-way of Coors Boulevard and may also include sensitive lands (see Subsection 14-16-5-2(C)), a total height of 16 feet for low-density residential and 20 feet for other uses is allowed.



3-6(D)(6) Structure Bulk

Not more than 50 percent of the area within any view frame for a property shall be obscured by the bulk of the structure(s) (including walls and fences) placed on the property. (See figure below.)



Bulk of Structures ≤50% of Area within View Frame

3-6(D)(7) Building Massing

Projects containing several buildings shall provide variety in building size and massing. Lower, smaller buildings shall be located closer to Coors Boulevard, with larger, taller buildings located farther back on the property.[124] (See figure below.)



[124] Revised to remove "to the maximum extent practicable" per City Council Amendment A10.

3-6(D)(8) Colors

The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

3-6(D)(8)(a) Allowable colors include the browns and greens existing within the Bosque.

3-6(D)(8)(b) Trim materials on façades constituting less than 10 percent of the façade's opaque surface may be any color.

3-6(D)(9) Site Landscaping Within Coors Boulevard Setback

3-6(D)(9)(a) Any private landscaping other than trees shall not be higher at maturity than the view plane.

3-6(D)(9)(b) Tree varieties shall be selected for small "see through" type foliage texture and shall be planted singularly or in small groupings with concern for enhancing, not blocking, views to the east.

3-6(D)(10) Variances

Variances to standards for setback, structure height, or structure bulk and massing in this Coors Boulevard – VPO-1 shall be reviewed and decided by the Environmental Planning Commission (EPC) pursuant to Subsection 14-16-6-6(N) (Variance – EPC).

3-6(D)(11) Cross-references

3-6(D)(11)(a) Subsection 14-16-3-4(C) (Coors Boulevard – CPO-2).

3-6(D)(11)(b) Subsection 14-16-3-4(C)(3) (Coors Boulevard – CPO-2 Setback Standards).

3-6(D)(11)(c) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

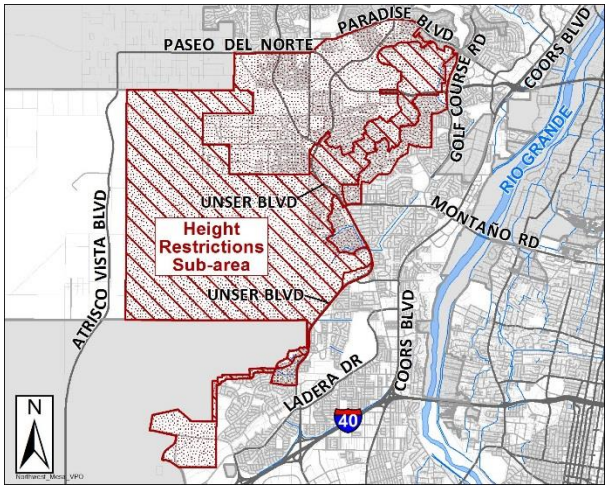
3-6(D)(11)(d) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-6(D)(11)(e) Subsection 14-16-6-6(N) (Variance – EPC).

3-6(E) NORTHWEST MESA ESCARPMENT – VPO-2

3-6(E)(1) Applicability

The VPO-2 standards apply in the following mapped area. Where the VPO-2 boundary crosses a lot line, the entire lot is subject to these standards.



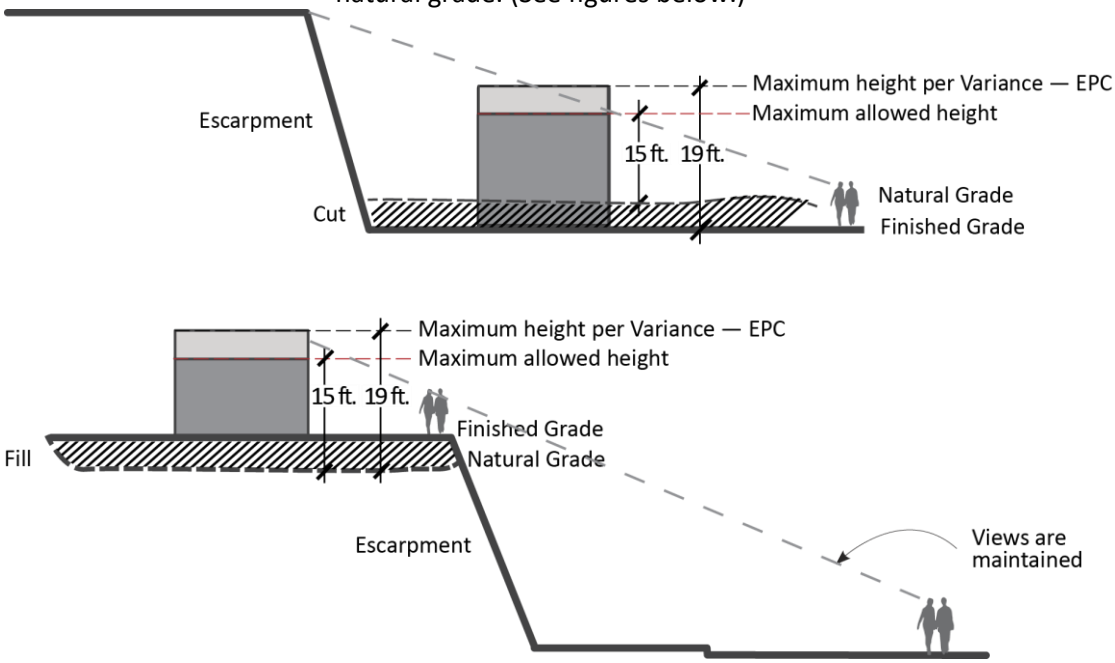
3-6(E)(2) Protected Views

Views protected by this VPO-2 are looking to and from the Petroglyph National Monument.

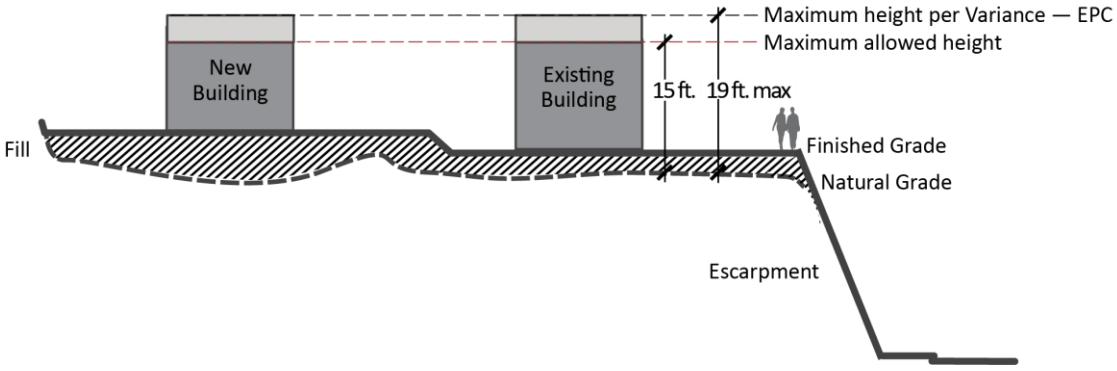
3-6(E)(3) Structure Height

The following standards apply in the Height Restrictions Sub-area shown in the map above.

3-6(E)(3)(a) Structure height shall not exceed 15 feet, as measured from natural grade. (See figures below.)



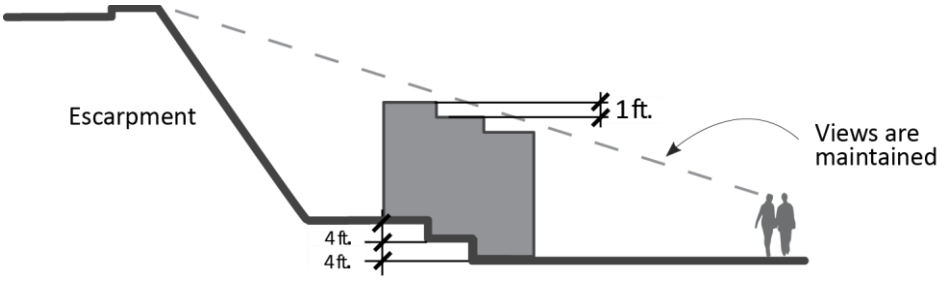
3-6(E)(3)(b) For properties with undulating terrain that would require fill as part of site grading, the resulting building shall not be taller than the tallest building on any abutting lot located within the Height Restriction sub-area and shall not block views to or from the escarpment, as shown in a view analysis. (See figure below.)



3-6(E)(3)(c) Additional height may be requested through a Variance – EPC pursuant to Subsection 14-16-6-6(N). (See figures above.)

1. No structure shall exceed 19 feet in height from the finished grade, inclusive of any Variance granted.
2. When a Variance is requested for structure height, the visual impact of additional structure height on views to and from the escarpment shall be minimized through at least 1 of the following techniques:

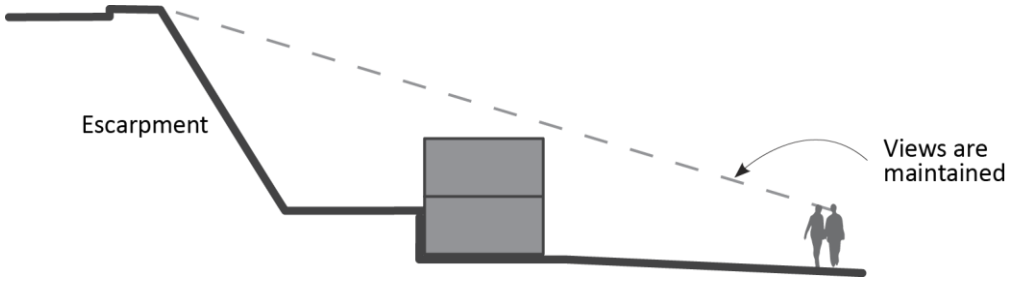
   a. Height/Slope
   An increase in height in response to slope to produce a stepped-down effect and a smooth transition in scale. For example, 1 foot of additional structure height may be granted for every 4 foot difference between the ground elevation and a base elevation established at the top of the escarpment for lots on top of the mesa or at the base of the escarpment for lots below the mesa. Buildings may also be depressed below the natural grade. (See figure below.)[125]



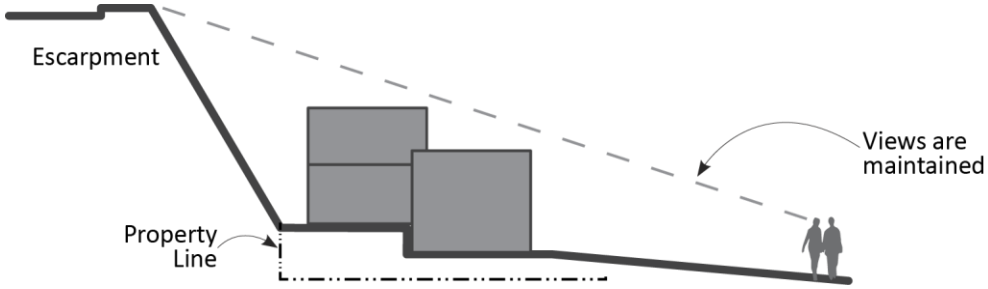
   b. View Corridors
   Two-story construction that is located and designed so that massing maintains views to the escarpment at the perimeter of the site, or at the nearest public road

[125] Revised per City Council Amendment B20

(whichever offers the predominant public views) and views from the escarpment – primarily from public trails and access points. The intent is to preserve the maximum amount of unobstructed lateral views to the base of the escarpment. If the site is located above the escarpment, the views will be to the top of the escarpment. (See figure below.)



c. Height/Slope/Setback
Structures set back from major public views (i.e. views from the site perimeter, nearest public road, public trails, or access points along the escarpment; views to the east, west, south, and north property lines; or views to the escarpment) so that building height increases in proportion to the size of the setback and the slope without increasing the visual impact from a particular vantage point. (See figure below.)



3-6(E)(4) Colors

The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

3-6(E)(4)(a) Colors include the yellow ochers, browns, dull reds, and grey-greens existing on the Northwest Mesa and escarpment, exclusive of the basalt.

3-6(E)(4)(b) Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.

3-6(E)(5) Reflectivity

Reflective or mirrored glass is prohibited.

3-6(E)(6) Roof-mounted Equipment

No exposed roof-mounted heating, ventilation, and air conditioning equipment shall be allowed. Any such equipment shall be fully screened from view from the nearest public streets and from the escarpment.

3-6(E)(7) Cross-references

3-6(E)(7)(a) Subsection 14-16-6-4(P)(3)(e) (Deviations to Overlay Standards Not Allowed).

3-6(E)(7)(b) Subsection 14-16-6-6(N) (Variance – EPC).

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Part 14-16-4 Use Regulations

4-1 GENERAL

4-1(A) LISTED USES

Table 4-2-1 indicates allowable land uses in individual zone districts, with abbreviations as described in Subsection 14-16-4-1(C). Use-specific Standards in Section 14-16-4-3 establish restrictions, requirements, additional allowances, or review procedures.[126]

4-1(A)(1) Table 4-2-1 may indicate that a use is allowed in a particular zone district, while the Use-specific Standard may restrict that use in particular contexts or in specified areas. For example, a use may be allowed citywide but not next to residential uses, or a use may be allowed in a small area but not citywide in the same zone district.[127]

4-1(A)(2) A blank cell in Table 4-2-1indicates that the use is not allowed in that zone district.

4-1(A)(3) Definitions of each land use may allow another land use listed in the table as incidental to the defined use.

4-1(A)(4) Additional land uses or restrictions on the use of land in a particular zone district may be contained in Sections 14-16-2-3 through 14-16-2-6 (Zone Districts) or in an Overlay zone applicable to the subject property in Part 14-16-3.

4-1(A)(4)(a) Allowable uses in the MX-FB Zone District are pursuant to Subsection 14-16-2-4(E)(3)(c) (Use Regulations).

4-1(A)(4)(b) The NR-SU zone district allows primary uses not allowed in any other zone district as indicated in Subsection 14-16-2-5(E)(2) (Use and Development Standards).[128]

1. Accessory uses listed as allowable in the NR-SU zone district in Table 4-2-1 may be approved in conjunction with a primary NR-SU use if they are found to be compatible with or complementary to the proposed primary use.
2. Additional uses not listed as allowable in the NR-SU zone district in Table 4-2-1 may be approved as accessory to the proposed primary use if they are found to be compatible with or complementary to the proposed primary uses.
3. Accessory uses approved in an NR-SU zone district shall be subject to the relevant Use-specific Standards or any other standards deemed appropriate and necessary by the relevant decision-making body.
4. Uses approved for each property and any related standards are documented in the approved Site Plan for that property on file with the City Planning Department.

[126] Revised per EPC Condition #14.c.
[127] Added per EPC Condition #14.c.
[128] Revised per EPC Condition #1 (Tech Edits).

4-1(A)(4)(c) Uses are regulated in the NR-PO sub-zones as follows:

1. NR-PO-A: Uses may be specified in Master Plans or Site Plans beyond those listed by Table 4-2-1, as approved by the City Parks and Recreation Department pursuant to Subsection 14-16-2-5(F)(3)(a) (Sub-zone A: City-owned or Managed Parks).
2. NR-PO-B: Uses may be specified in Master Plans, Resource Management Plans, or Site Plans beyond those listed by Table 4-2-1, as approved by the Open Space Division of the City Parks and Recreation Department pursuant to Subsection 14-16-2-5(F)(3)(b) (Sub-zone B: Major Public Open Space).
3. NR-PO-C: Allowable uses are listed in Table 4-2-1.
4. NR-PO-D: The BioPark is regulated by a Master Plan, which specifies allowable uses associated with the ABQ BioPark Zoo, Aquarium, Botanic Gardens, and Tingley Beach facilities, as approved by the City Cultural Services Department.

4-1(A)(4)(d) Allowable uses in the PD zone district are pursuant to Subsection 14-16-2-6(A)(4) (Allowable Uses). Uses approved for each property and any related standards are documented in the approved Site Plan for that property on file with the City Planning Department.

4-1(A)(4)(e) Allowable uses in the PC zone district are pursuant to Subsection 14-16-2-6(B)(4) (Allowable Uses). Allowable uses and any related standards are documented in the approved Framework Plan for the PC zone district on file with the City Planning Department.

4-1(B) UNLISTED USES

When a proposed land use is not explicitly listed in Table 4-2-1, the Zoning Enforcement Officer (ZEO) shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. In making this determination, the ZEO shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties. The ZEO's interpretation shall be made available to the public on the City Planning Department website and shall be binding on future decisions of the City until the ZEO makes a different interpretation or this IDO is amended to treat the use differently.

4-1(C) ABBREVIATIONS

4-1(C)(1) A "P" in a cell of Table 4-2-1 indicates that the use is Permissive Primary (i.e. a primary use allowed by right in that zone district), subject to compliance with any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(2) A "C" in a cell of Table 4-2-1 indicates that the use is Conditional Primary (i.e. a primary use allowed only after the applicant obtains a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)) and subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(3) An "A" in a cell of Table 4-2-1 indicates that the use is Permissive Accessory (i.e. allowed as an accessory use compatible with a Permissive Primary or

Conditional Primary use on the lot), and is subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(4) A "CA" in a cell of Table 4-2-1 indicates that the use is Conditional Accessory (i.e. an accessory use allowed only after the applicant obtains a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)) and subject to any Use-specific Standards referenced in the right-hand column of that line the table.

4-1(C)(5) A "CV" in a cell of Table 4-2-1 indicates that the use is allowed in a structure that has been vacant for a period of 5 or more years, only after the applicant obtains a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) and subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(6) A "T" in a cell of Table 4-2-1 indicates that the use is allowed as a temporary use, subject to any Use-specific Standards referenced in the right-hand column of the table and as permitted pursuant to Section 14-16-6-5(D) (Permit – Temporary Use).

4-1(D) MULTIPLE USES

4-1(D)(1) A development may include multiple primary uses, including a combination of residential and non-residential uses, provided that each use is listed as an allowable Permissive Primary use or a Conditional Primary use in that zone district, that a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)) is obtained for any Conditional Primary use, all Use-specific Standards applicable to each use are met, and the development complies with all applicable density, dimensional, impervious surface, development, and performance standards in Part 14-16-5 (Development Standards).

4-1(D)(2) In Mixed-use and Non-residential zone districts, accessory uses may be on a lot abutting the primary use.

4-1(E) PREVIOUSLY ALLOWED USES

4-1(E)(1) Each use that exists on the effective date of this IDO that is required by this IDO to obtain a Conditional Use Approval, but that was a permissive use or an approved conditional use prior to the effective date of this IDO is deemed to have a Conditional Use Approval to continue operation in structures and on land areas where the operation was conducted prior to the effective date of this IDO and to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and other requirements of this IDO (other than the requirement for a Conditional Use Approval).

4-1(E)(2) Each use that exists on the effective date of this IDO that was a permissive use or an approved conditional use prior to the effective date of this IDO and that is not allowed in the IDO zone district where it is located is a nonconforming use. See Section 14-16-6-8 (Nonconformities).

4-1(F) REQUIRED STATE LICENSES OR PERMITS

All uses required by the State of New Mexico or by another public or quasi-public or regulatory agency to have an approval, license, or permit to operate are required by the City

of Albuquerque to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this IDO.

4-1(G) SEPARATION OF USES

Where a specific use is required to be separated from a protected use by a minimum distance, and the specific use complies with those standards, the later arrival of a protected use located within the minimum spacing distance does not make the specific use subject to the spacing requirement nonconforming, subject to the discontinuance provisions of Subsection 14-16-6-8(C)(3) (Discontinuance of Nonconforming Use), and does not limit the ability of the specific use to expand if such expansion would have been allowed before the arrival of the protected use.

4-2 ALLOWABLE USES[129]

Table 4-2-1: Allowable Uses
P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed

Zone District >> / Land Uses	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES[130]																			
Household Living																			
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)
Dwelling, mobile home			P																
Dwelling, cluster development	P	P		P	P		P												4-3(B)(2)
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(3)
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(4)
Dwelling, townhouse				P	P	P	P	P	P	P									4-3(B)(5)
Dwelling, live-work				C	C	P	P	P	P	P	CA	CA							4-3(B)(6)
Dwelling, multi-family					P	P	P	P	P	P									4-3(B)(7)
Group Living[131]																			
Assisted living facility or nursing home				C	P	P	P	P	P	P									
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(8)
Community residential facility, large[132]					P	P	P	P	P	P									4-3(B)(8)
Dormitory[133]						P	C	P	P	P									
Group home, small					C	P	P	P	P										4-3(B)(9)
Group home, medium					C	C	C	P	P	P									4-3(B)(9)
Group home, large						C			C	C									4-3(B)(9)
CIVIC AND INSTITUTIONAL USES																			
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A					
BioPark																P (in D)			4-3(C)(8)
Cemetery															P				
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)
Correctional facility															P				
Daytime gathering facility[134]										A	C	C	A	C					4-3(C)(2)
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(3)
Fire or police station															P				

[129] Council Amendment B adds uses, use-specific standards, and definitions for cannabis-related uses. EPC Condition #59 excludes vocational schools, colleges, and universities from the regulations related to schools, clarifies the definition of school, and strikes the distance separation requirements from residential zones, schools, and day cares.
[130] Added Conservation Development per EPC Condition #9.a. Deleted Conservation Development per City Council Amendment B4.
[131] Deleted Community Residential Facility, Large per EPC Condition #1 (Tech Edits).
[132] Revised per EPC Condition #1 (Tech Edits) to remove Community Residential Facility, Large – changed Medium to Large for consistency.
[133] Revised from "Sorority or Fraternity" per EPC Condition #1 (Tech Edits).
[134] Revised from C to A in MX-H and NR-LM per EPC Condition #1 (Tech Edits).

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Zone District >> / Land Uses	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(4)
Hospital									P	P	P	P							4-3(C)(5)
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(6)
Overnight shelter[135]										C	C	C	C	C					4-3(C)(7)
Parks and open space	P	P		P	P	P	P	P	P	P	P	P	C	C	A	P	P	P	4-3(C)(8)
Religious institution	P	P		P	P	P	P	P	P	P	P	P	CV	CV					4-3(C)(9)
Sports field							CV	C	P	P	P	P	P	C		P		C	
University or college						CV	CV	C	P	P	P	P	CV	CV					
Vocational school						CV	P	P	P	P	P	P	P	P					
COMMERCIAL USES																			
Agriculture and Animal-related																			
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	C	C		A	A	A	4-3(D)(1)
Equestrian facility	P																P	C	4-3(D)(2)
General agriculture	P											C	P	P			P	A	4-3(D)(3)
Kennel	C							C	C		P	P	P	P					4-3(D)(4)
Nursery	P								A		P	P	P	P		A	A		
Veterinary hospital	C						C	P	P	P	P	P	P	P					4-3(D)(5)
Other pet services[136]	C						C	P	P	P	P	P	P	P					
Food, Beverage, and Indoor Entertainment																			
Adult entertainment												P	P	P					4-3(D)(6)
Auditorium or theater						A	A	A	P	P	P	P	P	P					4-3(D)(7)
Bar							C	C	P	P	P	P	P	P					4-3(D)(8)
Catering service									P	P	P	P	P	P					
Health club or gym			A		A	A	P	P	P	P	P	P	P	A					4-3(D)(9)
Nightclub									P	P	P	P	P						4-3(D)(8)
Residential community amenity, indoor	P	P	P	P	P	P	P	P	P	P								C	4-3(D)(10)
Restaurant							C	P	P	P	P	P	P	P					4-3(D)(8)
Tap room or tasting room							C	C	P	P	P	P	P	P					4-3(D)(8)
Other indoor entertainment							C	P	P	P	P	P	P	P		P		C	4-3(D)(11)
Lodging																			
Bed and breakfast	A	CA		A	A	P	P												4-3(D)(12)
Campground or recreational vehicle park															P		A	C	4-3(D)(13)
Hotel or motel							P	P	P	P	P	P	P	P					4-3(D)(14)
Motor Vehicle-related																			
Car wash								P	P	P	P	P	P	P					4-3(D)(15)

[135] EPC Condition #1 (Tech Edits) recommended revising this use from "C" to "A" in MX-H and LR-LM to allow the use permissively when accessory to another use in appropriate zone districts, and for consistency withdaytime gathering facility. EPC Condition #10 removed this recommendation from the Tech Edits.
[136] Revised per City Council Amendment B11 to add this use to NR-LM and NR-GM zone districts.

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Zone District >> / Land Uses	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Heavy vehicle and equipment sales, rental, fueling, and repair											P	C	P	P					4-3(D)(16)
Light vehicle fueling station								C	P	P	P	P	P	P					4-3(D)(17)
Light vehicle repair								P	P	P	P	P	P	P					4-3(D)(18)
Light vehicle sales and rental								C	P	P	P	P	P	P					4-3(D)(19)
Outdoor vehicle storage											C	C	P	P			A		4-3(D)(20)
Paid parking lot			A		A	A	C	P	P	A	P	P	P	P	A	A	A		4-3(D)(21)
Parking structure			A		A	A	CA	P	P	P	P	P	P	P	A				4-3(D)(21)
Offices and Services																			
Bank							P	P	P	P	P	P	P	CV					4-3(D)(22)
Blood services facility									C	C	C	P	P	P					
Club or event facility							C	P	P	P	P	P	P	CV		P	P	C	4-3(D)(23)
Commercial services								P	P	P	P	P	P	P					
Construction contractor facility and yard[137]										C	P	P	P	P					4-3(D)(24)
Crematorium															P				
Medical or dental clinic							P	P	P	P	P	P	P	P					4-3(D)(25)
Mortuary								C	P	P	P	P	C		A				
Office							P	P	P	P	P	P	P	P					
Personal and business services, small							P	P	P	P	P	P	P	P					4-3(D)(26)
Personal and business services, large									P	P	P	P	P	P					4-3(D)(26)
Research or testing facility							P	P	P	P	P	P	P	P					4-3(D)(27)
Self-storage								C	C	P	P	P	P	P			A		4-3(D)(28)
Outdoor Recreation and Entertainment																			
Amphitheater										C	C	C	C	C	A	P	A	C	
Balloon Fiesta Park events and activities																P			4-3(D)(29)
Drive-in theater									C	C	C	C	C						4-3(D)(30)
Fairgrounds															P				
Residential community amenity, outdoor	P	P	P	P	P	P	P	P	P	P								A	
Stadium or racetrack															P	P			
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P	4-3(D)(31)
Retail Sales																			
Adult retail										P		P	P	P					4-3(D)(6)
Art gallery	CV	CV	C	P	P	P	P	P	P	P	P		P	A					4-3(D)(32)

[137] Council Amendment N recommends making this use conditional within 330 ft. of residential zones. Revised per City Council Amendment A5.

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Land Uses / Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Bakery goods or confectionery shop[138]							C	P	P	P	P	P	P	P					
Building and home improvement materials store									C	C	P	P	P	C					4-3(D)(33)
Cannabis retail[139]								P	P	P	P	P	A	A					4-3(D)(34)
Farmers' market	T		T	T	T	T	T	P	P	P	P	P	CV	CV		P	A	CA	4-3(D)(35)
General retail, small[140]			A			A	P	P	P	P	P	P	P	P					4-3(D)(36)
General retail, medium									P	P	P	C	C						4-3(D)(36)
General retail, large									C	C	P	P							4-3(D)(36)
Grocery store								P	P	P	P		P	P					4-3(D)(37)
Liquor retail[141]							C	A	C	P	P	C	C	C					4-3(D)(38)
Nicotine retail[142]							CA	A	P	P	P	C	C	C					4-3(D)(39)
Pawn shop								C	P	P	P	P	P	P					4-3(D)(40)
Transportation																			
Airport															P				4-3(D)(41)
Freight terminal or dispatch center[143]												C	P	P					4-3(D)(42)
Helipad									CA	CA	A	P	P	P	A				4-3(D)(43)
Park-and-ride lot						C	C	C	P	C	C	P	C	C	A	A			4-3(D)(44)
Railroad yard												C	P	P					4-3(D)(45)
Transit facility[144]						C	C	C	P	P	P	P	P	P					4-3(D)(46)
INDUSTRIAL USES																			
Manufacturing, Fabrication, and Assembly																			
Artisan manufacturing							C	P	P	P	P	P	P	P					4-3(E)(1)
Cannabis cultivation[145]											P	P	P	P					4-3(E)(2)
Cannabis-infused products manufacturing[146]											P	P	P	P					4-3(E)(3)
Light manufacturing										A	P	P	P	P					4-3(E)(4)
Heavy manufacturing														P					4-3(E)(5)
Natural resource extraction															P				4-3(E)(6)
Special manufacturing														C					4-3(E)(7)
Telecommunications, Towers, and Utilities																			

[138] Revised from CV to C in MX-T per EPC Condition #1 (Tech Edits).
[139] Added per City Council Amendment A2.
[140] Revised from A to P in MX-T per EPC Condition #1 (Tech Edits).
[141] Council Amendment J makes liquor retail conditional unless associated with a grocery store in MX-M. EPC Condition #63 recommends not adopting Council Amendment J. Revised per City Council Floor Amendment C4.
[142] Added per City Council Amendment B14.
[143] Revised per City Council Floor Amendment C2.
[144] Revised per City Council Floor Amendment C2.
[145] Added per City Council Amendment A2.
[146] Added per City Council Amendment A2.

Table 4-2-1: Allowable Uses

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	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Drainage facility[147]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	C	
Electric utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	4-3(E)(8)
Geothermal energy generation	A	A	A	A	A	A	A	A	A	A	A	P	P	P		A	A		4-3(E)(9)
Major utility, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	
Solar energy generation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	4-3(E)(10)
Wind energy generation							A	A	A	A	A	A	A	C	A	A	A		4-3(E)(11)
Wireless Telecommunications Facility (WTF)																			4-3(E)(12)
Architecturally integrated	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding							P	P	P	P	P	P	P	P	A				
Public utility collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Roof-mounted			A		A	A	A	A	A	A	A	A	A	A	A				
Small cell[148]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Waste and Recycling																			
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(13)
Solid waste convenience center															P				4-3(E)(14)
Salvage yard												C	C	P					4-3(E)(15)
Waste and/or recycling transfer station															P				4-3(E)(16)
Wholesaling and Storage																			
Above-ground storage of fuels or feed													C	P					
Outdoor storage								CA	C	C	C	A	P	P					4-3(E)(17)
Warehousing									C	C	P	P	P	P					4-3(E)(18)
Wholesaling and distribution center									C	C	P	P	P	P					4-3(E)(19)
ACCESSORY AND TEMPORARY USES																			
ACCESSORY USES																			**4-3(F)(1)**
Agriculture sales stand	A	A	A	A	A	A	A	A	A	A	A	A	CA	CA			A		4-3(F)(2)
Animal keeping	A	A	A	A	A	A	A	A	A	A	A	A	A	A				CA	4-3(F)(3)
Automated Teller Machine (ATM)			A		A	A	A	A	A	A	A	A	A	A		T	T		
Drive-through or drive-up facility								CA	A	CA	A	A	A						4-3(F)(4)
Dwelling unit, accessory with kitchen[149]		A		A	A	A	A	A	A		A	A	A	A	A		A		4-3(F)(5)
Dwelling unit, accessory without kitchen[150]	CA	A		CA	A	A	A	A	A		A	A	A	A	A		A		4-3(F)(5)
Family care facility	A	A	A	A	A	A	A	A	A	A									4-3(F)(6)

[147] Added per EPC Condition #1 (Tech Edits).
[148] Added per EPC Condition #1 (Tech Edits).
[149] Revised per EPC Condition #14.a.
[150] Revised from CA to A in R-1 per EPC Condition #1 (Tech Edits).

Table 4-2-1: Allowable Uses

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	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Family home day care[151]	CA	CA	CA	CA	A	A	A												4-3(F)(7)
Garden	A	A	A	A	A	A	A	A	A	A	A	A	A				A		
Hobby breeder	A	A	A	A															4-3(F)(8)
Home occupation	A	A	A	A	A	A	A	A	A	A									4-3(F)(9)
Independent living facility				A	A	A	A	A	A	A									4-3(F)(10)
Mobile food truck[152]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			4-3(F)(11)
Mobile vending cart[153]							A	A	A	A	A	A	A	A		A		A	4-3(F)(12)
Outdoor animal run	A							CA	CA		CA		A	A					4-3(F)(13)
Outdoor dining area							CA	A	A	A	A	A	A	A	A				4-3(F)(14)
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours									A	A	A	A	A	A					
Parking of non-commercial vehicle	A	A	A	A	A	A	A												4-3(F)(15)
Parking of recreational vehicle, boat, and/or recreational trailer	A	A	A	A	A	A	A												4-3(F)(16)
Second kitchen in a dwelling	A	A	A	A	A	A	A												4-3(F)(17)
Other use accessory to non-residential primary use							A	A	A	A	A	A	A	A	A			A	4-3(F)(18)
Other use accessory to residential primary use	A	A	A	A	A	A	A	A	A	A									4-3(F)(19)
TEMPORARY USES[154]																			
Temporary Uses That Require A Permit																			
Circus									T		T	T	T						4-3(G)(1)
Construction staging area, trailer, or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(2)
Dwelling unit, temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(3)
Fair, festival, or theatrical performance	T	T	T	T	T	T	T	T	T	T	T	T			T	T	T		4-3(G)(4)
Open air market							T	T	T	T	T						T		4-3(G)(5)
Park-and-ride facility, temporary						T	T	T	T	T	T	T	T	T	T		T		4-3(G)(6)
Real estate office or model home	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				4-3(G)(7)
Seasonal outdoor sales							T	T	T	T	T	T	T	T					4-3(G)(8)
Temporary use not listed			T			T	T	T	T	T	T	T	T	T	T		T		4-3(G)(9)
Temporary Uses That Do Not Require A Permit																			
Garage or yard sale	T	T	T	T	T	T	T												4-3(G)(10)
Hot air balloon takeoff/landing	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	4-3(G)(11)

[151] Revised per EPC Condition #11.
[152] Revised to allow as A in NR-PO-A per EPC Condition #1 (Tech Edits).
[153] Revised to allow as A in NR-PO-A per EPC Condition #1 (Tech Edits).
[154] Table revised per EPC Condition #1 (Tech Edits) to distinguish between temporary uses that do and don't require a permit.

4-3 USE-SPECIFIC STANDARDS

4-3(A) GENERAL

4-3(A)(1) Each activity required to have a license, permit, or approval to operate from the State or federal government or any other governmental or quasi-governmental entity, or required to have a City business license to operate, shall maintain that license, permit, or approval in effect at all times, and shall comply with the requirements of that license, permit, or approval.

4-3(A)(2) All uses shall comply with City ordinances regulating noise, odors, vibration, glare, heat, and other nuisance conditions affecting other properties, as well as the requirements of Section 14-16-5-13 (Operation and Maintenance) unless specifically exempted from one or more of those requirements.

4-3(A)(3) All uses and associated regulations approved through SU-1, PD, PC, or a specific Site Plan processes prior to the effective date of this IDO shall remain valid.

4-3(B) RESIDENTIAL USES[155]

4-3(B)(1) Dwelling, Single-family Detached

4-3(B)(1)(a) In the R-A and R-1 zone districts, only 1 single-family detached dwelling is allowed per lot unless the units are part of a cottage development, in which case the provisions of Subsection 14-16-4-3(B)(3) apply.[156]

4-3(B)(1)(b) If the single-family detached dwelling meets the definition of a manufactured home, and the dwelling is not located in an R-MC zone district, the manufactured home shall meet the following standards:

1. Each manufactured home shall comply with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC. Sec. 5401).
2. When used as a residence, only 1 manufactured home may be located on a lot.
3. Each manufactured home shall be installed on a permanent foundation with an anchorage and tie-down constructed to meet the requirements of with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code) or the manufactured home installation code.
4. All Development Standards applicable to other single-family detached dwellings in the zone district where the manufactured home is located shall apply to this use.

4-3(B)(1)(c) If the single-family detached dwelling meets the definition of a manufactured home, and the dwelling is located in an R-MC

[155] Added Conservation Development per EPC Condition #9.b.i-v. Deleted Subsection 4-3(B)(3)(e)2 per City Council Amendment B3. Deleted conservation development per City Council Amendment B4.
[156] Revised to include R-A per EPC Condition #1 (Tech Edits).

district, the provisions of Subsection (a) above do not apply, and the provisions of Subsection 14-16-2-3(C) (Residential – Manufactured Home Community Zone District (R-MC)) shall apply.

4-3(B)(2) Dwelling, Cluster Development[157]

4-3(B)(2)(a) Minimum project size for this use is 1 acre.

4-3(B)(2)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.

4-3(B)(2)(c) The number of dwelling units is determined by dividing the area of the project site by the minimum lot size allowed in the zone district, rounded down to the nearest whole number.

1. Cluster developments comprised of more than 20 dwelling units shall be comprised of cluster groups.
   a. A cluster group shall not exceed 15 dwelling units.
   b. Each cluster group shall be separated by common open space or usable open space at least 50 feet in length and width.
2. In the Los Duranes – CPO-6, the number of dwelling units in a cluster development shall not exceed 20.

4-3(B)(2)(d) If the zone district allows two-family detached (duplex) dwellings, a cluster development may include that dwelling type.

4-3(B)(2)(e) The cluster development project site shall include common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.[158]

1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.
2. No structure is allowed in any required common open space except shade structures or structures necessary for operation and maintenance.[159]
3. Any required common open space shall have a minimum length and width of 35 feet.
4. Required common open space may be walled or fenced but shall be partially visible from a street through openings in, and/or with trees visible above, the wall or fence.
5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.

[157] Council Amendment D recommends revisions to Cluster Development to clarify the intent of this use. Revised per City Council Amendment A4.
[158] Revised to remove "a" before common open space per EPC Condition #1 (Tech Edits). Added Subsection 4-3(B)(2)(e)2 per EPC Condition #9.c. Deleted Subsection 4-3(B)(2)(e)2 per City Council Amendment B3.
[159] Revised per EPC Condition #1 (Tech Edits).

6. Maintenance for common open space areas is the responsibility of the property owner, unless those areas are dedicated the City, pursuant to Subsection 14-16-5-13(B) (Maintenance Standards).

4-3(B)(2)(f) The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot, and any required common open space shall be on separate subdivided lot(s) or easement(s).

4-3(B)(3) Dwelling, Cottage Development

4-3(B)(3)(a) The maximum project size for a cottage development is 2 acres.

4-3(B)(3)(b) The minimum project size for a cottage development is as follows:

1. General: 1 acre.
2. In UC-MS-PT areas or within 1,320 feet (¼ mile) of UC-MS-PT areas: 10,000 square feet.[160]

4-3(B)(3)(c) Cottage developments shall be measured in square feet of residential gross floor area rather than in the number of dwelling units.

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 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.[161]
   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.
   b. In the R-T or R-ML zone districts, for which minimum lot sizes are established for different residential uses, the calculation of the number of lots that would be allowed shall be based on the minimum lot size for the relevant low-density residential use (i.e. single-family or two-family detached dwelling if the cottage development will consist of single-family or two-family detached dwellings or townhouse dwelling if the cottage development will consist of townhouse dwellings).[162]

[160] Council Amendment F reduces the minimum lot size requirement for cottage development in and withn ¼ mile of UC-MS-PT areas. Added per City Council Amendment A7.
[161] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #13. Editorial revisions to the order of this subsection for clarity made per EPC Condition #1 (Tech Edits).
[162] Added per EPC Condition #1 (Tech Edits) and EPC Condition #13.

c. In the MX-T zone district, for which minimum lot sizes are not established in Table 5-1-2, the calculation of the number of lots that would be allowed shall be based on the minimum lot sizes established for the R-ML zone district in Table 5-1-1 for the relevant low-density residential use (i.e. single-family or two-family detached dwelling if the cottage development will consist of single-family or two-family detached dwellings or townhouse dwelling if the cottage development will consist of townhouse dwellings).[163]

2. Any combination of dwelling units of different sizes that total no more than the maximum total residential gross floor area would be allowed on the project site, with the following exceptions:

   a. The maximum size of each dwelling unit is 1,200 square feet of gross floor area.

   b. In the R-A and R-1 zone districts, the minimum size of each dwelling unit is 650 square feet of gross floor area.

   Example:
   On a 1 acre site in the R-A zone district, 4 lots would be allowed, given the minimum lot size of 10,890 square feet (1/4 acre) in the R-A zone district.

   Multiply the 4 lots allowed by 2,000 square feet. The site would be allowed 8,000 square feet of residential gross floor area. For example, 8 dwelling units of 1,000 square feet each would be allowed.

4-3(B)(3)(d) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.

4-3(B)(3)(e) The development may contain a shared indoor community space for all residents in the development to use for activities, cooking, and/or dining. If a such a space is provided, the building area is not included in the maximum total residential gross floor area.[164]

4-3(B)(3)(f) If individual cottage dwelling units do not have kitchens, a shared community space with a kitchen in a fully enclosed portion of a building accessible to all residents shall be provided.[165]

4-3(B)(3)(g) Homeowners association or other recorded documents shall require that any the sale of individual dwelling units also include an associated interest in shared or common lands, structures or facilities and shall require the buyer's continued responsibility for its share of those responsibilities.

[163] Added per EPC Condition #1 (Tech Edits) and EPC Condition #13.
[164] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #13.
[165] Added per EPC Condition #12.

4-3(B)(3)(h) Each project site shall maintain a landscape buffer at least 10 feet wide, meeting the requirements of Section 14-16-5-6 (Landscaping, Buffering, and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.

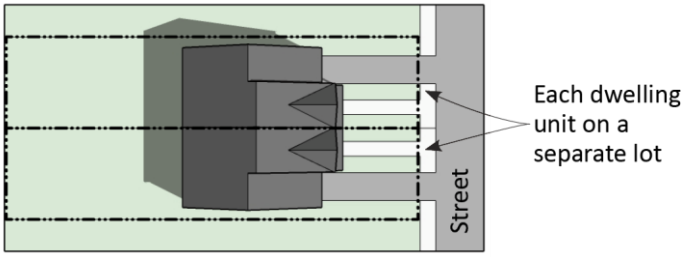
4-3(B)(3)(i) In the R-A and R-1 zone districts, 30 percent of the gross area of the project site shall be usable open space. Open balconies and rooftop decks shall not count toward this requirement.

4-3(B)(3)(j) If the zone district allows two-family detached (duplex) or townhouse dwellings, a cottage development may include those dwelling types.

4-3(B)(4) Dwelling, Two-family Detached (Duplex)

4-3(B)(4)(a) Where this use is allowed and the 2 dwelling units are on separate lots, interior side setbacks required by the zone district shall not apply to any lot line where the 2 units share a common wall.

4-3(B)(4)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)



4-3(B)(5) Dwelling, Townhouse

4-3(B)(5)(a) For townhouse developments containing more than 6 dwelling units on a common lot, minimum usable open space shall be provided as follows:

1. Efficiency or 1 bedroom: 200 square feet per unit.
2. 2 bedrooms: 250 square feet per unit.
3. 3 or more bedrooms: 300 square feet per unit.
4. In UC-MS-PT areas, the minimum usable open space required shall be 50 percent of the requirements in Subsections 1 through 3 above.

4-3(B)(5)(b) The required side setbacks required by Part 14-16-5 (Development Standards) shall apply to the end units of each townhouse dwelling, and shall not apply to interior side lot lines where townhouse dwelling units share a common interior wall.

4-3(B)(5)(c) For properties on which the rear or side lot line abuts an R-A or R-1 zone district or on which the rear lot line is across an alley from

an R-A or R-1 zone district, no townhouse dwelling may contain more than 3 dwelling units.[166]

4-3(B)(5)(d) In any Mixed-use zone district west of the Rio Grande on properties abutting the public right-of-way of a Major Transit or Premium Transit Corridor, allowable uses in the Commercial category are required along at least 50 percent of the ground floor of the façade facing the Major Transit or Premium Transit Corridor.

4-3(B)(6) Dwelling, Live-work

4-3(B)(6)(a) The business operator must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use, including a business registration permit from the City.

4-3(B)(6)(b) The building and lot may be used for both a residence and a business that does not qualify as a home occupation being conducted by a resident of the building.

4-3(B)(6)(c) The building and lot may not be used for the following uses identified in Table 4-2-1: any use in the Agricultural or Animal-related category; any use in the Food, Beverage, and Indoor Entertainment category; any use in the Motor Vehicle-related category; any use in the Industrial Uses category except artisan manufacturing or outdoor storage; commercial services; construction contractor facility and yard; crematorium; mortuary; adult retail; or liquor retail.

4-3(B)(6)(d) A wall sign no more than 8 square feet in size or as allowed by the underlying zoning, whichever is lesser, and located no higher than the top of the ground floor of the building is allowed.[167]

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

4-3(B)(7)(a) In addition to meeting all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), this use shall provide the following landscaping somewhere on the lot:

1. At least 1 tree per ground floor dwelling unit, and at least 1 tree per second floor dwelling unit; no additional trees are required for additional dwelling units on the third or higher floors.
2. At least 50 percent of the trees required by Subsection 1 above shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.
3. In DT-UC-MS-PT areas, only ground floor dwelling units are used to calculate the required street trees.

[166] Revised per EPC Condition #1 (Tech Edits).
[167] Revised per EPC Condition #1 (Tech Edits).

4-3(B)(7)(b) In any Mixed-use zone district west of the Rio Grande on properties abutting the public right-of-way of a Major Transit or Premium Transit Corridor, allowable uses in the Commercial category are required along at least 50 percent of the ground floor of the façade facing the Major Transit or Premium Transit Corridor.

4-3(B)(7)(c) In the MX-L and MX-M zone districts in the North I-25 – CPO-10, this use is prohibited on the ground floor.

4-3(B)(7)(d) This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on the ground floor of any building in the Downtown or Volcano Heights Urban Center areas.

4-3(B)(8) Community Residential Facility, Small or Large[168]

4-3(B)(8)(a) This use must comply with all applicable local, State, and federal regulations.

4-3(B)(8)(b) Each community residential facility occupying a structure originally designed for a use in the Household Living category shall comply with the Development Standards in Part 14-16-5 applicable to the zone district in which it is located.

4-3(B)(8)(c) This use is prohibited within 1,500 feet in any direction of any other community residential facility or group home.[169]

4-3(B)(8)(d) The total number of community residential facilities and group homes shall not exceed 30 in each City Council District.

4-3(B)(9) Group Home, Small, Medium, or Large

4-3(B)(9)(a) This use must comply with all applicable local and State regulations.

4-3(B)(9)(b) This use is prohibited within 1,500 feet in any direction of any other community residential facility or group home.[170]

4-3(B)(9)(c) The total number of community residential facilities and group homes shall not exceed 30 in each City Council District.

4-3(C) CIVIC AND INSTITUTIONAL USES

4-3(C)(1) Community Center or Library

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(C)(2) Daytime Gathering Facility

4-3(C)(2)(a) This use is prohibited within 1,500 feet in any direction of any other daytime gathering facility.

[168] Revised per EPC Condition #1 (Tech Edits), which deleted the use Community Residential Facility, Large. Medium was revised to Large for consistency.
[169] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[170] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

4-3(C)(2)(b) If this use is located on the same premises as an overnight shelter, the premises must meet any use-specific standard in this Subsection 14-16-4-3(C)(2) and in Subsection 14-16-4-3(C)(7) (Overnight Shelter).[171]

4-3(C)(3) Elementary or Middle School

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(C)(4) High School

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(C)(5) Hospital

In the MX-M zone district, this use is limited to no more than 20 overnight beds and may not include ambulance transportation to or from the facility.

4-3(C)(6) Museum

In any Residential or MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(C)(7) Overnight Shelter

4-3(C)(7)(a) This use is prohibited within 1,500 feet in any direction of any other overnight shelter.

4-3(C)(7)(b) If this use is located on the same premises as a daytime gathering facility, the premises must meet any Use-specific Standard in this Subsection 14-16-4-3(C)(7) and in Subsection 14-16-4-3(C)(2) (Daytime Gathering Facility).[172]

4-3(C)(8) Parks and Open Space

4-3(C)(8)(a) NR-PO-A or Other Zone District with a City-owned or City-operated Park[173]

1. Parks and recreational facilities, including associated community buildings, lighting, parking areas, trails, play areas, playgrounds, exercise stations, basketball courts, restrooms, drinking water facilities, picnic shelters, storage sheds and enclosures, and any other structures or improvements approved by the City Parks and Recreation Department are allowed.
2. Parks are prohibited in certain areas within the Airport Protection Overlay Zone, pursuant to Section 14-16-3-3.

[171] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances. Revised per City Council Amendment B20.
[172] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances. Revised per City Council Amendment B20.
[173] Revised per EPC Condition #1 (Tech Edits).

4-3(C)(8)(b) NR-PO-B or Other Zone District with City-owned or City-operated Major Public Open Space[174]

Areas designated as Major Public Open Space must comply with standards in the City Facility Plan for Major Public Open Space for the following types of facilities:

1. Open Space Preserve
2. Protected Undeveloped Open Space
3. Open Space Facilities
4. Open Space Trails
5. Special Use Area

4-3(C)(8)(c) NR-PO-C or Other Zone District with Parks or Open Spaces not Owned or Operated by the City[175]

1. Parks, multi-use trails, play areas, playgrounds, exercise stations, basketball courts, restrooms, drinking water facilities, picnic shelters, storage sheds/enclosures, and other facilities generally included in parks (collectively referred to as "recreational facilities" for the purposes of this Subsection 14-16-4-3(C)(8)(c)) that are designed for routine use by the public (rather than organized sports) and designated to accommodate no more than 25 persons per acre of site area at any one time are allowed.
2. Ball fields, fields for organized sports, nighttime lighting facilities, spectator bleachers or seating, parking areas for more than 25 cars, and any facility or improvement intended to be used by a group of more than 25 people at any one time require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
3. Other facilities included in an approved Site Plan for the property are allowed provided that the property owner complies with any conditions attached to that approval.
4. Recreational facilities that are open for public use, including but not limited to play areas, playgrounds, and basketball courts, shall be built to City Parks and Recreation standards and subject to review and approval by City Parks and Recreation Department for compliance.
5. Recreational facilities that are not open for public use, including but not limited to play areas, playgrounds, and basketball courts, shall be built to any ADA standards applicable to private recreational facilities. Such facilities, particularly playgrounds, shall be enclosed with a wall or fence 5 feet or higher and accessed via a locked gate. Signage at the entrance of the recreational area shall indicate the entity with ownership and maintenance responsibilities, and lighting shall

[174] Revised per EPC Condition #1 (Tech Edits).
[175] Revised per EPC Condition #1 (Tech Edits).

be provided so that the sign is visible after dark. The facility shall comply with the standards in Section 14-16-5-7 (Walls and Fences) and Section 14-16-5-8 (Outdoor and Site Lighting).

6. Dog parks shall be subject to regulations in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control).
7. Trails built in the NR-PO-C sub-zone may be paved or unpaved, except that multi-use trails must be paved. All trails shall be built to City standards as required by the Development Process Manual (DPM). The trails shall be maintained by the property owner or homeowners association. Signs shall be posted every ½ mile or at every intersection, whichever is closer, that indicate ownership and/or management and current contact information.
8. Parks, but not open space, are prohibited in certain areas within the Airport Protection Overlay Zone, pursuant to Section 14-16-3-3.

4-3(C)(8)(d) NR-PO-D (BioPark)

Uses specified in the BioPark Master Plan as approved by the City Cultural Services Department are allowed.

4-3(C)(9) Religious Institution

4-3(C)(9)(a) Incidental activities, including but not limited to recreational, educational, and overnight shelter facilities, are allowed, provided that the following conditions are met:[176]

1. All incidental facilities must be operated by the religious institution.
2. Overnight shelters must comply with all applicable State and local regulations for overnight shelters.

4-3(C)(9)(b) In the R-A, R-1, and R-T zone districts, this use is limited to facilities with a total of 40,000 square feet of gross floor area or less.

4-3(C)(9)(c) In the MX-T zone district, this use is limited to facilities with a total of 60,000 square feet of gross floor area or less.

4-3(D) COMMERCIAL USES

4-3(D)(1) Community Garden

4-3(D)(1)(a) The maximum size of this use is 3 contiguous acres.

4-3(D)(1)(b) This use shall be limited to the propagation and cultivation of plants.

4-3(D)(1)(c) Accessory structures such as hoop houses, shade structures, and storage sheds are allowed, but no such structure shall be more than 8 feet in height or located closer than 10 feet to a property line, and the total area covered by structures shall not exceed 25 percent of the site area.

[176] Revised per City Council Amendment B20.

4-3(D)(1)(d) Operation of power equipment or generators shall not occur between the hours of 10:00 P.M. and 7:00 A.M.

4-3(D)(1)(e) The site drainage and maintenance must prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in urban agricultural use.

4-3(D)(1)(f) Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than 5 individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the New Mexico direct-contact standards for lead; and the applicant demonstrates any of the following:

1. That the site has only been put to residential or agricultural use in the past through maps, deeds, prior permits, or a combination of those sources.
2. A composite sample of the native soil, consisting of no less than 5 individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are at or below the thresholds listed in Table 4-3-1.

Table 4-3-1: Soil Testing Standards

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000

4-3(D)(2) Equestrian Facility

This use is prohibited within 300 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.[177]

4-3(D)(3) General Agriculture

Livestock and birds are allowed, provided that the lot has an area of at least 1 acre and the following standards are met:

4-3(D)(3)(a) The number of cattle or horse does not exceed 1 for each 10,000 square feet of net lot area, and the number of sheep and goats does not exceed 1 sheep or goat for each 4,000 square feet of open lot area, or equivalent combination.

[177] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

1. Animals under 4 months old are not counted.
2. For cows and horses in Residential and Mixed-use Zone Districts, see Subsection 4-3(F)(3)(d).

4-3(D)(3)(b) Animals shall be so controlled that they cannot graze on any other premises.

4-3(D)(3)(c) Any building, pen, or corral for agricultural animals or birds is prohibited within 20 feet in any direction of any residential dwelling on the subject property or any adjacent lot.[178]

4-3(D)(4) Kennel

4-3(D)(4)(a) In the MX-L and MX-M zone districts, this use shall be conducted within fully enclosed portions of a building.[179]

4-3(D)(4)(b) In the MX-L and MX-M zone districts, any building that contains 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.[180]

4-3(D)(4)(c) In the NR-C, NR-LM and NR-GM zone districts:

1. This use must be conducted within fully enclosed portions of a building; within an area enclosed on all sides by a wall or fence at least 6 feet high, which must be opaque when it faces or abuts any zone district other than NR-C, NR-LM, or NR-GM; or a combination of these 2 options.[181]
2. Fully enclosed portions of a building containing this use is prohibited within 25 feet in any direction of any Residential zone district or lot containing a residential use in a Mixed-use zone district.[182]
3. Any areas where activities associated with this use are conducted outside of a fully enclosed portion of a building is prohibited within 50 feet in any direction of any Residential zone district or lot containing a residential use in a Mixed-use zone district.[183]

4-3(D)(5) Veterinary Hospital

4-3(D)(5)(a) In the MX-T, MX-L, and MX-M zone districts, treatment of large animals, including but not limited to cattle, horses, sheep, goats, or pigs weighing over 100 pounds, is prohibited. Only treatment of dogs, cats, other domestic pets, and small animals is allowed.[184]

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[178] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances. Revised from 50 feet per City Council Amendment B20.
[179] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building".
[180] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[181] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building".
[182] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building" and for consistent language about measuring distances.
[183] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building" and for consistent language about measuring distances.
[184] Revised per EPC Condition #1 (Tech Edits).

4-3(D)(5)(b) In the MX-M and NR-C zone districts, outside exercise runs are allowed, provided that they are enclosed with an opaque wall or fence at least 6 feet high. Outside areas for occupancy by animals overnight are prohibited.

4-3(D)(6) Adult Entertainment or Adult Retail

These uses are prohibited in the following locations:

4-3(D)(6)(a) Within 500 feet in any direction of any Residential zone district; lot containing any residential use in any Mixed-use zone district; religious institution; or elementary, middle, or high school.[185]

4-3(D)(6)(b) Within of 1,000 feet in any direction of another premises containing an adult entertainment or adult retail use.[186]

4-3(D)(7) Auditorium or Theater

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(8) Bar, Nightclub, Restaurant, and Tap Room or Tasting Room

4-3(D)(8)(a) Alcohol sales for on-premises consumption 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.

4-3(D)(8)(b) These uses must comply with stormwater quality requirements found in the DPM.

4-3(D)(8)(c) These uses may include the retailing of related goods, such as shirts, caps, recipe books, mugs, and glasses as an incidental activity.

4-3(D)(8)(d) A restaurant use must comply with Part 9-10-1 of ROA 1994 (Solid Waste Collection), in particular the City's minimum specifications for waste enclosures for restaurant and food services to include a sanitary sewer drain.

4-3(D)(8)(e) In the MX-T zone district, these uses are limited to 10,000 square feet of gross floor area.

4-3(D)(8)(f) In the Old Town HPO-5, the following standards apply.

1. Bars and nightclubs are prohibited.
2. Restaurants are permissive in any Mixed-use zone district regardless of whether the use is permissive in the zone district citywide.
3. Where allowed, tap rooms or tasting rooms require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless accessory to a restaurant.[187]

[185] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[186] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[187] Revised per O-19-52.

4-3(D)(9) Health Club or Gym

In the MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(10) Residential Community Amenity, Indoor

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(11) Other Indoor Entertainment

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(12) Bed and Breakfast

4-3(D)(12)(a) Alcohol sales for on-premises consumption 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.[188]

4-3(D)(12)(b) Guest stays are limited to a maximum of 30 calendar days.

4-3(D)(12)(c) The use shall appear outwardly to be a single-family dwelling, with no evidence of business use other than allowed signs.

4-3(D)(12)(d) If allowed only as an accessory use, the owner of the Bed and Breakfast shall reside on-site as their permanent residence.

4-3(D)(12)(e) If this use is located in any Residential zone district, 1 non-illuminated sign up to 8 square feet in area is allowed per premises.

4-3(D)(12)(f) If located in any Residential zone district, only the following persons may eat meals in the bed and breakfast:

1. The resident household and their personal guests.
2. Resident guests.
3. Guests of resident guests.
4. Guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. Special events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to 6 days in any calendar year.

4-3(D)(13) Campground or Recreational Vehicle Park

4-3(D)(13)(a) Minimum project size for a campground or recreational vehicle park is 1 acre.

[188] Added per Condition #1 (Tech Edits).

4-3(D)(13)(b) The maximum gross density within a campground shall be 25 camp sites per acre. Land that is not accessible to campers shall not be included in the calculation of gross density.

4-3(D)(13)(c) All recreational vehicles or tents parked or attached to the ground for use as an overnight accommodation shall be on a camp site.

4-3(D)(13)(d) Each camp site shall provide parking spaces of adequate size to accommodate the vehicles allowed at the site. Each parking space shall be constructed so that no portion of the vehicle it is designed for shall extend onto any drive aisle within the campground.

4-3(D)(13)(e) Camp sites shall be set back a minimum of 20 feet from each property line.

4-3(D)(13)(f) 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(D)(13)(g) This use shall be serviced by a private street system providing safe and convenient access to all camp sites or RV spaces, which shall be paved as required for off-street parking regulations in the DPM.

4-3(D)(13)(h) Water-flush toilets and urinals shall be provided and shall not be more than 300 feet in any direction of any camp site without an individual sewer connection.[189]

4-3(D)(13)(i) Toilets and lavatories shall be provided as required by with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code).

4-3(D)(13)(j) 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(D)(14) Hotel or Motel

4-3(D)(14)(a) In the MX-T zone district, this use is limited to a maximum of 15 guest rooms.

4-3(D)(14)(b) Additional standards in Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) may apply.

4-3(D)(15) Car Wash

4-3(D)(15)(a) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(15)(b) A car wash building and any associated outdoor activities are prohibited within 50 feet in any direction of any Residential zone district or any lot containing a residential use in any Mixed-use zone district.[190]

4-3(D)(15)(c) Within 330 feet in any direction of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).[191]

[189] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[190] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building".
[191] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building".

4-3(D)(15)(d) Notwithstanding Subsection (b) above, this use is prohibited adjacent to Major Public Open Space.

4-3(D)(15)(e) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area, pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[192]

4-3(D)(15)(f) This use is prohibited in the following small areas as noted.

1. Downtown Neighborhood Area – CPO-3
2. Sawmill/Wells Park – CPO-12
   This use is prohibited in the MX-L zone district.

4-3(D)(16) Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair

4-3(D)(16)(a) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(16)(b) The lot must be graded and surfaced pursuant to DPM standards and shall be maintained in a level and serviceable condition.

4-3(D)(16)(c) This use must be screened as required by Subsection 14-16-5-6(G)(4) (Outdoor Storage Areas for Vehicles, Equipment, and Materials). The Planning Director may require a taller wall, fence, or vegetative screen to provide an adequate buffer for an abutting Residential zone district or lot containing a residential use in any Mixed-use zone district from the reasonably anticipated visual or noise impacts of this use.

4-3(D)(16)(d) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(16)(e) Vehicle repair, servicing, and maintenance shall be conducted within fully enclosed portions of a building.[193]

4-3(D)(16)(f) Any building that contains vehicle repair, servicing, and maintenance 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.[194]

4-3(D)(16)(g) If located within 330 feet of any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsections 14-16-5-2(E) and 14-16-6-6(A).

4-3(D)(16)(h) This use is prohibited within 330 feet in any direction of Major Public Open Space.[195]

4-3(D)(16)(i) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur

[192] Added per City Council Floor Amendment C2.
[193] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building" and for consistent use of terms related to vehicle repair, service, and maintenance.
[194] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to vehicle repair, service, and maintenance and for consistent language about measuring distances.
[195] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

Area, pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[196]

4-3(D)(17) Light Vehicle Fueling Station[197]

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) When this use is located on a corner lot with access from both streets, it shall have no more than 1 access point per frontage. When this use is located mid-block or with access from only one street, it shall have no more than 2 access points from that street.

4-3(D)(17)(d) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.

4-3(D)(17)(e) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.

4-3(D)(17)(f) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(17)(g) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(17)(h) If located abutting or across an alley from any Residential zone district or lot containing a residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.

4-3(D)(17)(i) In the MX-L zone district, this use shall be located where vehicular access is only from a street designated as a collector, arterial, or interstate highway.[198]

4-3(D)(17)(j) In the MX-M and higher zone districts, if located on a local street, this use is prohibited within 330 feet in any direction of a lot containing a residential use in any Residential or Mixed-use zone district.[199]

4-3(D)(17)(k) This use is prohibited within 330 feet in any direction of Major Public Open Space.[200]

4-3(D)(17)(l) In UC-AC-MS-PT-MT areas and the MX-H zone district, the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum

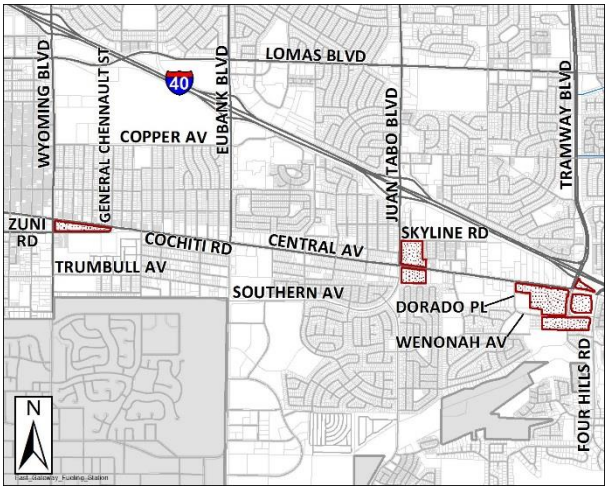
[196] Added per City Council Floor Amendment C2.
[197] Provision requiring access to be from a road with 2 travel lanes in each direction or a center turn lane deleted per EPC Condition #15.
[198] Revised per EPC Condition #1 (Tech Edits) and split into 2 provisions for clarity.
[199] Revised per EPC Condition #1 (Tech Edits) and split into 2 provisions for clarity.
[200] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

front setback of 15 feet. A canopy attached to the building with a common roof does not satisfy this standard.[201]

4-3(D)(17)(m) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.

4-3(D)(17)(n) This use is regulated as noted in the following small areas.

1. Downtown Neighborhood Area – CPO-3
   a. This use is prohibited in the MX-M zone district.
   b. This use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) in the MX-L zone district.
2. East Gateway Area
   This use is prohibited in the following mapped areas.



3. Railroad and Spur Area[202]
   A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).
4. Sawmill/Wells Park – CPO-12
   This use is prohibited in the MX-L zone district.

4-3(D)(18) Light Vehicle Repair

4-3(D)(18)(a) Storage of inoperative vehicles outside of the fully enclosed portions of a building is limited to 2 vehicles at any time, which may not be parked for more than 14 calendar days in a 1-year period.[203]

4-3(D)(18)(b) This use must comply with stormwater quality requirements found in the DPM.

[201] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.
[202] Added per City Council Floor Amendment C2.
[203] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.

4-3(D)(18)(c) Painting and vehicle repair shall be conducted within fully enclosed portions of a building.[204]

4-3(D)(18)(d) Any building that contains painting or vehicle repair 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.[205]

4-3(D)(18)(e) In any Mixed-use zone district, vehicle service and maintenance shall be conducted within fully enclosed portions of a building.[206]

4-3(D)(18)(f) This use is prohibited within 330 feet in any direction of Major Public Open Space.[207]

4-3(D)(18)(g) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[208]

4-3(D)(18)(h) This use is prohibited in the MX-L zone district in the Downtown Neighborhood Area – CPO-3.

4-3(D)(19) Light Vehicle Sales and Rental

4-3(D)(19)(a) Where allowed, incidental outdoor vehicle display, storage, or service and maintenance areas must be screened from any Residential zone district or residential component of any Mixed-use zone district located abutting or across an alley from those activities as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).[209]

4-3(D)(19)(b) In the MX-H zone district, outdoor display or storage of vehicles is prohibited.[210]

4-3(D)(19)(c) In the MX-H zone district, incidental vehicle service and maintenance must take place in fully enclosed portions of a building.[211]

4-3(D)(19)(d) In other zone districts where this use is allowed, accessory outdoor display, storage, and sales areas are prohibited within 50 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district and are prohibited within any required front setback area.[212]

4-3(D)(19)(e) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur

[204] Added per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building" and for consistent use of terms related to vehicle repair, service, and maintenance.
[205] Added per EPC Condition #1 (Tech Edits) for consistent use of terms related to vehicle repair, service, and maintenance and for consistent language about measuring distances.
[206] Added per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building" and for consistent use of terms related to vehicle repair, service, and maintenance.
[207] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[208] Added per City Council Floor Amendment C2.
[209] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to vehicle repair, service, and maintenance and per EPC Condition #16.
[210] Revised per EPC Condition #1 (Tech Edits).
[211] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building" and for consistent use of terms related to vehicle repair, service, and maintenance.
[212] Added per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[213]

4-3(D)(19)(f) This use is prohibited in the MX-L zone district in the Downtown Neighborhood Area – CPO-3.

4-3(D)(20) Outdoor Vehicle Storage

All areas where vehicles are stored outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).[214]

4-3(D)(21) Paid Parking Lot or Parking Structure

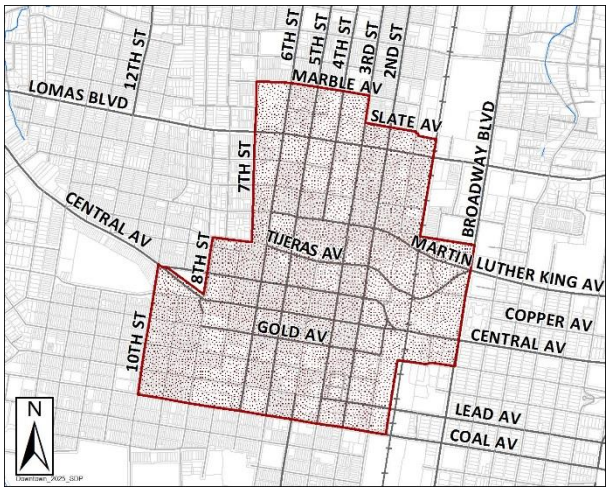
4-3(D)(21)(a) This use must comply with all standards in Section 14-16-5-5 (Parking and Loading).

4-3(D)(21)(b) This use is limited to the parking of motor vehicles and any allowable accessory or temporary use. No vehicle repair, vehicle sales, or other uses are allowed on the property. [215]

4-3(D)(21)(c) Minor accessory structures, including but not limited to waste container and dumpster enclosures, bike lockers, bike share facilities, and an attendant/payment booth, are allowed on the property, but shall not be located in any required setback area.

4-3(D)(21)(d) Paid parking lots are regulated as noted in the following small areas:

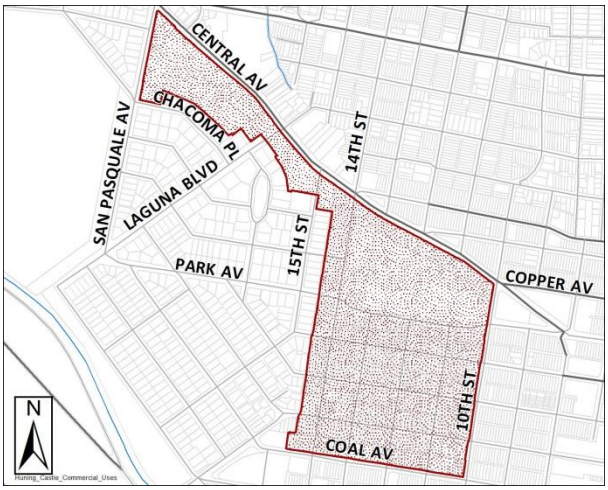
1. Barelas – CPO-1
   Paid parking lots are prohibited in the Barelas – CPO-1.
2. Downtown Area
   Paid parking lots are prohibited in the following mapped area.



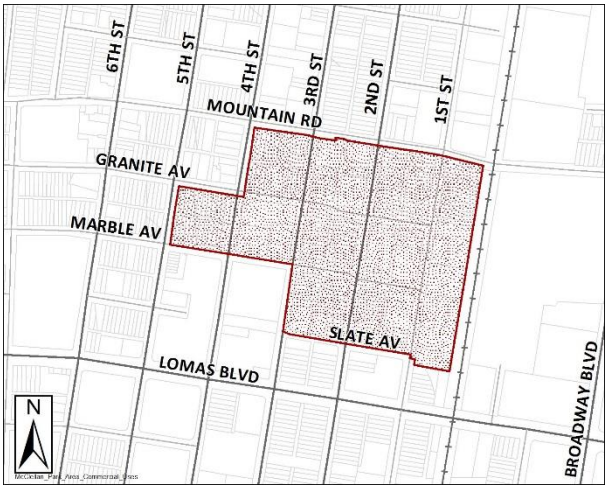
3. Downtown Neighborhood Area – CPO-3
   Paid parking lots are prohibited in the Downtown Neighborhood Area – CPO-3.

[213] Added per City Council Floor Amendment C2.
[214] Revised per EPC Condition #1 (Tech Edits).
[215] Revised for consistent use of defined terms per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.

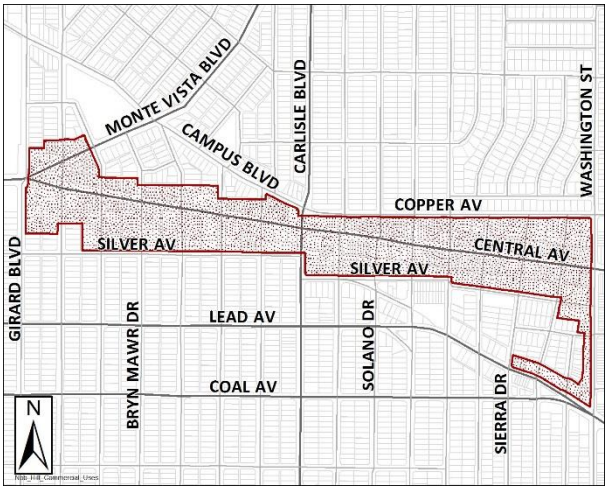
4. Huning Castle Raynolds Addition Area
   Paid parking lots are prohibited in any Mixed-use or Non-residential zone district in the following mapped area.



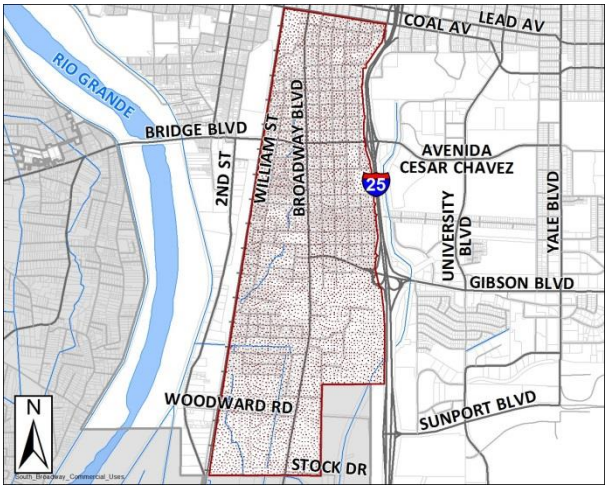
5. Los Duranes – CPO-6
   Paid parking lots are prohibited in the Los Duranes – CPO-6.
6. Martineztown/Santa Barbara – CPO-7
   Paid parking lots are prohibited in the Martineztown/Santa Barbara – CPO-7.
7. McClellan Park Area
   Paid parking lots require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) in the following mapped area.



8. Nob Hill/Highland Area
   Paid parking lots are prohibited in the following mapped area.



9. South Broadway Area
   Paid parking lots are prohibited in the following mapped area.



10. South Martineztown Area
    Paid parking lots are prohibited in the following mapped area.



4-3(D)(22) Bank

The following standards apply only to small loan businesses:

4-3(D)(22)(a) Small loan businesses may not be located within 1 mile of any other small loan business.

4-3(D)(22)(b) If a small loan business is abandoned, discontinued, or ceases operation for a period of 1 year, it shall not be reestablished at that location if it is within 1 mile of any other small loan business.

4-3(D)(22)(c) Small loan businesses shall maintain a valid license under the New Mexico Small Loan Business Act from the New Mexico Regulations and Licensing Department at all times. Small loan businesses shall submit to the ZEO proof on an annual basis that they have renewed their license with the New Mexico Regulations and Licensing Department.

4-3(D)(23) Club or Event Facility

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(24) Construction Contractor Facility and Yard

4-3(D)(24)(a) This use may be conducted outside of a building.

4-3(D)(24)(b) All areas outside of a completely enclosed building where construction equipment or goods or vehicles are parked or stored or work is conducted must comply with requirements in Section 14-16-5-6 (Landscaping, Buffering, and Screening).[216]

4-3(D)(24)(c) If located within 330 feet of any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).[217]

4-3(D)(25) Medical or Dental Clinic

4-3(D)(25)(a) Facilities that dispense methadone as a primary activity are prohibited in the following locations:[218]

1. Within 330 feet in any direction of any other facility that dispenses methadone as a primary activity.
2. Within 330 feet in any direction of a lot containing a religious institution.
3. Within 500 feet in any direction of an R-1 zone district.
4. Within 500 feet in any direction of a lot containing an elementary, middle, or high school.

4-3(D)(25)(b) Facilities that are considered a syringe exchange facility pursuant Article 9-15 of ROA 1994 (Syringe Exchange Facility Location) are allowed as part of this use, but are prohibited in the following locations:[219]

[216] Revised per EPC Condition #1 (Tech Edits).
[217] Added per City Council Amendment A5.
[218] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[219] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

1. Within 500 feet in any direction of any other syringe exchange facility.
2. Within 500 feet in any direction of a lot containing a religious institution.
3. Within 500 feet in any direction of a Residential zone district or a building containing a residential use in a Mixed-use zone district.
4. Within 1,000 feet in any direction of a lot containing an elementary, middle, or high school.

4-3(D)(25)(c) If located in an MX-T or MX-L zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(26) Personal and Business Services, Small or Large

4-3(D)(26)(a) The following provisions apply only to bail bond businesses:

1. The lot shall not be accessed from a local street.[220]
2. Bail bond businesses may not be located on the same lot as another bail bond business.[221]
3. Unless located within 500 feet in any direction of a courthouse, a bail bond business may not be located closer than 1 mile to any other bail bond business.[222]
4. If a bail bond business is abandoned, discontinued, or ceases continuous operation for more than 1 year, it shall not be reestablished at that location if it is within 1 mile of any other bail bond business, unless it is located within 500 feet in any direction of a courthouse.[223]

4-3(D)(26)(b) The following provisions apply if the use includes dry cleaning of clothes and is located in any Mixed-use zone district:

1. Only nonflammable or noncombustible materials may be used in the cleaning process.
2. The portion of the structure in which any cleaning process is done must be located at least 50 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.[224]

4-3(D)(26)(c) The following provisions apply only to massage businesses:[225]

1. Massage businesses are allowed provided that the business complies with all applicable federal, State, and City requirements.
2. It is the burden of the owner of the massage business to ensure that the massage business is and remains continually in compliance with all requirements in Sections 61-12C-1

[220] Revised per EPC Condition #1 (Tech Edits).
[221] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[222] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[223] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[224] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[225] Added per City Council Amendment B22.

through 61-12C-25 NMSA 1978 (Massage Therapy Practice Act).

4-3(D)(27) Research or Testing Facility

4-3(D)(27)(a) Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by State or federal law, or emitting electromagnetic radiation or other radiation, shall comply with all State and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(27)(b) If located in an MX-T or MX-L zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(27)(c) Facilities that require Conditional Use Approval pursuant to Subsection (a) above are prohibited in the MX-T or MX-L zone districts.

4-3(D)(28) Self-storage

4-3(D)(28)(a) All storage shall be within fully enclosed portions of a building.[226]

4-3(D)(28)(b) Public access to any storage units within 100 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district is prohibited between 10:00 P.M. and 7:00 A.M.

4-3(D)(28)(c) An opaque wall or fence at least 6 feet and no more than 8 feet high or a landscape buffer at least 50 feet wide shall be provided along any lot line that abuts any Residential zone district or lot containing a residential use in any Mixed-use zone district.

4-3(D)(28)(d) Security fencing shall not include razor wire or barbed wire.

4-3(D)(28)(e) In the MX-L, MX-M, MX-H, and MX-FB zone districts, and on lots in the NR-C zone district within a UC-AC-MS-PT area, access to individual storage units shall be through interior corridors; direct access to individual units from outdoor areas is not allowed.

4-3(D)(28)(f) In the NR-C zone district outside of UC-AC-MS-PT areas, exterior doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner lot, shall not face the primary street frontage.[227]

4-3(D)(29) Balloon Fiesta Park Events and Activities

Uses and conditions on operations are governed by the Balloon Fiesta Master Plan, as amended.

4-3(D)(30) Drive-in Theater

4-3(D)(30)(a) This use shall be enclosed with an opaque wall, fence, or vegetative screen at least 6 feet and no more than 8 feet high.

[226] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms “outdoor” and “in a building”.
[227] Added “-AC-“ and revised the term “lot” to “parcel” per EPC Condition #1 (Tech Edits).

4-3(D)(30)(b) A screen located less than 500 feet from an arterial street or interstate highway shall be located, oriented, or shielded so that the picture surface cannot be seen from the arterial street or interstate highway.[228]

4-3(D)(31) Other Outdoor Entertainment

4-3(D)(31)(a) This use shall include fencing or other measures meeting the standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any surrounding properties not owned by the owner or operator of the use.

4-3(D)(31)(b) Rifle range (public or private) and flying of kites are prohibited in the Air Space and Runway Protection Sub-areas pursuant to Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

4-3(D)(32) Art Gallery

In any Residential or MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(33) Building and Home Improvement Materials Store

4-3(D)(33)(a) All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).[229]

4-3(D)(33)(b) If this use also meets the definition of a large retail facility, the Use-specific Standards in Subsection 14-16-4-3(D)(36) (General Retail) for large retail facilities also apply.

4-3(D)(34) Cannabis Retail[230]

4-3(D)(34)(a) Cannabis retail is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(34)(b) This use is prohibited within 330 feet of any school or child day care facility

4-3(D)(34)(c) This use is conditional if cannabis will be consumed on-site. If cannabis is consumed on-site, an air filtration plan approved by the City's Environmental Health Department is required.

4-3(D)(35) Farmers' Market

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious

[228] Revised per EPC Condition #1 (Tech Edits) for consistent referecing of street classification.
[229] Revised per EPC Condition #1 (Tech Edits).
[230] Added per City Council Amendment C2.

institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(36) General Retail

4-3(D)(36)(a) Outdoor Display or Storage[231]

Except in the NR-LM and NR-GM zone districts, this use may not include a storage or display area outside of a fully enclosed building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) and the use is screened from any adjacent Residential zone district or lot containing a residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening), except where allowed in the Old Town – HPO-5 pursuant to Subsection 14-16-3-5(J)(3)(d) (Outdoor Display).[232]

4-3(D)(36)(b) Large Retail Facilities

For general retail uses that meet the definition of a large retail facility, the following standards apply:

1. General
   These standards address the build-out of a large site in order to guide the transition over time from more auto-oriented "big box" type retail development with large parking lots to finer-scaled, pedestrian-oriented, mixed-use development.
2. Access
   a. The City Engineer may require that the intersection of the primary drive aisle be signalized, in which case the signal shall be provided at the applicant's expense.
   b. Large retail facilities shall meet 1 of the following requirements, based on the size of the facility.
      i. Large retail facilities containing over 50,000 square feet but no more than 90,000 square feet of gross floor area shall be located abutting and have primary and full access to a street designated as a collector, arterial, or interstate highway with at least 2 through traffic lanes.[233]
      ii. Large retail facilities containing over 90,000 square feet but no more than 125,000 square feet of gross floor area are required to be located abutting and have primary and full access to a street designated as a collector, arterial, or interstate highway with at least 4 through traffic lanes.[234]
      iii. Large retail facilities containing over 125,000 square feet of gross floor area are required to be located

[231] Regulations for outdoor retail in Old Town – HPO-5 deleted here per O-19-52 and moved to the HPO provisions in Subsection 3-5(J).
[232] Revised per EPC Condition #1 (Tech Edits).
[233] Revised per EPC Condition #1 (Tech Edits).
[234] Revised per EPC Condition #1 (Tech Edits) for consistent referecing of street classification.

within 700 feet of the intersection of 2 streets designated as collector, arterial, or interstate highway and shall have full access to these roadways. One of these two streets must have at least 4 through traffic lanes and the other must have at least 6 through traffic lanes or be designated as a limited access arterial in the Limited Access Facilities in the AMPA map in the Mid-region Council of Governments (MRCOG) Metropolitan Transportation Plan and have a minimum of 4 lanes.[235]

3. Site Division
   The site shall be designed with internal block sizes that are walkable and support land use changes over time, according to the following standards:
   a. The entire site shall be planned or platted according to the block dimensions established for Activity Centers in the DPM and summarized in Subsection 14-16-5-4(E)(3) (Block Dimensions), except as provided in Subsections g and h below.
   b. Primary buildings shall be screened from adjacent streets by smaller buildings, retail liner suites, or 20 foot wide landscape areas with a double row of trees.
   c. Primary and secondary drive aisles (or platted roadways) that separate the blocks shall be at least 60 feet and no more than 85 feet wide and shall include all of the following:
      i. Two (2) 10-foot travel lanes.
      ii. Two (2) 6-foot landscaped buffers with shade trees spaced approximately 30 feet on center.
      iii. Two (2) 8-foot pedestrian walkways constructed of material other than asphalt.
      iv. Pedestrian-scale lighting that is a maximum of 16 feet in height.
      v. Standup curb.
   d. Two (2) parallel or angle parking rows or a combination of the 2 on both sides of the drive aisle rights-of-way are allowed but not required.
   e. Parking shall be distributed on the site to minimize visual impact from the adjoining street. Parking shall be located on at least 2 sides of a building and shall not dominate the building or street frontage.

[235] Revised per EPC Condition #1 (Tech Edits) for consistent referecing of street classification.

f. Every third double row of parking shall have a minimum 10 feet wide continuous walkway dividing the row that meets all of the following requirements:

i. The walkway shall be either patterned or colored material other than asphalt and may be at grade.

ii. Trees shall be provided along the walkway pursuant to Subsection 14-16-5-6(C)(4)(h).[236] Tree wells, planters, or supports for shading devices may encroach on the walkway up to 3 feet.

iii. In no case shall the walkway be diminished to less than 5 feet at any point.

g. One (1) block can be expanded to approximately 800 feet by 400 feet if a primary building (including retail suite liners) covers more than 80 percent of the gross floor area of the block.

h. If the site dimensions result in irregular block sizes, blocks of different dimensions are allowed provided that all of the following are met:

i. The block sizes achieve the intent of this Subsection 14-16-4-3(D)(36)(b).

ii. The narrow side of the block abuts the street that provides the primary access.

iii. The center of the long side has a major entrance, including a forecourt.

4. Façade Design
Large retail facilities shall meet all of the following standards:

a. Façades that contain a primary pedestrian entrance and façades facing a public street or plaza or an internal drive aisle shall contain retail suite liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a combination of all 3, along 50 percent of the length of the façade.

i. Where patios are provided, at least 1 of the recessed walls shall contain a window for ease of surveillance and the patio shall contain shading and seating.

ii. Where retail suite liners are provided, they shall be accessible to the public from the outside.

b. Every 30,000 square feet of gross floor area shall be designed to appear as a minimum of 1 distinct building mass with different expressions. The varied building masses shall have a change in visible roof plane or parapet height. Massing and articulation are required to be

[236] Revised per EPC Condition #1 (Tech Edits).

developed so that no more than 100 feet of a wall may occur without a vertical offset of at least 24 inches.

5. Signage
   All signage shall be designed to be consistent with and complement the materials, color, and architectural style of buildings on the site.
   a. All freestanding signs shall be monument style, with a maximum height of 15 feet.
   b. Building-mounted signs shall consist of individual channel letters. Illuminated plastic panel signs are prohibited.

4-3(D)(36)(c) Size Limitations in Zone Districts[237]

1. In the MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.
2. In the MX-L zone district, this use is limited to establishments of no more than 30,000 square feet of gross floor area.

4-3(D)(36)(d) Allowances on Certain Streets

In the MX-T zone district, small general retail is allowed permissively on streets classified as collector, arterial, or interstate highway and conditionally on local streets, with the following exceptions:[238]

1. If accessory to another primary use, the use is considered a permissive accessory use regardless of street classification.
2. In the Old Town – HPO-5, the use is allowed permissively regardless of street classification.

4-3(D)(37) Grocery Store

4-3(D)(37)(a) For grocery stores larger than 50,000 square feet of gross floor area, the Use-specific Standards in Subsection 14-16-4-3(D)(36)(b) (Large Retail Facilities) also apply.

4-3(D)(37)(b) In the MX-L zone district, this use is limited to establishments of no more than 30,000 square feet of gross floor area.[239]

4-3(D)(37)(c) In the MX-M zone district, this use is limited to establishments of no more than 70,000 square feet of gross floor area.

4-3(D)(38) Liquor Retail

4-3(D)(38)(a) Alcohol sales for off-premises consumption are 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.

4-3(D)(38)(b) Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.

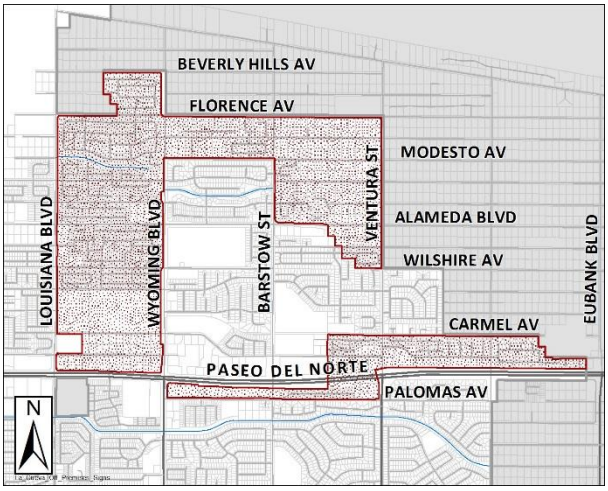
[237] Council Amendment H revises the thresholds for General retail, small to allow for larger retail options where this use is allowed. Revised per City Council Amendment A9.
[238] Revised per EPC Condition #1 (Tech Edits).
[239] Revised from 15,000 per City Council Amendment A9.

4-3(D)(38)(c) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(38), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

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

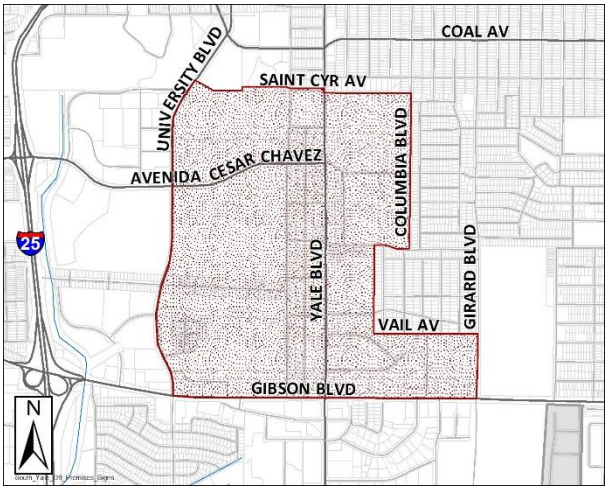
4-3(D)(38)(e) In the MX-L zone district, this use is prohibited, except in the following small areas, where it is allowed as accessory to a grocery store.

1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. La Cueva Area



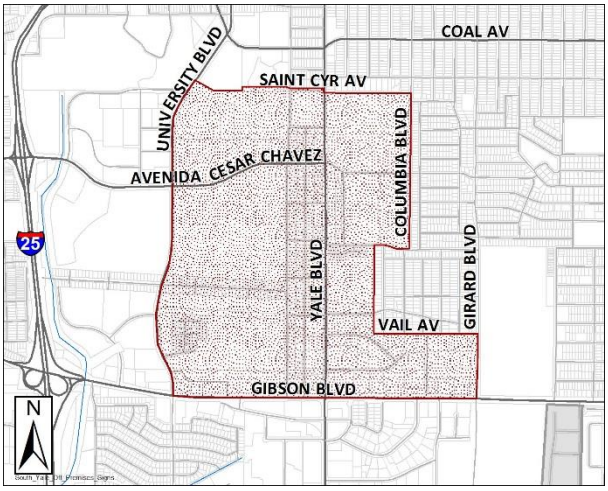
5. North 4th Corridor – CPO-9[240]
6. South Yale Area

[240] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.



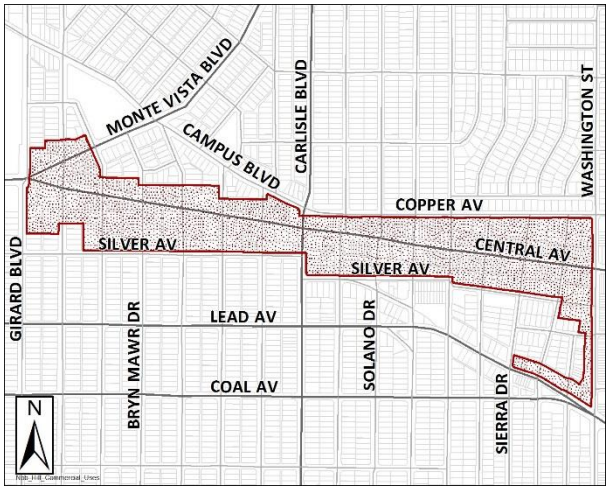
4-3(D)(38)(f) In the MX-M zone district, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) unless accessory to a grocery store, except in the following small areas, where it is prohibited unless accessory to a grocery store as noted.[241]

1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. North 4th Corridor – CPO-9
5. South Yale Area

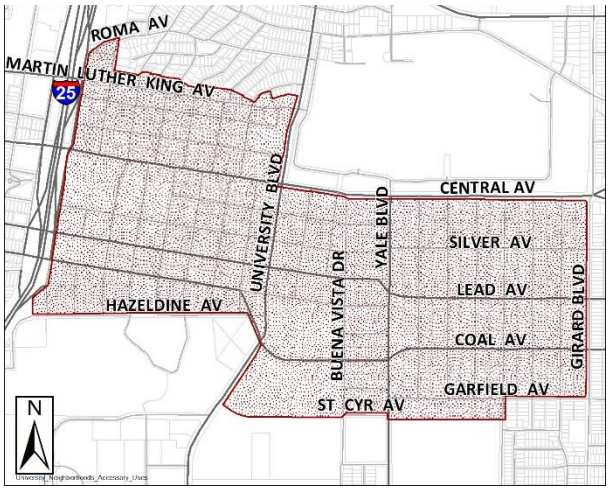


4-3(D)(38)(g) Nob Hill/Highland Area
This use is prohibited in the following mapped area.

241 Revised per City Council Floor Amendment C4.



4-3(D)(38)(h) University Neighborhoods Area
This use is prohibited in the MX-M zone district in the following mapped area unless associated with a grocery store west of University Boulevard.



4-3(D)(39) Nicotine Retail[242]

4-3(D)(39)(a) Nicotine sales are 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.

4-3(D)(39)(b) If this use is a primary use, the following standards apply:

1. This use is prohibited within 1,000 feet in any direction of a lot containing another primary nicotine retail use.
2. This use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet in any direction of any Residential zone district; lot containing any residential use in any Mixed-use zone district; or religious institution.

[242] Added per City Council Amendment B14.

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

4-3(D)(39)(c) If allowed only as an accessory use, this use is prohibited unless accessory to and part of the same establishment as a general retail or grocery store use.

4-3(D)(39)(d) In the MX-T and MX-L zone districts, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(40) Pawn Shop

4-3(D)(40)(a) This use shall not be located within 1 mile of another pawn shop location.

4-3(D)(40)(b) If a pawn shop use is abandoned, discontinued, or ceases continuous operation for more than 1 year, it shall not be reestablished at that location if it is within a 1 mile radius of the location of any other pawn shop.

4-3(D)(41) Airport

4-3(D)(41)(a) See Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) for Use-specific Standards for private airport aircraft landing fields, airport runways, and taxiways.

4-3(D)(41)(b) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[243]

4-3(D)(42) Freight Terminal or Dispatch Center[244]

A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).

4-3(D)(43) Helipad

4-3(D)(43)(a) This use shall comply with all applicable State and federal regulations regarding design, location, construction, and public safety.

4-3(D)(43)(b) This use is prohibited within 500 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.[245]

4-3(D)(43)(c) Helicopter landing and takeoff operations for all uses other than emergency medical service or law enforcement are prohibited between 10 P.M. and 7 A.M.

[243] Added per City Council Floor Amendment C2.
[244] Added per City Council Floor Amendment C2.
[245] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

4-3(D)(43)(d) See Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) for Use-specific Standards for private helicopter landing fields.

4-3(D)(43)(e) In any Non-residential zone district, this use is permissive for emergency medical service or law enforcement.

4-3(D)(43)(f) In any Non-residential zone district, all helipads for purposes other than emergency medical service or law enforcement require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(43)(g) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[246]

4-3(D)(44) Park-and-Ride Lot

This use must comply with all standards in Section 14-16-5-5 (Parking and Loading).

4-3(D)(45) Railroad Yard

4-3(D)(45)(a) No portion of this use where railroad equipment or supporting motor vehicles operate may be located within 100 feet of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

4-3(D)(45)(b) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[247]

4-3(D)(46) Transit Facility[248]

A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).

4-3(E) INDUSTRIAL USES

4-3(E)(1) Artisan Manufacturing

4-3(E)(1)(a) All activities must be conducted within the fully enclosed portions of a building.[249]

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 Facility[250]

4-3(E)(2)(a) Cannabis cultivation is allowed, provided that the establishment complies with all New Mexico State law requirements, including

[246] Added per City Council Floor Amendment C2.
[247] Added per City Council Floor Amendment C2.
[248] Added per City Council Floor Amendment C2.
[249] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms “outdoor” and “in a building”.
[250] Added per City Council Floor Amendment C2.

but not limited to any required spacing from other uses or facilities.

4-3(E)(2)(b) This use is prohibited within 330 feet of any Residential zone district, school, or child day care facility.

4-3(E)(2)(c) An air filtration plan approved by the City's Environmental Health Department is required.

4-3(E)(3) Cannabis-infused Products Manufacturing[251]

4-3(E)(3)(a) Cannabis-infused products manufacturing is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(E)(3)(b) This use is prohibited within 330 feet of any Residential zone district, school, or child day care facility.

4-3(E)(3)(c) An air filtration plan approved by the City Environmental Health Department is required.

4-3(E)(4) Light Manufacturing

4-3(E)(4)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building.[252]

4-3(E)(4)(b) 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).[253]

4-3(E)(4)(c) This use may include a sales/display room for items manufactured on the property.

4-3(E)(4)(d) The property containing this use shall meet edge buffer requirements in Subsection 14-16-5-6(E).

4-3(E)(4)(e) If the property containing this use is located abutting an arterial or collector street, the primary building on the site shall be placed between the primary street frontage and any allowed outside storage, service, or work areas.

4-3(E)(4)(f) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(E)(4)(g) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[254]

[251] Added per City Council Floor Amendment C2.
[252] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building".
[253] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor," "in a building," and "property line."
[254] Added per City Council Floor Amendment C2.

4-3(E)(5) Heavy Manufacturing

4-3(E)(5)(a) This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).

4-3(E)(5)(b) This use may be conducted outside of a building.

4-3(E)(5)(c) This use may include a sales/display room for items manufactured on the property.

4-3(E)(5)(d) An incidental storage area is allowed outside of a fully enclosed 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).[255]

4-3(E)(5)(e) This use is prohibited in the following locations:

1. Within 330 feet of Major Public Open Space.
2. Within 660 feet of a lot containing a religious institution or elementary, middle, or high school.
3. Within 1,000 feet of a lot containing a residential use other than an accessory dwelling unit used for a caretaker in a non-residential development.

4-3(E)(5)(f) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[256]

4-3(E)(6) Natural Resource Extraction

4-3(E)(6)(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

4-3(E)(6)(b) This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).

4-3(E)(6)(c) Extraction working areas shall be set back at least 200 feet from each property line of the site adjacent to any Residential zone district, and at least 100 feet from each property line of the site with any other zone district.[257]

4-3(E)(6)(d) This use is prohibited in the following locations:

1. Within 330 feet of Major Public Open Space.
2. Within 1,000 feet of a lot containing a religious institution; elementary, middle, or high school; or residential use other than an accessory dwelling unit used for a caretaker in a non-residential development.

[255] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor," "in a building," and "property line."
[256] Added per City Council Floor Amendment C2.
[257] Revised per EPC Condition #1 (Tech Edits).

4-3(E)(6)(e) Within the Airport Protection Overlay Zone, mining only is permissive in the Noise Contour Sub-area. See Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

4-3(E)(6)(f) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[258]

4-3(E)(7) Special Manufacturing

4-3(E)(7)(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

4-3(E)(7)(b) This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).

4-3(E)(7)(c) This use shall also comply with the Use-specific Standards in Subsection 14-16-4-3(E)(5), applicable to Heavy Manufacturing uses.

4-3(E)(7)(d) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[259]

4-3(E)(8) Electric Utility

4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.

4-3(E)(8)(b) Where this use includes geothermal or solar energy generation, the provisions of Subsections 14-16-4-3(E)(9) or 14-16-4-3(E)(10) apply.

4-3(E)(8)(c) Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only allowed in the NR-GM zone district.

4-3(E)(9) Geothermal Energy Generation

4-3(E)(9)(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

4-3(E)(9)(b) All uses and facilities shall be shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.

4-3(E)(9)(c) Underground geothermal energy devices may be located anywhere on the property.

[258] Added per City Council Floor Amendment C2.
[259] Added per City Council Floor Amendment C2.

4-3(E)(9)(d) Where this use is listed as Permissive Primary, it may include utility-scale or private energy generation. Where this use is listed as Permissive Accessory, it must be for private energy generation.

4-3(E)(10) Solar Energy Generation

This use is allowed pursuant to Section 47-3-4 NMSA 1978. Other State and federal rules may apply.

4-3(E)(11) Wind Energy Generation

4-3(E)(11)(a) All wind energy devices shall be located at least as far from each property line as the height of the device (including any tower on which it is mounted).

4-3(E)(11)(b) Rooftop-mounted wind energy devices shall only be allowed on structures with a valid building permit.

4-3(E)(11)(c) In any Mixed-use, NR-C, NR-BP, NR-SU, and NR-PO zone district, this use may exceed the maximum building height in the zone district by no more than 30 feet, unless a Variance is obtained under Subsections 14-16-6-6(O) (Variance – ZHE) or 14-16-6-6(N) (Variance – EPC).

4-3(E)(11)(d) In the NR-LM and NR-GM zone districts, this use may exceed the maximum building height by no more than 60 feet unless a Variance is obtained under Subsections 14-16-6-6(O) (Variance – ZHE) or 14-16-6-6(N) (Variance – EPC).

4-3(E)(12) Wireless Telecommunications Facility (WTF)

The following regulations shall apply to all WTFs in any zone district unless specified otherwise in this IDO:

4-3(E)(12)(a) Collocations and Public Utility Collocation

1. Collocations and public utility collocations are encouraged. Collocation on a concealed WTF shall maintain the concealed nature of the facility. Otherwise, such collocations or public utility collocations are not subject to the concealment requirements prescribed by Subsection (c) below, but shall be done in the least visibly intrusive manner, to blend in with the existing structure and its surroundings.
2. Unless specified otherwise in this IDO, public utility collocations are allowed in any zone district except within the Old Town – HPO-5.
3. When mounted on a public utility structure, the equipment cabinet(s) shall be not more than 3 feet by 4 feet by 18 inches deep, at least 10 feet and no more than 20 feet high.
4. No new freestanding WTF shall be allowed unless the Planning Director or his/her designee determines, upon the applicant's demonstration, that no existing tower, structure, or public utility structure can be used in lieu of new construction to accommodate the applicant's proposed WTF. Evidence that demonstrates that collocation or public utility collocation

cannot be used in lieu of new construction to reasonably accommodate the proposed WTF shall consist of an affidavit with supporting exhibits submitted by the applicant addressing all of the following:

a. That no existing tower, structure, or public utility structure within a ½ mile radius meets the minimum engineering requirements and/or lacks available space to support the proposed WTF.

b. That collocation or public utility collocation of the proposed WTF would cause unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures, or public utility structures would cause interference with the applicant's proposed WTF.

c. That there are other limiting factors that render existing towers, structures, or public utility structures within the ½ mile radius unsuitable.

d. That the owners of existing towers, structures, or public utility structures within the ½ mile radius will not allow the applicant to place its WTF on that facility, or such owners are requiring payments for such placement that substantially exceed commercially reasonable prices.

4-3(E)(12)(b) Small Cell WTFs[260]

Small cell WTFs shall meet all requirements established by Article 5-10 of ROA 1994 (Small Wireless Facilities).

4-3(E)(12)(c) Concealment Required

1. All proposed WTFs shall use concealed technology, with the following exceptions:[261]
   a. Collocations of WTFs on existing unconcealed towers.
   b. Collocations of small cell WTFs on public utility structures.
   c. Public utility collocations for WTFs other than small cell WTFs.
2. The WTF shall be the least visually and physically intrusive as possible and shall have the least adverse visual effect on the environment and its character, existing vegetation, and nearby residences.
3. A WTF is considered concealed if the Planning Director determines that the facility is:
   a. Aesthetically integrated with existing buildings, structures, and landscaping to blend in with the nature and character

[260] Added per EPC Condition #1 (Tech Edits).
[261] Revised per EPC Condition #1 (Tech Edits).

of the built and natural environment, considering height, color, style, massing, placement, design, and shape.

b. Located to avoid a dominant silhouette of the WTF on escarpments and mesas and to preserve views within VPO zones.

c. Located on existing vertical structures, including utility poles and public utility structures.[262]

d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening of the WTF.

e. Located so as not be a readily visible or identifiable as a WTF.

4. To minimize visibility, roof-mounted WTFs are prohibited in the R-A, R-1, R-T, R-MC, and NR-PO-A zone districts.

5. Consistent with federal law, these concealment requirements shall not be administered so as to have the effect of prohibiting the provision of wireless telecommunications services.

4-3(E)(12)(d) Maximum Height

1. Single-carrier WTFs: 65 feet.

2. Collocations on any existing unconcealed WTF tower or existing structure: 75 feet.

4-3(E)(12)(e) Setbacks and Separation

1. Freestanding WTFs are prohibited in the following locations:

a. Within 100 feet of any property line of any Residential zone district.

b. Within 50 feet of an existing right of way.

c. Within any required setback.

2. This use is prohibited within 1,000 feet in any direction of any other freestanding WTFs, as measured from the wall or fence of each freestanding WTF. This requirement does not apply to freestanding small-cell WTFs.[263]

4-3(E)(12)(f) Landscaping and Screening

1. All freestanding WTFs shall be surrounded by an opaque wall or fence at least 6 feet and not more than 10 feet high.[264]

2. All freestanding WTFs shall include vegetation that is planted and maintained to screen ground equipment facilities from public view, as shown on a landscaping plan approved by the Planning Director.

[262] Revised to remove "to the maximum extent practicable" per City Council Amendment A10.
[263] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[264] Revised from 9 ft. to 10 ft. per EPC Condition #1 (Tech Edits).

3. Freestanding small-cell WTFs are not subject to the landscaping requirements in Subsections 1 and 2 above, but must comply with the following requirements:
    a. Equipment shall be screened by a wall, fence, or other method, including but not limited to a telco box, artificial rock, or decorative feature that fully screens the equipment with opaque material.
    b. Equipment and screening materials shall not block pedestrian pathways and sidewalks.

4-3(E)(12)(g) Lighting and Signage

1. Only security lighting or lighting required by a State and/or federal agency is allowed, provided that all of the following conditions are met:
    a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way, private way, or any lot containing a residential use.
    b. The lighting shall not have an off-site luminance greater than 1,000 foot lamberts at any point, and shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in any Residential zone district.
2. Only signage required by State or federal law is allowed.

4-3(E)(12)(h) Abandonment

All WTFs that are not in use for a period of 3 months shall be removed by the WTF owner within the following 3 months. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. If there is no vegetation on a WTF site, the site shall be returned to its preconstruction condition. The owner shall notify the City when removal of the WTF occurs.

4-3(E)(12)(i) Interference

Every WTF shall meet the regulations of the Federal Communications Commission, or any successor of that agency, regarding physical and electromagnetic interference.

4-3(E)(12)(j) Health Issues

Every WTF shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission or any successor of that agency, and any other federal or State agency.

4-3(E)(12)(k) Location near View Corridors

Only collocations, public utility collocations, and architecturally integrated WTFs are allowed within 660 feet of either of the following:

1. Any easement or public right-of-way identified as part of an existing or future trail system that is located on a major arroyo or other drainage facility.

2. The centerline of the following streets: Alameda Boulevard, Central Avenue, Coors Boulevard, Griegos Road, Interstate Highway 25, Interstate Highway 40, Paseo del Norte, Rio Grande Boulevard, Sunport Boulevard, Tramway Boulevard, and Unser Boulevard.

4-3(E)(12)(l) Location near Major Public Open Space

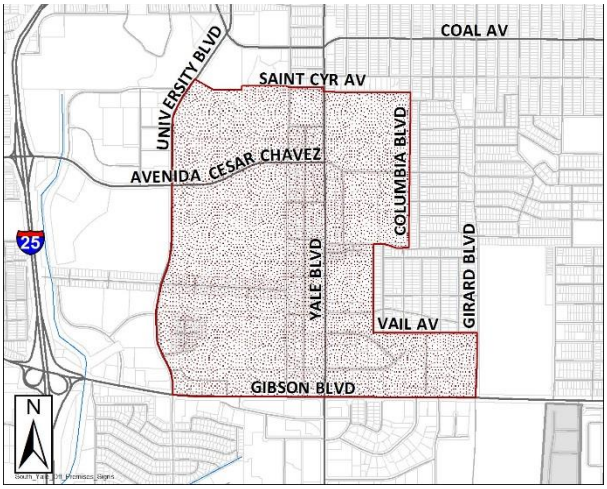
Only collocations, public utility collocations, and architecturally integrated WTFs are allowed within 1,320 feet (¼ mile) of the property line of any Major Public Open Space or the Petroglyph National Monument.

4-3(E)(12)(m) Location in HPO zones and Historic Districts

1. Only architecturally integrated and small cell WTFs are allowed within any HPO zone, except that within the Old Town – HPO-5 all WTFs other than small cell WTFs are prohibited.[265]
2. Only architecturally integrated WTFs are allowed on properties listed on the State Register of Cultural Properties or the Federal Register of Historic Places.

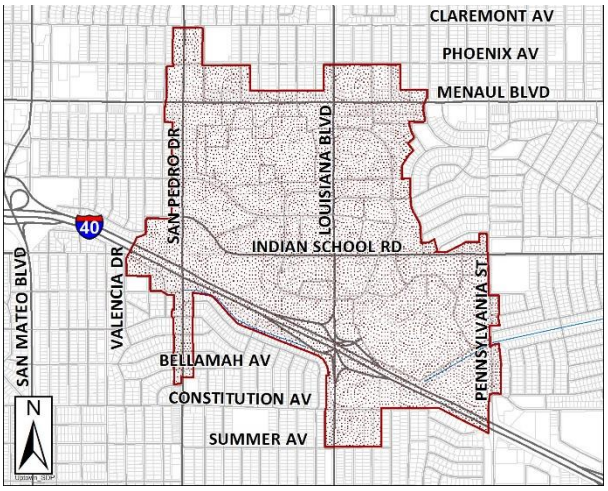
4-3(E)(12)(n) Location in Other Areas

1. South Yale Area
   Freestanding WTFs are prohibited in the MX-M zone district in the following mapped area.



2. Uptown Area
   Only architecturally integrated and small cell WTFs are allowed in the following mapped area.[266]

[265] Revised per EPC Condition #1 (Tech Edits).
[266] Revised per EPC Condition #1 (Tech Edits).



4-3(E)(13) Recycling Drop-off Bin Facility

4-3(E)(13)(a) This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(13)(b) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[267]

4-3(E)(14) Solid Waste Convenience Center

4-3(E)(14)(a) This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(14)(b) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[268]

4-3(E)(15) Salvage Yard

4-3(E)(15)(a) All activities shall be conducted within the fully enclosed portions of a building or within an area enclosed on all sides by an opaque wall, fence, retaining wall, or vegetative screen at least 6 feet high. Additional requirements in Section 14-16-5-6 (Landscaping, Buffering, and Screening) may apply.[269]

4-3(E)(15)(b) Inoperative light vehicles or heavy equipment may not extend above the height of the opaque wall, fence, retaining wall, or vegetative screen, unless those items are located at least 100 feet inside the required wall, fence, or vegetative screen.

4-3(E)(15)(c) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[270]

[267] Added per City Council Floor Amendment C2.
[268] Added per City Council Floor Amendment C2.
[269] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building".
[270] Added per City Council Floor Amendment C2.

4-3(E)(16) Waste and/or Recycling Transfer Station

4-3(E)(16)(a) This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(16)(b) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[271]

4-3(E)(17) Outdoor Storage

4-3(E)(17)(a) This use shall comply with the provisions in Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(E)(17)(b) In any zone district except for NR-GM, the height of any items stored outside shall not exceed the height of any screening wall, fence, or vegetation, unless the item is located at least 100 feet inside the screening wall, fence, or vegetative screen.

4-3(E)(17)(c) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[272]

4-3(E)(18) Warehousing

4-3(E)(18)(a) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(E)(18)(b) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[273]

4-3(E)(19) Wholesaling and Distribution Center

4-3(E)(19)(a) This use is limited to 50,000 square feet of gross floor area in the following locations:

1. The MX-M and MX-H zone districts.
2. The NR-C zone district within a UC-MS-PT area.

4-3(E)(19)(b) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(E)(19)(c) A cumulative impacts analysis may be required at the time of application submittal for projects within the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[274]

[271] Added per City Council Floor Amendment C2.
[272] Added per City Council Floor Amendment C2.
[273] Added per City Council Floor Amendment C2.
[274] Added per City Council Floor Amendment C2.

4-3(F) ACCESSORY USES

4-3(F)(1) General

4-3(F)(1)(a) All accessory uses must operate within an enclosed structure unless outside operation or features are inherent in the use or specified otherwise in this IDO.

4-3(F)(1)(b) Accessory uses and approved conditional accessory uses run with the land, and are not personal to an operator.

4-3(F)(1)(c) No accessory use may begin, and no structure for the accessory use may be erected, before the primary use of the property is established. No accessory use may continue after the primary use to which it is accessory ends.

4-3(F)(1)(d) An approval for an accessory use may not be granted if there is no evidence of a City building permit for a primary building on the site or alternative evidence of a City business license for operation of a primary building on the site.

4-3(F)(2) Agriculture Sales Stand

4-3(F)(2)(a) This use may be operated outside an enclosed structure.

4-3(F)(2)(b) This use is limited to 1 per lot.

4-3(F)(2)(c) In any zone district except R-A, this use must be located behind the front façade of the primary building or residence.

4-3(F)(2)(d) In any Residential zone district, 1 non-illuminated sign is allowed, provided that it meets the requirements in Table 5-12-1.

4-3(F)(2)(e) The sales area associated with this use may not exceed 400 square feet in the R-A zone district. In any other zone district where this use is allowed, this use may not exceed 50 square feet, unless accessory to a community garden, in which case this use may not exceed 100 square feet.

4-3(F)(3) Animal Keeping

4-3(F)(3)(a) The use shall comply with all applicable City, State, and federal regulations related to animal care and protection.

4-3(F)(3)(b) Animal species and number shall be regulated pursuant to Article 9-2 of ROA 1994 (Humane and Ethical Animal Rules and Treatment [HEART]), enforced by the City Animal Welfare Department.

4-3(F)(3)(c) This use may be operated outside an enclosed structure. Animals shall be contained on the property by a wall, fence, vegetated screen, retaining wall, pen, or enclosure that complies with requirements in Section 14-16-5-7 (Walls and Fences).

4-3(F)(3)(d) In any Residential or Mixed-use zone district, keeping cows and horses on a property shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), provided that all of the following requirements are met:

1. The property contains at least ½ acre of gross land area.

2. The number of animals does not exceed 1 cow or horse for each 10,000 square feet of net lot area, or equivalent combination. Animals under 4 months old are not counted.

4-3(F)(3)(e) Where general agriculture is allowed in any Non-residential zone district, keeping cows and horses is allowed as incidental to that use, pursuant to any Use-specific Standards in Subsection 14-16-4-3(D)(3).

4-3(F)(3)(f) In the NR-C, NR-BP, NR-LM, and NR-GM zone districts, this use is limited to the keeping of guard dogs, and is subject to an approved permit from the City Animal Welfare Department.

4-3(F)(4) Drive-through or Drive-up Facility

4-3(F)(4)(a) Each stacking lane is limited to a maximum order board area of 50 square feet. The face of the order boards shall be oriented away from public streets to the maximum extent practicable. If not practicable, at least 2 evergreen trees shall be planted in the landscape buffer area required by Subsection 14-16-5-5(I)(2)(a) in locations that would best screen the order board from the public right-of-way.[275]

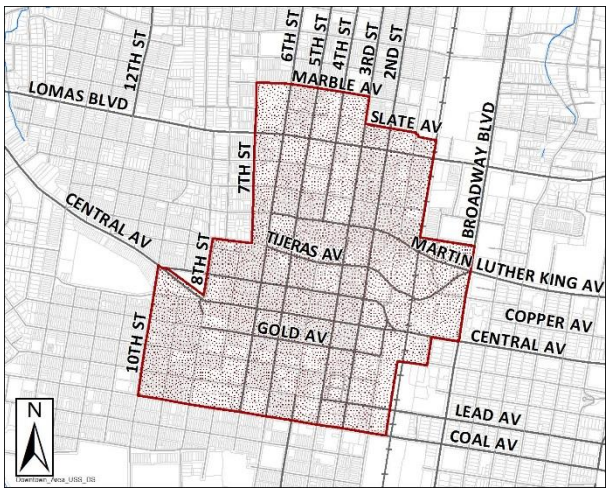
4-3(F)(4)(b) This use shall comply with the provisions of Section 14-16-5-5 (Parking and Loading) and Section 14-16-5-9 (Neighborhood Edges).

4-3(F)(4)(c) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(F)(4)(d) Notwithstanding Subsection (c) above, this use is prohibited adjacent to Major Public Open Space.

4-3(F)(4)(e) This use is prohibited in the following small areas as noted.

1. Downtown Area
   This use is prohibited in the following mapped area.



2. Downtown Neighborhood Area – CPO-3

[275] Revised per City Council Amendment A10.

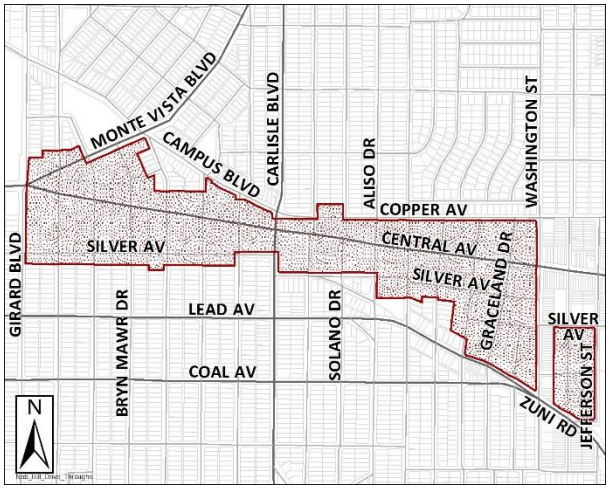
a. This use is prohibited in the MX-L zone district unless accessory to a use other than a restaurant or any use in the Retail Sales category.

b. This use is prohibited in the MX-M zone district.

3. East Downtown – CPO-4
   This use is prohibited in the East Downtown – CPO-4.

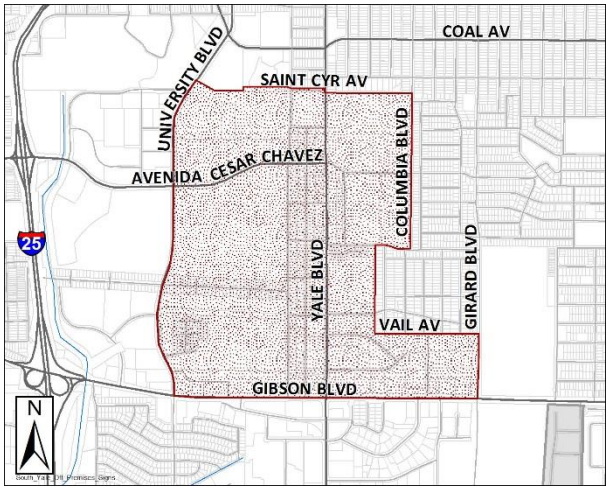
4. East Downtown – HPO-1
   This use is prohibited in the East Downtown – HPO-1.

5. Nob Hill Area
   This use is prohibited in the following mapped areas.

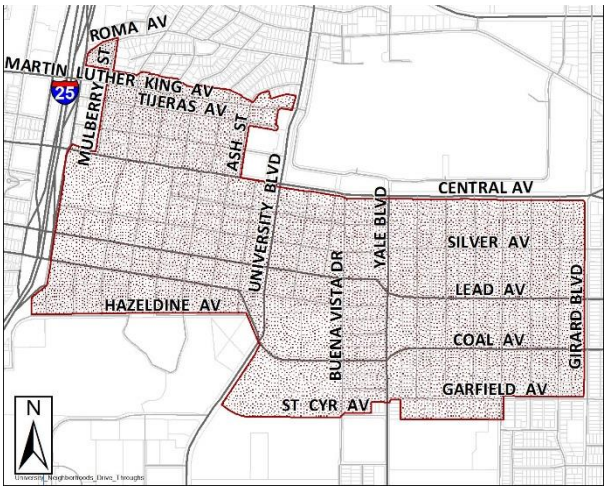


6. Sawmill/Wells Park – CPO-12
   This use is prohibited in the MX-L and NR-LM zone districts in the Sawmill/Wells Park – CPO-12.

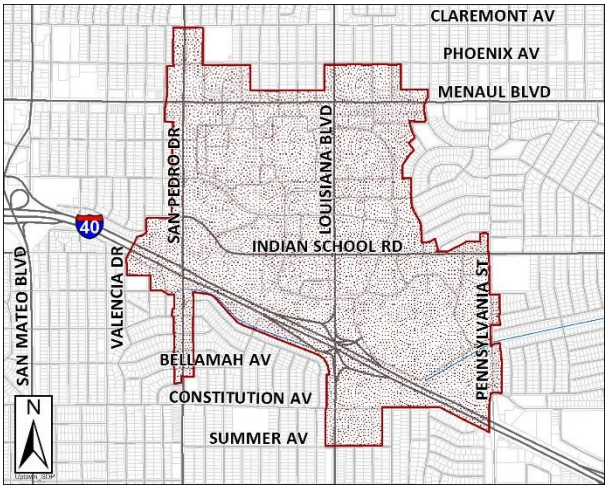
7. South Yale Area
   This use is prohibited in the MX-L and MX-M zone districts in the following mapped area.



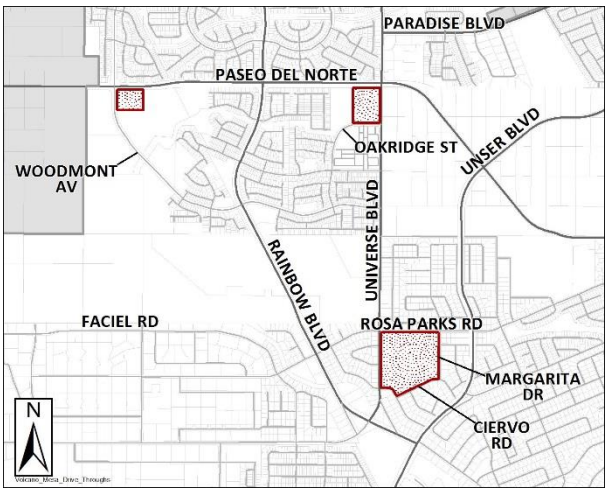
8. University Neighborhoods Area
   This use is prohibited in any Mixed-use zone district in the following mapped area.



9. Uptown Area
   This use is prohibited in the following mapped area (which includes all of the Uptown Urban Center as mapped in the ABC Comp Plan, as amended) unless accessory to a use other than a restaurant.



10. Volcano Heights Urban Center
    This use is prohibited in the Mixed-use zone districts in this Center as mapped in the ABC Comp Plan, as amended.
11. Volcano Mesa – CPO-13
    This use is prohibited, unless accessory to a use other than restaurant, in the 3 areas mapped below.



4-3(F)(5) Dwelling Unit, Accessory (With or Without Kitchen)

4-3(F)(5)(a) Where this use is allowed, only 1 accessory dwelling unit is allowed per lot. 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 allowed in the R-1 zone district.[276]

1. If accessory to residential development in any zone district, the accessory dwelling unit can be attached or detached.[277]
2. If accessory to a non-residential use in any Mixed-use zone district, the accessory dwelling unit shall be attached to the building with the non-residential use.[278]
3. In a Non-residential zone district, the accessory dwelling unit is allowed for the caretaker of the primary non-residential use and may be attached or detached.[279]

4-3(F)(5)(b) When an accessory dwelling unit is attached to a primary dwelling, only 1 dwelling unit entrance may face the front lot line.

4-3(F)(5)(c) A detached accessory dwelling unit shall comply with any applicable provisions of Subsection 14-16-5-11(C)(4) (Accessory Buildings).

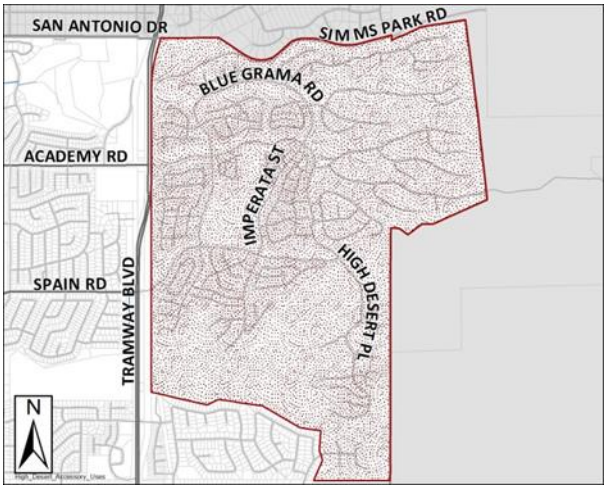
4-3(F)(5)(d) In any Residential or Mixed-use zone district, a detached accessory dwelling unit shall be located behind the rear wall of a primary building. On corner lots, the accessory dwelling unit shall have the same minimum street side setback requirement as the primary building.

4-3(F)(5)(e) Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions where they are allowed as permissive or conditional accessory uses in certain Center and Corridor areas and in certain small areas as specified below and as

[276] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #14.b.
[277] Added per EPC Condition #1 (Tech Edits).
[278] Revised per EPC Condition #1 (Tech Edits)
[279] Revised per EPC Condition #1 (Tech Edits)

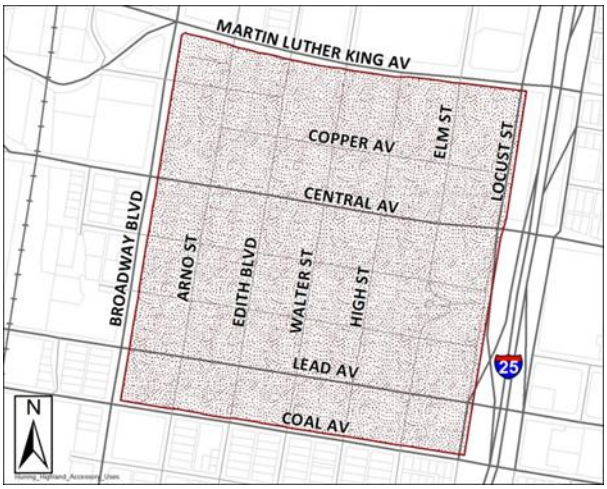
allowed pursuant to Subsection (f) below. Where allowed as a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required.[280]

1. Near Premium Transit and Main Street Areas[281]
   Accessory dwelling units are a permissive accessory use within 1,320 feet (¼ mile) of PT and MS areas. An accessory dwelling unit shall not exceed 750 square feet of gross floor area.
2. Barelas – CPO-1
   Accessory dwelling units are a conditional accessory use in the Barelas – CPO-1.
3. Downtown Neighborhood Area – CPO-3
   Accessory dwelling units are a permissive accessory use in the Downtown Neighborhood Area – CPO-3 if all of the following requirements are met.
   a. The accessory dwelling unit shall not exceed 650 square feet of gross floor area. A garage or shed attached to an accessory dwelling unit shall not count toward this size limit.
   b. A detached accessory dwelling unit shall not exceed the height of the primary dwelling or 18 feet, whichever is less.
4. High Desert Area
   Accessory dwelling units are a permissive accessory use in the following mapped area. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

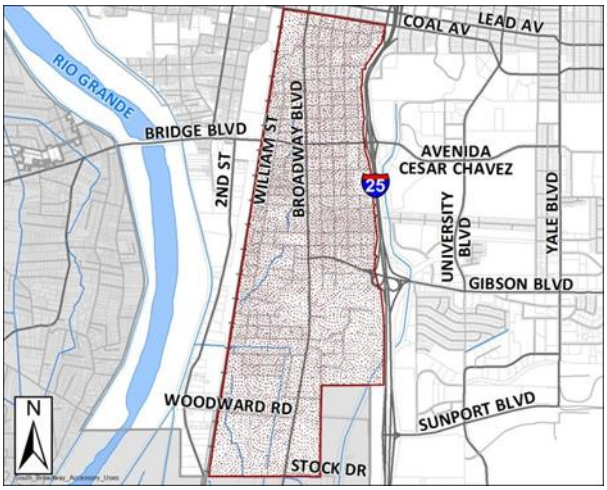


5. Huning Highland Area
   Accessory dwelling units are a conditional accessory use in the following mapped area.

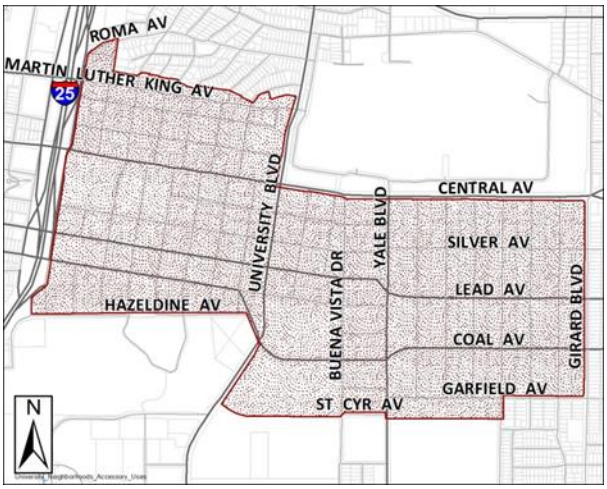
[280] Revised per City Council Amendment B1. Revised per City Council Amemdment B6.
[281] Added per City Council Amendment B1.



6. Sawmill/Wells Park – CPO-12
   Accessory dwelling units are a permissive accessory use on lots with a minimum of 7,000 square feet in the R-1 zone district in the Sawmill/Wells Park – CPO-12.
7. South Broadway Area
   Accessory dwelling units are a conditional accessory use in the following mapped area.



8. University Neighborhoods Area
   Accessory dwelling units are a conditional accessory use in the following mapped area.



9. Volcano Mesa – CPO-13
   Accessory dwelling units are a permissive accessory use in the Volcano Mesa – CPO-13. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

4-3(F)(5)(f) Accessory dwelling units constructed prior to the effective date of this IDO are allowed as follows:[282]

1. Nonconforming accessory dwelling units with kitchens are allowed as a permissive accessory use.
2. Accessory dwelling units with kitchens without proof of nonconformity require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(F)(5)(g) In the R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with kitchens are allowed permissively pursuant to Subsection (e) above.[283]

4-3(F)(6) Family Care Facility

4-3(F)(6)(a) The operator of this use must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use.

4-3(F)(6)(b) Only members of the residing household may provide care.

4-3(F)(6)(c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.

4-3(F)(6)(d) No sign is allowed.

[282] Added per City Council Amendment B6.
[283] Added per EPC Condition #1 (Tech Edits).

4-3(F)(7) Family Home Day Care

4-3(F)(7)(a) The operator of this use must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use.

4-3(F)(7)(b) Only members of the residing household may provide care.

4-3(F)(7)(c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.

4-3(F)(7)(d) Only a sign meeting the requirements for a home occupation is allowed.

4-3(F)(8) Hobby Breeder

4-3(F)(8)(a) The operator of this use must comply with all applicable City, State, and federal regulations and permitting procedures that govern the breeding of animals, including Article 9-2 of ROA 1994 (HEART), enforced by the City Animal Welfare Department.

4-3(F)(8)(b) This use may be operated outside an enclosed structure.

4-3(F)(9) Home Occupation

4-3(F)(9)(a) The operator must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use, including a business registration permit from the City.

4-3(F)(9)(b) The following uses from Table 4-2-1 and activities are prohibited as home occupations:

1. Any use in the Agricultural or Animal-related category.
2. Any use in the Food, Beverage, and Indoor Entertainment category.
3. Any use in the Motor Vehicle-related category.
4. Any use in the Industrial Uses category.
5. Commercial services.
6. Construction contractor facility and yard.
7. Crematorium.
8. Mortuary.
9. Adult retail.
10. Liquor retail.
11. Any use involving the storage or use of hazardous materials.
12. Home-based food production or brewing of beverages for sale.

4-3(F)(9)(c) No more than 25 percent of the floor area of the dwelling unit where the operator of the home occupation(s) resides may be devoted to the home occupation(s), except that in the MX-T district up to 50 percent of the floor area of the dwelling unit may be devoted to home occupations. If more than one home occupation is conducted in the dwelling, these limits shall apply to all home occupations collectively, not individually.

4-3(F)(9)(d) Only members of the residing family may be employed to work on-site.

4-3(F)(9)(e) Only goods and services created on the premises may be sold on the premises.

4-3(F)(9)(f) All business activities shall be conducted in the primary building or an allowed accessory structure.

4-3(F)(9)(g) The outside appearance of the dwelling or unit shall not show evidence of the use, including but not limited to outside storage, noise, dust, odors, noxious fumes, or other nuisances emitted from the premises, except that 1 non-illuminated sign is allowed. In any Residential zone district, the maximum size of the sign is regulated by Table 5-12-1. In any Mixed-use zone district, the sign may not exceed 2 square feet.[284]

4-3(F)(9)(h) All parking requirements in Section 14-16-5-5 (Parking and Loading) shall be met, including but not limited to Subsection 14-16-5-5(F)(2)(a) and Table 5-5-6 that limit front yard parking.[285]

4-3(F)(9)(i) The home occupation shall not regularly attract more than 2 individuals simultaneously and shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.

4-3(F)(9)(j) Commercial vehicle visits to the property shall be limited to no more than 10 per consecutive 7-day period.

4-3(F)(9)(k) Customer visits and deliveries to the home occupation shall not occur between 10:00 P.M. and 7:00 A.M.

4-3(F)(10) Independent Living Facility

This use is only allowed when accessory to an assisted living facility or nursing home.

4-3(F)(11) Mobile Food Truck

4-3(F)(11)(a) For purposes of this Subsection 14-16-4-3(F)(11), "operation" of a mobile food truck includes any activity involved with food preparation or sales.

4-3(F)(11)(b) Mobile food trucks may remain in place for the following periods of time:[286]

1. Indefinitely, if they do not occupy any required off-street parking spaces for the primary use on the subject property.
2. Up to 7 calendar days, if they do not occupy more than 10 percent of the required off-street parking spaces for the primary use on the subject property.
3. For the amount of time specified on an approved Temporary Use Permit, if they occupy more than 10 percent of required

[284] Revised per EPC Condition #1 (Tech Edits).
[285] Revised per EPC Condition #1 (Tech Edits).
[286] Revised for consistent use of the term "subject property" per EPC Condition #1 (Tech Edits).

off-street parking spaces for the primary use on the subject property.

4-3(F)(11)(c) The mobile food truck operator must provide trash receptacles and remove them after use.

4-3(F)(11)(d) If more than 5 mobile food trucks are located on one lot, approval of a Site Plan – Administrative demonstrating adequate public access and safety and vehicle circulation must be approved by the City.

4-3(F)(11)(e) Mobile food trucks shall comply with all applicable City, State, and federal requirements, including but not limited to Part 9-6-5 of ROA 1994 (Health, Safety & Sanitation Code) and Part 9-9-4 of ROA 1994 (General Noise).

4-3(F)(11)(f) Mobile food trucks in the public right-of-way shall comply with Section 8-5-1-42 of ROA 1994 (Mobile Food Units on Public Streets).

4-3(F)(11)(g) This use is allowed to operate on private property in any Residential zone district, provided that:

1. The mobile food truck has written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept in the Mobile food truck and made available for review by any City inspector at all times during the operation of the mobile food truck at the site.
2. The mobile food truck does not operate on the same residential property more than 12 days in any calendar year.

4-3(F)(11)(h) This use is allowed to operate on private property in any Mixed-use or Non-residential zone district, provided that all of the following apply:

1. The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not physically occupy or obstruct access to any parking stalls necessary to meet the minimum parking requirements for any on-premises land uses, unless the mobile food truck is operating outside of the business hours of on-premises uses.[287]
2. The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not obstruct any designated ingress or egress from the property, or any designated drive aisle.
3. The mobile food truck has written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept in the mobile food truck and made available for review by any City inspector at all times during operation of the mobile food truck at the site.
4. The use is located on a paved surface.

[287] Revised per City Council Amendment B20.

4-3(F)(11)(i) In the NR-PO-A zone district, this use must have written permission from the City Parks and Recreation Department, a copy of which shall be kept in the mobile food truck and made available for review by any City inspector at all times during operation of the mobile food truck in the NR-PO-A zone district.[288]

4-3(F)(12) Mobile Vending Cart

4-3(F)(12)(a) All applicable Environmental Health and other City regulations shall apply to the operation of Mobile vending carts.

4-3(F)(12)(b) This use may be operated outside an enclosed structure.

4-3(F)(12)(c) In the NR-PO-A zone district, this use must have written permission from the City Parks and Recreation Department, a copy of which shall be kept in the mobile vending cart and made available for review by any City inspector at all times during operation of the mobile food truck in the NR-PO-A zone district.[289]

4-3(F)(13) Outdoor Animal Run

4-3(F)(13)(a) This use may be operated outside of fully enclosed portions of a building.[290]

4-3(F)(13)(b) Where this use is allowed, the runs must be screened from any adjacent property in any Residential zone district or any lot containing a residential use in any Mixed-use zone district by an opaque wall, fence, or vegetative screen at least 6 feet in height, made of materials similar in color and materials to those used on the primary building.

4-3(F)(13)(c) No animals shall be allowed to occupy the outdoor run between 10:00 P.M. and 7:00 A.M.

4-3(F)(14) Outdoor Dining Area[291]

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

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

4-3(F)(14)(c) If the use is located on a public sidewalk, all of the following requirements apply:

1. Any outdoor dining area must maintain a minimum clear path of 4 or 6 feet, depending on adjacent roadway classification, per Section 6-5-5-14 of ROA 1994 (Sidewalk Design and Construction Standards and Procedures), in order to maintain use of the public sidewalk for all users.

[288] Added per EPC Condition #1 (Tech Edits).
[289] Added per EPC Condition #1 (Tech Edits).
[290] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building".
[291] Council Amendment O revises this subsection to facilitate and clarify requirements for outdoor dining areas. PC Conditions #66, #67, and #68 recommend revisions to Council Amendment O for clarity and consistency. Revised per City Council Amendment A14.

2. The owner or operator of the immediately abutting primary use shall be required to obtain a revocable permit from the City that establishes the boundaries of the area permitted for this use.
3. Before and after the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.
4. Outside of the operating hours of the immediately abutting primary business, the sidewalk area shall be cleaned of all dining materials and waste.

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

1. The owner or operator of the immediately abutting primary use shall be required to obtain a revocable permit from the City.
2. A decorative wall, fence, or similar barrier shall be limited to between 3 feet and 4 feet in height and shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, drive aisle, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.
3. The depth of the area enclosed by a wall, fence, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area at least 6 feet in width.
4. The area enclosed by a wall, fence, or barrier shall not contain any utility vault.

4-3(F)(15) Parking of Non-commercial Vehicle

4-3(F)(15)(a) This section shall not apply to the parking of commercial vehicles on a temporary basis to provide a commercial service incidental to a residential use, such as delivery, repair, and utility installation and/or repair.

4-3(F)(15)(b) This use may occur outside an enclosed structure.

4-3(F)(15)(c) This use must be accessory to another permissive or approved conditional primary use on or adjacent to the property.

4-3(F)(15)(d) All motor vehicles that are not parked inside a building must be operative and must not be partially or completely dismantled. Inoperative and dismantled vehicles shall comply with the provisions of Article 8-5 of ROA 1994 (Stopping, Standing, and Parking).

4-3(F)(15)(e) The parking of a recreational vehicle, boat, or recreational trailer is governed by the provisions of Subsection 14-16-4-3(F)(16).

4-3(F)(16) Parking of Recreational Vehicle, Boat, and/or Recreational Trailer

4-3(F)(16)(a) This use may occur outside an enclosed structure.

4-3(F)(16)(b) The vehicle must be parked in 1 of the following areas:

1. Inside an enclosed structure.
2. Outside in a side or rear yard.
3. Outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.

4-3(F)(16)(c) No part of the vehicle may extend over any public sidewalk or into any required clear sight triangle.

4-3(F)(16)(d) A vehicle may be parked anywhere on the premises during active loading or unloading.

4-3(F)(16)(e) No parked vehicle may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 14 days in any calendar year on any lot.

4-3(F)(16)(f) Cooking is prohibited in any vehicle at any time.

4-3(F)(16)(g) Butane or propane fuel shall not be used in any vehicle at any time.

4-3(F)(16)(h) Use of electricity or propane fuel is allowed when necessary to prepare a recreational vehicle for use.

4-3(F)(16)(i) A vehicle may not be permanently connected to sewer lines, water lines, or electricity. A vehicle may be connected to electricity temporarily for charging batteries and other purposes if the receptacle and the connection from the recreational vehicle have been inspected and a permit issued by the City as meeting the adopted electrical code. The individual taking out the permit must call for an inspection of the electrical wiring when ready for inspection, and standard inspection fees will be charged.

4-3(F)(16)(j) The vehicle may not be used for storage of goods, materials, or equipment other than those items considered part of the unit or essential for its immediate use.

4-3(F)(17) Second Kitchen within a House

4-3(F)(17)(a) This use must be accessory to a single-family or two-family detached dwelling.

4-3(F)(17)(b) The kitchen must be incidental to occupancy of the entire house in common by members of 1 family, and 2 distinct dwelling units may not be created.

4-3(F)(18) Other Use Accessory to Non-residential Primary Use

4-3(F)(18)(a) This use may be operated outside an enclosed structure.

4-3(F)(18)(b) Unless accessory to a religious institution, the use must be intended primarily for the use of occupants of the building.

4-3(F)(18)(c) Unless accessory to a religious institution, the use is limited to a maximum of 10 percent of the gross floor area of the primary building.

4-3(F)(18)(d) In any Mixed-use zone district, this use must be accessory to a non-residential use.

4-3(F)(19) Other Use Accessory to Primary Residential Use

4-3(F)(19)(a) The use must be intended for the exclusive use of residents of the premises on which the accessory use is located, and their invited guests.

4-3(F)(19)(b) This use may be operated outside an enclosed structure.

4-3(F)(19)(c) In any Mixed-use zone district, this use must be accessory to a primary residential use.

4-3(G) TEMPORARY USES

Temporary uses require a Permit – Temporary Use pursuant to Subsection 14-16-6-5(D) unless specified otherwise in the Use-specific Standards below.

4-3(G)(1) Circus

4-3(G)(1)(a) A Site Plan – Administrative demonstrating adequate parking, vehicle circulation, and toilet facilities for anticipated employees and attendees is required to be approved by the City pursuant to Subsection 14-16-6-5(F) prior to any activity related to the use.

4-3(G)(1)(b) The tent and other facilities are required to be approved by the Fire Marshall as having met the requirements of Article 14-2 of ROA 1994 (Fire Code) prior to any activity related to the use.

4-3(G)(1)(c) This use is allowed for a period not to exceed 10 days in any calendar year, and may operate (including erection and dismantling of equipment) between the hours of 7:30 A.M. and 10:30 P.M.

4-3(G)(1)(d) One (1) temporary sign of not more than 100 square feet is allowed from the time equipment erection begins until dismantling of equipment ends.

4-3(G)(1)(e) This use is prohibited within 300 feet in any direction of any Residential zone district or any building containing a residential use in any Mixed-use zone district.[292]

4-3(G)(2) Construction Staging Area, Trailer, or Office

4-3(G)(2)(a) This use may not begin, and any structure for the use may not be installed, more than 30 calendar days before site construction begins.

4-3(G)(2)(b) This use may only be located on the lot for the following timeframes:

[292] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

1. If associated with a construction project, from 30 calendar days before construction begins to 30 calendar days after issuance of a certificate of occupancy for a structure, or 30 calendar days after construction finishes if no certificate of occupancy is required.
2. If specified in a special event permit approved by the City, from 7 calendar days before to 7 calendar days after the approved event.
3. If neither Subsection 1 nor 2 above applies, then not longer than a period of 30 calendar days.

4-3(G)(2)(c) This use may not occur in any required front yard area or between the front façade of a primary building and the street, but a trailer may be parked anywhere on the site for a period of up to 3 calendar days for active loading and unloading.

4-3(G)(2)(d) The body of the trailer shall be set back at least 5 feet from any lot line and 8 feet from the building or structure under construction.

4-3(G)(2)(e) If work on the project has been dormant for a period of 6 or more months, the trailer must be removed, unless an extension is granted by the Planning Director based on an anticipated construction restart date.

4-3(G)(2)(f) This use is allowed to operate on private property near the subject property in any zone district, provided that the use has written permission from the owner of the off-site private property specifying the allowed use, the location of the subject property under construction, the allowed location of the use on the off-site private property, and the location of any agreed upon access point(s). A copy of this written permission shall be kept on the construction staging area site and made available for review by any City inspector at all times during the operation of the construction staging area.[293]

4-3(G)(2)(g) Where temporary dwelling units are allowed, the construction trailer or office may be used as a temporary dwelling unit provided that it meets all applicable building and occupancy requirements for a temporary dwelling unit.

4-3(G)(3) Dwelling Unit, Temporary

4-3(G)(3)(a) This use must be associated with a permissive primary use, approved conditional use, or allowed temporary use and located in a structure on the same premises as the activity or construction that it serves.

4-3(G)(3)(b) This use may only be located on the lot for the following timeframes:

1. If associated with a construction project, from 30 calendar days before construction begins to 30 calendar days after

[293] Added per EPC Condition #1 (Tech Edits) and revised for consistent language about subject properties. Revised per City Council Amendment B20.

issuance of a certificate of occupancy (for a structure) or 30 days after construction finishes (if no certificate of occupancy is required).

2. If associated with a special event approved by the City or permitted under this IDO, from 7 calendar days before to 7 calendar days after the event, or as stated in any approval for the event approval issued by the City.
3. If neither Subsection 1 nor 2 above applies, then not longer than a period of 30 calendar days.

4-3(G)(4) Fair, Festival, or Theatrical Performance

Limited to 7 calendar days and to 45 days in any calendar year unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A).

4-3(G)(5) Open Air Market

May only be operated for up to 60 calendar days.

4-3(G)(6) Park-and-Ride Facility, Temporary

This use shall be limited to the time period specified in any agreement with the property owner.

4-3(G)(7) Real Estate Office or Model Home

4-3(G)(7)(a) This use may not begin, and any structure containing the use may not be installed, more than 30 calendar days before site construction begins.

4-3(G)(7)(b) This use must terminate, and any structure containing the use must be removed from the site, no later than 30 calendar days after issuance of the certificate of occupancy for the last unit or portion of the development is issued.

4-3(G)(7)(c) If work on the project has been dormant for a period of 6 months or more, the structure containing this use must be removed unless an extension is granted by the Planning Director based on an anticipated construction restart date.

4-3(G)(7)(d) One (1) wall, window, or yard sign of up to 4 square feet is allowed.

4-3(G)(7)(e) Where temporary dwelling units are allowed, the structure containing this use may also be used as a temporary dwelling unit provided that it meets all applicable building and occupancy requirements for a temporary dwelling unit.

4-3(G)(8) Seasonal Outdoor Sales

This use is limited to a total of 45 days in any calendar year.

4-3(G)(9) Temporary Use Not Listed

This use may be approved on a case-by-case basis if the City Planning Department determines that the use has a demonstrable public purpose, will not create material adverse impacts on surrounding area, and will not exceed 45

consecutive days in a calendar year. A traffic management plan may be required.[294]

4-3(G)(10) Garage or Yard Sale

4-3(G)(10)(a) The duration of any sale shall not exceed 3 calendar days.

4-3(G)(10)(b) For low-density residential development: no more than 2 sales within a 1-year period.

4-3(G)(10)(c) For multi-family residential development: no more than 4 sales within a 1-year period.

4-3(G)(11) Hot Air Balloon Takeoff and/or Landing

Hot air balloon takeoff and/or landing are prohibited in the Air Space and Runway Protection Sub-areas of the Airport Overlay Zone. See also Section 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

[294] Revised per City Council Amendment B20.

Part 14-16-5 Development Standards

5-1 DIMENSIONAL STANDARDS

5-1(A) PURPOSE

The regulations in this Section 14-16-5-1 are established to regulate the size, scale, and location of development throughout the city to maintain appropriate scale and character for each zone district. In particular, this Section 14-16-5-1 provides contextual standards to ensure that any new low-density residential development reinforces the scale and character of residential areas in Areas of Consistency designated in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.[295]

5-1(B) APPLICABILITY

5-1(B)(1) The standards of this Section 14-16-5-1 apply in any zone district except MX-FB, where development size, scale, location, and massing are regulated by Subsection 14-16-2-4(E) (Mixed-use – Form-based Zone District (MX-FB)).

5-1(B)(2) Part 14-16-3 (Overlay Zones) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In the case of a conflict between the dimensional standards, Overlay zone standards shall prevail.

5-1(B)(3) Section 14-16-5-9 (Neighborhood Edges) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In case of a conflict between the dimensional standards, Neighborhood Edge standards shall prevail.

5-1(B)(4) Notwithstanding any standard in this IDO, all development must meet relevant setback standards in Article 14-2 of ROA 1994 (Fire Code).

5-1(C) RESIDENTIAL ZONE DISTRICTS

5-1(C)(1) Residential Zone District Table

All development in any Residential zone district shall comply with the standards in Table 5-1-1, except under any of the following circumstances, in which case individual standards in the relevant sections prevail over conflicting standards in Table 5-1-1:

5-1(C)(1)(a) The project is a residential development of primary buildings in an Area of Consistency, in which case any relevant Contextual Residential Standards in Section 14-16-5-1(C)(2) prevail.

5-1(C)(1)(b) A different standard is stated in another section of this IDO, such as an Overlay zone standard in Part 14-16-3 (Overlay Zones) or a Use-specific Standard in Section 14-16-4-3, in which case that standard prevails.

[295] Revised per City Council Amendment B20.

Table 5-1-1: Residential Zone District Dimensional Standards

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan
BR = bedroom DU = dwelling units.
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.

Zone District	R-A[1]	R-1[1]	R-MC[2]	R-T[1]	R-ML	R-MH
Site Standards						
Lot size, minimum[3]	10,890 sq. ft.	R-1A: 3,500 sq. ft. R-1B: 5,000 sq. ft. R-1C: 7,000 sq. ft. R-1D: 10,000 sq. ft.	2,500 sq. ft. / manufactured home space	Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft.	Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft. Multi-family: 5,000 sq. ft.	10,000 sq. ft.[4]
Contextual	See Subsection 14-16-5-1(C)(2)				N/A	
Lot width, minimum	75 ft.	R-1A: 25 ft. R-1B: 35 ft.[296] R-1C:50 ft. R-1D:70 ft.	40 ft. / manufactured home space	Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft.	Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft. Multi-family: 50 ft.	150 ft. UC-MS-PT: 100 ft.
Contextual	See Subsection 14-16-5-1(C)(2)				N/A	N/A
Usable open space, minimum[5]	N/A	N/A	400 sq. ft. / manufactured home space	N/A	Efficiency or 1 BR: 225 sq. ft. / unit[297] 2 BR:285 sq. ft. / unit[298] ≥3 BR: 350 sq. ft. / unit[299] UC-MS-PT: 50% reduction	
Setback Standards[6][7][8]						
Front, minimum	20 ft.	R-1A: 10 ft. R-1B, R-1C: 15 ft. R-1D: 20 ft.	15 ft.	10 ft.	15 ft.	15 ft. UC-MS-PT: 0 ft.
Front, maximum	N/A					N/A UC-MS-PT: 10 ft. along 70% of primary street frontage

[296] Revised from 37.5 ft. per EPC Condition #1 (Tech Edits).
[297] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[298] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[299] Revised from 300 sq. ft. per City Council Floor Amendment C3.

Table 5-1-1: Residential Zone District Dimensional Standards
UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan
BR = bedroom DU = dwelling units.
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.

Zone District	R-A[1]	R-1[1]	R-MC[2]	R-T[1]	R-ML	R-MH
Side, minimum[9]	10 ft.	R-1A, R-1B, R-1C: Interior: 5 ft.[10] Street side of corner lots: 10 ft. R-1D: 10 ft.	Interior: 5 ft. Street side of corner lots: 10 ft.	Interior: 5 ft. Street side of corner lots: 10 ft. UC-MS-PT: 0 ft.		
Side, maximum	N/A					N/A UC-MS-PT: Street side of corner lots: 15 ft.
Rear, minimum	25 ft. min	R-1A: 10 ft. R-1B, R-1C, R-1D: 15 ft.	10 ft.	15 ft.		
Building Height						
Building height, maximum	26 ft.				38 ft.[300]	48 ft.[301] UC-MS-PT: 65 ft. 12 ft. Workforce Housing Bonus[302] No maximum for portions of building >100 ft. from all lot lines

[300] Revised from 35 ft. per City Council Amendment B2.
[301] Revised from 45 ft. per City Council Amendment B2.
[302] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #17.

Table 5-1-1: Residential Zone District Dimensional Standards
UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan
BR = bedroom DU = dwelling units.
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.

Zone District	R-A[1]	R-1[1]	R-MC[2]	R-T[1]	R-ML	R-MH

[1] Residential development that qualifies for funding through Article 14-17 of ROA 1994 (Family Housing Developments) may be eligible for development incentives specified in that Article.
[2] In the R-MC zone district, setback standards apply to the entire project site, not to individual manufactured home spaces; however, the minimum distance between dwellings is 10 ft. unless the applicant otherwise demonstrates that the buildings comply with Article 14-2 of ROA 1994 (Fire Code).[303]
[3] Unless specified otherwise in this IDO, minimum lot size and width apply to the lot, not to individual dwelling units.
[4] For lots in the R-MH zone district that do not meet this minimum lot size requirement, development is allowed pursuant to Subsection 14-16-6-8(E)(3).
[5] Usable open space requirements for R-ML and R-MH are for multi-family residential development only. Use-specific standards for some development types require usable open space pursuant to Subsections 14-16-4-3(B)(3)(i) (Dwelling, Cottage Development) and 14-16-4-3(B)(5)(a) (Dwelling, Townhouse).
[6] At corners and junctions with driveways, drive aisles, or alleys, additional clear sight triangle requirements in the DPM may apply.
[7] For all low-density residential development, any driveway on a front or street side lot line must meet the standards in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access).[304]
[8] For buildings constructed on a lot line abutting a privately owned lot that is not under the same ownership as the subject property, Subsection 14-16-5-1(F) (Buildings Constructed on a Lot Line) applies.[305]
[9] The minimum side setback for two-family detached (duplex) and townhouse dwellings may vary, pursuant to the Use-specific Standards for those uses in Subsections 14-16-4-3(B)(4) and 14-16-4-3(B)(5), respectively.
[10] In the R-1A sub-zone, one internal side setback may be 0 ft. if the opposite internal side setback is at least 10 ft.[306]

5-1(C)(2) Contextual Residential Development in Areas of Consistency[307]

5-1(C)(2)(a) Applicability[308]

1. For the following residential development types, the contextual lot size standards in Subsection (b) below do not apply, and the contextual setback standards in Subsection (c) below apply to the entire project site, not to individual lots or primary buildings:
   a. Manufactured home communities in the R-MC zone district.
   b. Cluster development.
   c. Cottage development.
2. All other development in any Residential zone district on blocks where lots have been platted and at least 1 primary building is constructed shall comply with the standards in Subsections (b) and (c) below.

5-1(C)(2)(b) Lot Size[309]

In any Residential zone district in an Area of Consistency, the minimum and maximum lot sizes for construction of new low-

[303] Note revised per EPC Condition #1 (Tech Edits).
[304] Added per EPC Condition #1 (Tech Edits).
[305] Added per EPC Condition #1 (Tech Edits).
[306] Note added per EPC Condition #1 (Tech Edits).
[307] Council Amendment E recommends revisions to contextual standards to allow for more flexibility within ¼ mile of UC-MS-PT areas. EPC Condition #60 proposes a clarifying revision.
[308] Added conservation development per EPC Condition #9.d. Deleted conservation development per City Council Amendment B4.
[309] Revisions throughout this subsection per EPC Condition #1 (Tech Edits). Clarification that average is calculated as an arithmetic mean moved to be a new definition to be applicable throughout the IDO.

density residential development shall be based on the size of the Bernalillo County Tax Assessor's lot, or a combination of adjacent Tax Assessor's lots, on the portions of the blocks facing the same street as the lot where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

1. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 75 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on those blocks.
2. Within UC-MS-PT areas or within 1,320 feet (¼ mile) of UC-MS-PT areas, new low-density residential development on a lot 10,000 square feet or larger shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 50 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on those blocks.[310]
3. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is larger than 125 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on those blocks.
4. In making these calculations, the size of any Tax Assessor's lot or combination of adjacent tax assessor's lots containing primary buildings on that block that are not low-density residential development shall be ignored.
5. In making the calculations in Subsections 1 through 4 above, any lots owned by the applicant with existing site features that are to be preserved, including but not limited to areas of open space or existing structures, shall not be considered in the contextual standards calculations for lot size.[311]

5-1(C)(2)(c) Front Setbacks[312]

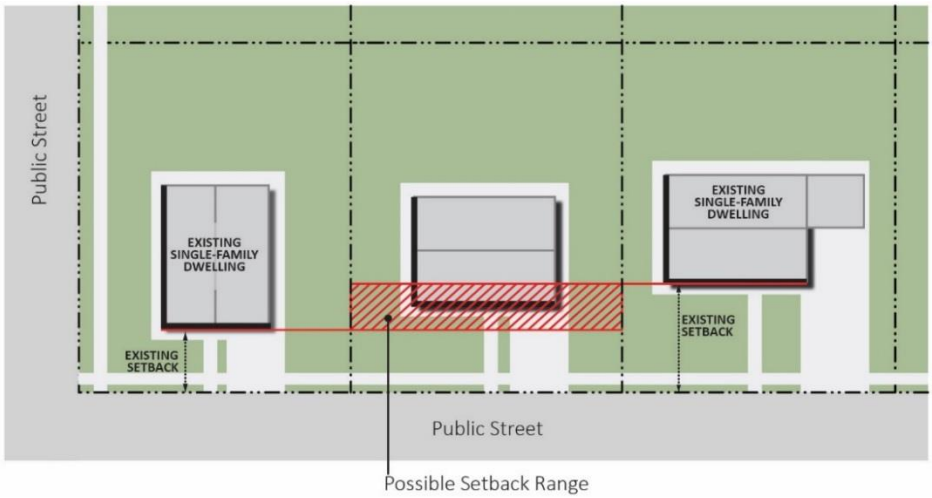
In any Residential zone district in an Area of Consistency, the front setback for construction of new low-density residential development shall be based on the existing front setbacks of primary buildings on adjacent lots:

1. If both of the abutting lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front

[310] Added per City Council Amendment A6.
[311] Added per EPC Condition #1 (Tech Edits).
[312] Revised per EPC Condition #1 (Tech Edits).

setbacks of the 2 primary dwellings on the abutting lots (see illustration below).

2. If only 1 of the abutting lots facing the same street is a low-density residential development, the front setback of any new dwellings shall be within 3 feet of the front setback of the existing primary dwelling on the abutting lot or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.
3. If both of the abutting lots are vacant, but at least 2 adjacent lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front setbacks of the 2 primary dwellings on adjacent lots or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.
4. If both of the abutting lots are vacant, but only 1 adjacent lot facing the same street is low-density residential development, the front setback of any new dwellings shall be constructed pursuant to the standards in Table 5-1-1.



Contextual Residential Front Setbacks for Low-density Residential Development



Contextual Residential Front Setbacks for Cluster and Cottage Development

5-1(C)(2)(d) Side Setbacks[313]

In any Residential zone district in an Area of Consistency, the side setback for construction of new low-density residential development may be based on the minimum side setback in Table 5-1-1 for the relevant zone district or the existing side setbacks of primary buildings on adjacent lots with low-density residential development facing the same street as the lot where the new low-density residential development is to be constructed.

[313] Added per EPC Condition #1 (Tech Edits).

5-1(D) MIXED-USE ZONE DISTRICTS

5-1(D)(1) Mixed-use Zone District Table

All development in any Mixed-use zone district shall comply with the dimensional standards in Table 5-1-2, unless an exception or a different standard is stated in another section of this IDO. Subsection 14-16-2-4(E) (Mixed-use – Form-based Zone District (MX-FB)) includes dimensional standards for MX-FB sub-zones.

Table 5-1-2: Mixed-use Zone District Dimensional Standards
UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan
BR = bedroom DU = dwelling units.
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.

Zone District	MX-T	MX-L	MX-M	MX-H
Site Standards				
Usable open space, minimum[1]	Efficiency or 1 BR: 225 sq. ft./unit[314] 2 BR: 285 sq. ft./unit[315] ≥3 BR: 350 sq. ft./unit[316] UC-MS-PT: 50% reduction			
Setbacks[2][3][4]				
Front, minimum[317]	5 ft. UC-MS-PT: 0 ft.[5]			
Front, maximum	N/A UC-MS-PT: 15 ft.			
Side, minimum	Interior: 0 ft.; Street side of corner lots: 5 ft. UC-MS-PT: 0 ft.			
Side, maximum[318]	N/A UC-MS-PT: Interior: N/A; Street side of corner lots: 15 ft.[5]			
Rear, minimum	15 ft. UC-MS-PT: 0 ft. where rear lot line abuts a street or alley[319]			
Rear, maximum	N/A			
Building Height				
Building height, maximum[320]	30 ft.	38 ft.[321] UC-MS-PT: 55 ft.	48 ft.[322] UC-MS-PT: 65 ft. No maximum for portions of building >100 ft. from all lot lines	68 ft.[323] UC-MS-PT: 75 ft.

[314] Revised from 200 sq. ft. per City Council Floor Amendment C3.
[315] Revised from 250 sq. ft. per City Council Floor Amendment C3.
[316] Revised from 300 sq. ft. per City Council Floor Amendment C3.
[317] Council Amendment P allows outdoor patios to count toward the streetwall requirements for front setbacks in UC-MS-PT areas. Revised per City Council Amendment A15. Revised editorially to move substantive regulations to be numbered regulations, as opposed to notes on the table.
[318] Added note per City Council Amendment B17. Revised editorially to move substantive regulations to be numbered regulations, as opposed to notes on the table.
[319] Added per City Council Amendment B12.
[320] MT added to Structured Parking and Workforce Housing Bonuses per EPC Condition #1 (Tech Edits).
[321] Revised from 35 ft. per City Council Amendment B2.
[322] Revised from 45 ft. per City Council Amendment B2.
[323] Revised from 65 ft. per City Council Amendment B2.

Table 5-1-2: Mixed-use Zone District Dimensional Standards

UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan
BR = bedroom DU = dwelling units.
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.

Zone District	MX-T	MX-L	MX-M	MX-H
		UC-MS-PT-MT: 12 ft. Structured Parking Bonus		UC-MS-PT-MT: 24 ft. Structured Parking Bonus
	UC-MS-PT-MT: 12 ft. Workforce Housing Bonus			

[1] Usable open space requirements indicated in this table are for multi-family residential development only. Additional usable open space requirements in Subsections 14-16-4-3(B)(3)(i) (Dwelling, Cottage Development) and 14-16-4-3(B)(5)(a) (Dwelling, Townhouse) may apply to low-density residential development in any Mixed-use zone district.
[2] At corners and junctions with driveways, drive aisles, or alleys, additional clear sight triangle requirements in the DPM may apply.
[3] For all low-density residential development, any driveway on a front or street side lot line must meet the standards in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access).[324]
[4] For buildings constructed on a lot line abutting a privately owned lot that is not under the same ownership as the subject property, Subsection 14-16-5-1(F) (Buildings Constructed on a Lot Line) applies.[325]
[5] In UC-MS-PT areas, all development must meet the standards in Subsection 14-16-5-1(D)(2).[326]

5-1(D)(2) Urban Center, Main Street, and Premium Transit Areas[327]

5-1(D)(2)(a) Where sidewalks are less than 10 feet wide, the minimum front setback shall be 10 feet.[328]

5-1(D)(2)(b) A minimum of 50 percent of front property line width must be occupied by the primary building, outdoor seating and gathering area, or outdoor dining area constructed within 15 ft. of the property line.

1. On a corner lot, the required minimum of 50 percent must begin at the corner. [329]
2. A 3-foot wall and trees spaced 20 feet on center shall be required between any outdoor seating and gathering area or outdoor dining area and a parking or loading area.[330]

5-1(D)(2)(c) For lots where there are 2 or more street side lot lines, the maximum side setback applies only to one side.[331]

5-1(E) NON-RESIDENTIAL ZONE DISTRICTS

5-1(E)(1) Non-residential Zone District Table

All development in any Non-residential zone district other than NR-PO or NR-SU shall comply with the dimensional standards in Table 5-1-3, unless an exception or a different standard is stated in another Section of this IDO.

[324] Added per EPC Condition #1 (Tech Edits).
[325] Added per EPC Condition #1 (Tech Edits).
[326] Added per City Council Floor Amendment C5.
[327] Added editorially to move substantive regulations to be numbered regulations, as opposed to notes on the table.
[328] Note added per EPC Condition #18. Revised editorially to move substantive regulation to be a numbered regulation, as opposed to a note on the table.
[329] Council Amendment P allows outdoor patios to count toward the streetwall requirements for front setbacks in UC-MS-PT areas. Revised per City Council Amendment A15. Revised editorially to move substantive regulations to be numbered regulations, as opposed to notes on the table.
[330] Added per City Council Floor Amendment C5.
[331] Added per City Council Amendment B17. Revised editorially to move substantive regulations to be numbered regulations, as opposed to notes on the table.

Table 5-1-3: Non-residential Zone District Dimensional Standards
UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.

Zone District	NR-C	NR-BP	NR-LM	NR-GM
Site Standards				
Lot width, minimum	N/A	100 ft.	N/A	
Building coverage, maximum	N/A	50%	N/A	
Setback Standards[1]				
Front, minimum	5 ft. UC-MS-PT: 0 ft.	20 ft.[2]	5 ft.	
Front, maximum	N/A UC-MS-PT: 15 ft.	N/A		
Side, minimum	0 ft.	10 ft.[2]	0 ft.	
Side, maximum	N/A UC-MS-PT: Interior: N/A Street side of corner lots: 15 ft.	N/A		
Rear, minimum	0 ft. UC-MS-PT: 15 ft.	10 ft.[2]	0 ft.	
Rear, maximum	N/A			
Building Height				
Building height, maximum	38 ft.[332] UC-MS-PT: 55 ft.	65 ft.		
	No maximum for portions of building >100 ft. from all lot lines	No maximum for portions of building >100 ft. from front lot line		

[1] At corners and junctions with driveways, drive aisles, or alleys, additional clear sight triangle requirements in the DPM may apply.
[2] No setback is required on sides abutting rail tracks or rail easements.

5-1(E)(2) NR-PO and NR-SU Zone Districts

5-1(E)(2)(a) NR-PO Zone District

Dimensional standards in NR-PO sub-zones shall be determined in the approval of a Master Plan, Natural Resource Management Plan, standards specified by the implementing Department, or standards appropriate to a Site Plan approval for a park or open space owned or managed by an entity other than the City.

5-1(E)(2)(b) NR-SU Zone District

Dimensional standards in NR-SU shall be determined in the approval of a Site Plan – EPC as part of the approval of a Zoning Map Amendment to the NR-SU zone district.

[332] Revised from 35 ft. per City Council Amendment B2.

5-1(F) BUILDINGS CONSTRUCTED ON A LOT LINE[333]

If a building is constructed on a lot line abutting a privately owned lot that is not under the same ownership as the subject property, the City may require the owners of both properties to sign a maintenance easement prior to issuance of a building permit to allow future maintenance or repairs of any portions of the building constructed on the lot line.

5-1(G) EXCEPTIONS AND ENCROACHMENTS

Building height limits apply to all portions of all structures on the property, unless an exception is specified in Table 5-1-4 or any other provision of this IDO. Table 5-1-4 identifies exceptions to required building setback areas and exceptions to building height limits that apply unless specified otherwise in an Overlay zone. Required setback areas other than the exceptions allowed in Table 5-1-4 shall be open and unobstructed from the ground upward.

Table 5-1-4: Allowed Exceptions and Encroachments

Structure or Feature	Conditions or Limits
Encroachments into Required Setback Areas	
Accessory building	May encroach any amount into a required side or rear setback, subject to the with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code).
Accessory ground-mounted wind energy system	As specified in Subsection 14-16-4-3(E)(11) (Wind Energy Generation).
Architectural feature including awning, balcony, bay window, canopy, sill, chimney, belt course, cornice, and ornamental feature	May encroach up to 2 ft. into a required side or rear yard setback, but not closer than 3 ft. from any lot line. May encroach any amount into a required front yard setback; encroachments into the public right-of-way require an approved revocable permit.[334]
Carport	As specified in Subsection 14-16-5-5(F)(2)(a)3 (Carports).
Dumpster enclosure	May encroach any amount into a required side or rear setback.
Evaporative cooler	May encroach up to 4 ft. into a required side or rear setback.
Freestanding sign	May encroach into a required setback, but not closer than 3 ft. from any lot line.
Ground-mounted solar collector	Allowed per Section 47-3-4 NMSA 1978.
Open or lattice-enclosed fire escape, fireproof outside stairway, and balcony opening upon smoke towers	May encroach up to 10 ft. into a required rear setback.
Site design element placed directly upon the average lot grade that is less than 18 inches above the surrounding average lot grade, including deck, walkway, step, patio, and terrace	May project into a required setback, except that decks, patios, and terraces above grade may not encroach closer than 3 ft. from any lot line.
Shade structure for low-density residential development	May encroach into a required side or rear setback, but not closer than 3 ft. from any lot line. No more than 50% of rear yard may be covered by a roof. No wall to support the structure may be constructed in any setback area.

[333] Revised per EPC Condition #1 (Tech Edits) and moved from Subsection 5-4(C) as this is a more appropriate location for this provision..
[334] Revised per EPC Condition #1 (Tech Edits).

Table 5-1-4: Allowed Exceptions and Encroachments	
Structure or Feature	**Conditions or Limits**
Wall or fence	As specified in Section 14-16-5-7 (Walls and Fences).
Exceptions to Building Height Limits	
Belfry, church spire or tower, flag pole, flue, statue, ornamental tower or spire, chimney, conveyor, cooling tower, cupola or dome, elevator housing, mechanical equipment and related screening (not including any parapet), observation tower, penthouse, smoke enclosure, smoke stack, stage tower or scenery loft, tank, and water tower	Exempt from height limits for primary buildings.
Non-commercial or broadcast antenna	May be up to 65 feet.
Rooftop solar collector	Allowed per Section 47-3-4 NMSA 1978.
Shade structure	In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, may not exceed 12 ft. in height.
Wind generation device	As specified in Subsection 14-16-4-3(E)(11) (Wind Energy Generation).
Wireless Telecommunications Facility (WTF)	As specified in Subsection 14-16-4-3(E)(12)(d) (Wireless Telecommunications Facility Maximum Height).

5-1(H) UTILITY CLEARANCE

Walls and fences that run parallel to and are contained within utility easements are prohibited. In addition to the building setbacks and encroachments in this Section 14-16-5-1, the Development Process Manual (DPM) or the Facility Plan for Electric System Transmission and Generation, as amended, may have additional requirements for development near utility facilities. See those documents for details.

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) PURPOSE

This Section 14-16-5-2 is intended to minimize the impacts of development on natural and cultural resources, to protect public health and safety from potential hazards on sensitive lands, and to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities. Site design standards are intended to enhance the visual appearance of non-residential development, promote street and neighborhood character, and strengthen the pedestrian environment.[335]

5-2(B) APPLICABILITY

These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.

5-2(C) AVOIDANCE OF SENSITIVE LANDS[336]

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. The site analysis shall be included with applications for Subdivision or Site Plan. The site analysis shall be reviewed by relevant staff from Hydrology, Parks and Recreation, Historic Preservation, the City Forrester, and/or the City Archaeologist, depending on the type(s) of sensitive lands identified on the site. New subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:

- 5-2(C)(1)(a) Arroyos.
- 5-2(C)(1)(b) Floodplains and Special Flood Hazard Areas.[337]
- 5-2(C)(1)(c) Irrigation facilities (acequias).
- 5-2(C)(1)(d) Large stands of mature trees.
- 5-2(C)(1)(e) Rock outcroppings.
- 5-2(C)(1)(f) Significant archaeological sites.[338]
- 5-2(C)(1)(g) Steep slopes and escarpments.
- 5-2(C)(1)(h) Wetlands.

5-2(C)(2) Street crossings of sensitive lands shall be avoided. [339]

5-2(C)(3) For all development except cluster and cottage development, if avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable lots than it would have if sensitive lands

[335] Revised per EPC Condition #1 (Tech Edits).
[336] New Subsection 5-2(C)(1) added per EPC Condition # 19 to limit applicability to Preliminary Plat for 5 acres of land, Site Plan for 5 acres of land, or Master Development Plan or Framework Plan. Deleted per City Council Amendment A10. Subsequent subsections revised per City Council Amendment A10 to remove "to the maximum extent practicable". Unstable soils deleted. Separate provision about street crossings and irrigation facilities deleted as duplicative of provision about street crossings and sensitive lands.
[337] Revised to use defined term added per EPC Condition #1 (Tech Edits).
[338] Revised per City Council Amendment A10.
[339] Revised per City Council Amendment A10.

were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.[340]

5-2(D) ARCHAEOLOGICAL SITES

5-2(D)(1) Applicability

This Subsection 14-16-5-2(D) applies when an applicant initiates the approval process for any of the following:

5-2(D)(1)(a) A preliminary plat for any subdivision that is 5 acres or more in size.

5-2(D)(1)(b) A Site Plan or Master Development Plan for a project that is 5 acres or more in size.

5-2(D)(2) Additional Review Required

Prior to the approval of a Preliminary Plat, Site Plan, or Master Development Plan, the applicant shall obtain either a Certificate of No Effect or a Certificate of Approval, pursuant to review and decision procedures and criteria in Subsection 14-16-6-5(A) (Archaeological Certificate).

5-2(D)(3) Unexpected Archaeological Discovery

5-2(D)(3)(a) In the event that an archaeological resource is unexpectedly discovered in the city during any demolition, development, or land disturbance activity on any property for which a Certificate of No Effect has been issued, such activity in the immediate vicinity of the archaeological resource shall immediately cease and the person or entity responsible for or overseeing the demolition, development or land disturbance activity shall immediately notify the Planning Director or City Archaeologist of the discovery.

5-2(D)(3)(b) Activity that ceases because of the unexpected discovery of an archaeological resource may resume only after the City Archaeologist determines that the resource is not significant or approves a treatment plan.

5-2(D)(3)(c) If the City Archaeologist determines that the area containing the archaeological resource can be separated from the project and the resource protected until the treatment plan is completed, the demolition, development, or land disturbance activity may resume.

5-2(D)(3)(d) The failure to immediately cease demolition, development or land disturbance activity upon the discovery of an archaeological resource is a violation subject to the penalties in Part 1-1-99 of ROA 1994 (General Penalty).

[340] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #9.e, and revised the term "parcel" to "lot" per EPC Condition #1 (Tech Edits).

5-2(D)(4) Human Remains

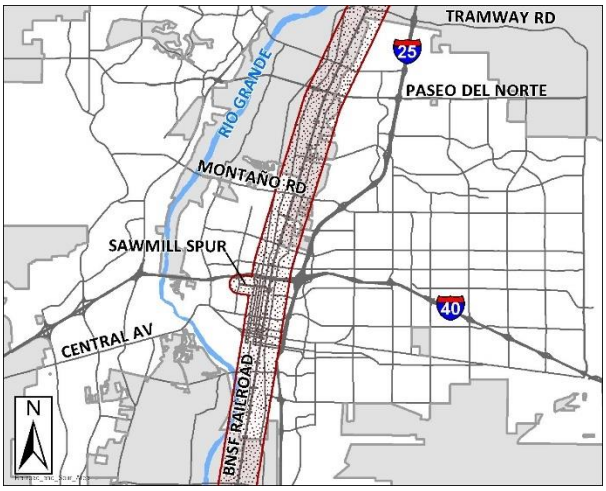
In the event that human remains or funerary artifacts are discovered on any property in the city during demolition, development or land disturbance activity, Section 18-6-11.2 of the New Mexico Cultural Properties Act shall control.

5-2(E) CUMULATIVE IMPACTS[341]

5-2(E)(1) Applicability

This Subsection 14-16-5-2(E) applies to development or redevelopment that meets all of the following criteria:

5-2(E)(1)(a) Any portion of the subject property is within the Railroad and Spur Area (i.e. within 2,640 feet [1/2 mile] of the BNSF railroad or 1,320 feet [¼ mile] of the Sawmill Spur), as mapped below.



5-2(E)(1)(b) The subject property is within 1,320 feet (¼ mile) of a Residential zone district or a lot containing a residential use in any Mixed-use zone district.

5-2(E)(1)(c) Any of the following uses identified in Table 4-2-1 are proposed:

1. Car Wash
2. Heavy Vehicle and equipment sales, rental, fueling, and repair
3. Light vehicle fueling station
4. Light vehicle repair
5. Light vehicle sales and rental
6. Airport
7. Freight terminal or dispatch center
8. Helipad
9. Railroad yard
10. Transit facility
11. Light Manufacturing
12. Heavy Manufacturing

[341] Added by City Council Floor Amendment C2.

13. Natural resource extraction
14. Special manufacturing
15. All uses in the Waste and Recycling category
16. All uses in the Wholesaling and Storage category

5-2(E)(1)(d) The subject property is within 660 feet of another use described in Subsection (c) above.

5-2(E)(2) Requirements

Development or redevelopment meeting all of the criteria of Subsection 14-16-5-2(E)(1) shall do all of the following:

5-2(E)(2)(a) Mitigate any material negative cumulative impacts on surrounding residential development through adequate and effective measures, including but not limited to all of the following:

1. Locating and designing vehicle access, circulation, parking, and loading to minimize impacts on residential uses within 660 feet in any direction of the subject property.
2. Locating, designing, and orienting site lighting to be compatible with residential uses within 660 feet in any direction of the subject property.
3. Locating the storage of hazardous materials, as defined by federal regulation, to minimize impact on surrounding residential uses.
4. Locating outdoor storage of materials or equipment to minimize impact on surrounding residential uses.
5. Locating activities on the site that generate noise to minimize impacts on residential uses within 660 feet in any direction of the subject property.

5-2(E)(2)(b) Provide a cumulative impact analysis to the EPC that addresses, at a minimum, the items required in Subsection 14-16-6-4(H), which the EPC may use as the basis to require mitigation of identified impacts through conditions of approval.

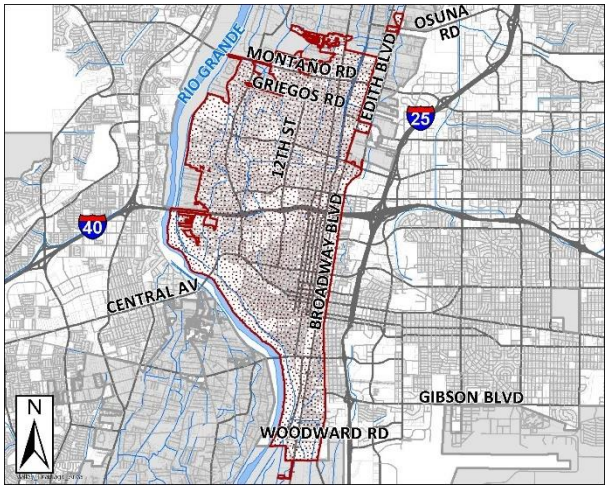
5-2(E)(2)(c) Provide a traffic impact study pursuant to Article 7-5(D) of the Development Process Manual, notwithstanding the thresholds or mitigation requirements in the Development Process Manual, which the EPC may use as the basis to require mitigation of the traffic generated by the use through conditions of approval.

5-2(E)(2)(d) Be reviewed by the Environmental Planning Commission (EPC), pursuant to Subsection 14-16-6-6(J).

5-2(E)(2)(e) Have an approved Site Plan – EPC that meets conditions of approval deemed necessary by the EPC to further compliance with the above standards to minimize impact on the surrounding residential uses and maximize compatibility of the proposed development prior to the submittal of any request for platting on the property.

5-2(F) DRAINAGE AREAS[342]

All drainage improvements in the Valley Drainage Area mapped below shall comply with applicable requirements of the DPM.



5-2(G) IRRIGATION FACILITY (ACEQUIA) STANDARDS

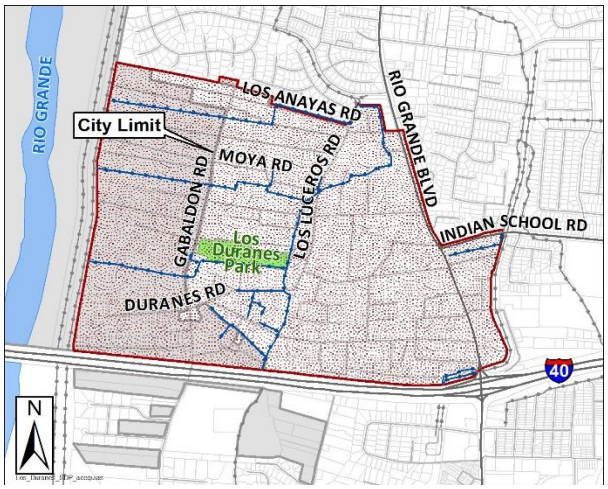
5-2(G)(1) All subdivisions and site development shall comply with applicable requirements of Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control) and the DPM.

5-2(G)(2) These standards apply to development adjacent to all irrigation facilities owned or maintained by the Middle Rio Grande Conservancy District (MRGCD) or community acequia associations.

5-2(G)(3) No primary or accessory structure, wall, fence, or impervious surface shall be constructed within 5 feet of the toe of the slope of an irrigation facility or of the associated easement boundary, whichever is greater, without the approval of the authority or association with operations and maintenance responsibility for the irrigation facility, except as noted in Subsection (4) below.

5-2(G)(4) Within the Los Duranes area as mapped below, all structures, excluding walls and fences, must be set back a minimum of 15 feet from the centerline of any ditch, lateral, or drain designated on the Los Duranes Community Acequia System Map below.

[342] Added per City Council Amendment B20.



5-2(G)(5) No vegetation within 5 feet of the toe of the slope of an irrigation facility shall be removed, treated, or planted without coordination with the authority or association responsible for operating and maintaining the irrigation facility.

5-2(G)(6) Where an acequia crosses a street, Subsection 14-16-5-2(C)(2) applies.[343]

5-2(H) LANDFILL BUFFERS[344]

Sensitive lands include landfill gas buffer areas, which comprise closed or operating landfills and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.

5-2(I) MAJOR ARROYO STANDARDS

5-2(I)(1) Applicability

This Subsection 14-16-5-2(I) applies applies to development or redevelopment on lots abutting a major arroyo.[345]

5-2(I)(2) Drainage

5-2(I)(2)(a) All subdivisions and site development shall comply with all applicable requirements of Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

5-2(I)(2)(b) Development will not be allowed to discharge stormwater runoff into an arroyo, unless an engineering analysis can demonstrate that discharge will have minimal impact on the treatment called for in the drainage management plan for the arroyo and on existing detention basins.

[343] Revised editorially related to City Council Amendment A10.
[344] Replaced previous content, which is addressed in City Environmental Health Interim Guidelines or in new Subsection 6-6(F) per EPC Condition #1 (Tech Edits).
[345] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

5-2(I)(3) Arroyos and Trails

5-2(I)(3)(a) Accessory buildings shall be set back from any lot line abutting an arroyo or trail 2 feet for each foot of building height in excess of 6 feet.[346]

5-2(I)(3)(b) Property owners shall dedicate public right-or-way as shown in the Facility Plan for Arroyos for trails and/or arroyos. Public right-of-way for a trail and landscaping adjacent to an arroyo shall average 20 feet in width.

5-2(I)(3)(c) Access to the trail system shall be provided at all roadway intersections and adjacent public facilities, including parks, libraries, community centers, and Major Public Open Space.

5-2(I)(3)(d) For new subdivisions adjacent to existing arroyo corridors, access to existing arroyo corridor trails shall be provided for residents of the subdivision at an interval of 1,320 feet (¼ mile) for unpaved trails and ½ mile for paved trails. Access for the public may be provided at the applicant's option or as required to comply with other provisions of this IDO, the DPM, or other adopted City regulations.

5-2(I)(3)(e) Land adjacent to barriers across the arroyo, such as dams, roads, and culverts, shall be platted to allow space for a trail around the barrier, providing for a continuous trail system.

5-2(I)(3)(f) Access for wheelchair accessible trails in or along arroyos shall comply with ADA standards.

5-2(I)(4) Landscaping Adjacent to Arroyos

5-2(I)(4)(a) Disturbance to slopes and vegetation and cut and fill shall be minimized to the maximum extent practicable and balanced against the need to provide for bikeways or other amenities within the arroyo easement and/or public right-of-way.

5-2(I)(4)(b) Disturbed areas shall be reseeded or planted with low-water, low-maintenance, native, or naturalized plant materials and maintained for 3 years. After that time, the City will take over maintenance responsibility for the planted area within the arroyo easement and/or public right-of-way.

5-2(I)(4)(c) Development shall landscape usable open space along any lot line abutting an arroyo easement or public right-of-way.[347]

5-2(I)(4)(d) Parking lots abutting major arroyos shall provide a buffer pursuant to Subsection 14-16-5-6(F)(3).

5-2(I)(5) Walls and Fences

For properties adjacent to arroyos, all walls, fences, retaining walls, and combinations of those site features facing the arroyo must comply with all applicable standards in Subsections 14-16-5-7(E)(4) (Walls Adjacent to Major

[346] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).
[347] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).

Arroyos or Major Public Open Space) and 14-16-5-7(F) (Retaining Wall Standards) and in the DPM.

5-2(J) MAJOR PUBLIC OPEN SPACE EDGES

5-2(J)(1) Lots within 330 feet of Major Public Open Space

The following standards apply to development within 330 feet in any direction of Major Public Open Space in order to enhance and protect Major Public Open Space. For additional standards regulating lots adjacent to major Public Open Space, see Subsection 14-16-5-2(J)(2) below.[348]

5-2(J)(1)(a) Access and Connectivity

Provide pedestrian and bicycle access to the Major Public Open Space consistent with the City's adopted Bikeways and Trails Facility Plan and as acceptable to the Open Space Division of the City Parks and Recreation Department.

5-2(J)(1)(b) Landscaping, Buffering, and Screening

1. Use native and/or naturalized vegetation for landscaping materials.
2. Screen mechanical equipment pursuant to Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

5-2(J)(1)(c) Outdoor Lighting

Design lighting pursuant to Section 14-16-5-8 (Outdoor and Site Lighting).

5-2(J)(1)(d) Color

1. Limit the colors of exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, to those with light reflective value (LRV) rating between 20 percent and 50 percent.
2. Colors shall blend with the surrounding natural environment and generally include yellow ochres, browns, dull reds, and grey greens.
3. Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.

5-2(J)(1)(e) Signs

1. Electronic signs are prohibited pursuant to Subsection 14-16-5-12(H)(2)(e).
2. Signage shall be located to minimize visibility from Major Public Open Space and designed pursuant to Subsection 14-16-5-12(E)(5) (Illumination and Motion).

5-2(J)(2) Lots Adjacent to Major Public Open Space

In addition to the standards that apply within 330 feet in any direction of Major Public Open Space in Subsection 14-16-5-2(J)(1) above, the following standards apply to development on lots adjacent to Major Public Open Space, except

[348] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

when the subject property and Major Public Open Space are separated by a principal arterial or freeway, in which case only the provisions of Subsection 14-16-5-2(J)(1) apply.[349]

5-2(J)(2)(a) Development on lots of any size adjacent to Major Public Open Space shall:

1. Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally prohibited unless approved by the Open Space Division of the City Parks and Recreation Department. Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 45 feet may be substituted as approved by the Open Space Superintendent.[350] Existing vegetation on the Official Albuquerque Plant Palette may count toward satisfying the requirements of Subsection 14-16-5-6(C)(2) (Minimum Landscape Area) with approval from the Open Space Superintendent. Plant selection and location is subject to approval by the Open Space Superintendent.[351]
2. For cluster development and multi-family dwellings, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with Major Public Open Space. These areas shall be made accessible from the remaining land via trails or sidewalks. Access to Major Public Open Space is only allowed if approved by the Open Space Division of the City Parks and Recreation Department.[352]
3. Locate lower densities and less intense uses abutting the Major Public Open Space in any Mixed-use zone district.
4. Include a landscaped strip between off-street parking and the Major Public Open Space with a minimum width of 6 feet that varies in width to avoid the appearance of a hard, straight line. Plant selection shall include sufficient shrubs or trees to provide a visual barrier.
5. Limit height of site lighting luminaires to 20 feet.
6. Incorporate Crime Prevention through Environmental Design (CPTED) principles to deter crime and to facilitate security measures.
7. Manage stormwater per Subsection 14-16-5-4(H).
8. Design grading per Subsection 14-16-5-4(J).

[349] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances. Revised per City Council Amendment B10.
[350] Revised from 20 ft. per EPC Condition #20.
[351] Revised per City Council Amendment B20.
[352] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #9.b.vii. Revised per City Council Amendment B3. Deleted conservation development per City Council Amendment B4.

9. Locate and design vehicle access, circulation, and parking per Subsection 14-16-5-5(F) (Parking Location and Design) and Subsection 14-16-5-6(F) (Parking Lot Landscaping).
10. Locate and design all walls, fences, retaining walls, and combinations of those site features facing the Major Public Open Space in compliance with all applicable standards in Section 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space).
11. Prevent and mitigate construction impact per the DPM.

5-2(J)(2)(b) Development on lots 5 acres or greater adjacent to Major Public Open Space shall:

1. Comply with the requirements of Subsection (a) above.
2. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.
3. Locate and design vehicle access, circulation, and parking to minimize impact to Major Public Open Space.
4. Design grading and manage stormwater to minimize impact to Major Public Open Space.
5. Locate, design, and orient site lighting to be compatible with Major Public Open Space, including consideration of periphery lighting and lighting of any pedestrian access to Major Public Open Space that is acceptable to the Open Space Division of the City Parks and Recreation Department.
6. Design walls to balance the following needs as appropriate on a case-by-case basis:
    a. Aesthetics that blend with the natural environment.
    b. Safety and surveillance.
    c. Screening and privacy.
7. Locate, design, and orient signage to minimize impact to the Major Public Open Space.
8. Be reviewed by the Environmental Planning Commission (EPC), pursuant to Subsection 14-16-6-6(J).
9. Have an approved Site Plan – EPC that meets conditions deemed necessary by the EPC to further compliance with the above standards to minimize impact on the Major Public Open Space and maximize compatibility of the proposed development prior to the submittal of any request for platting on the property.

5-2(J)(2)(c) Development on lots of any size adjacent to the Petroglyph National Monument shall:

1. Comply with the requirements of Subsections 14-16-5-2(J)(1) (Lots within 330 feet of Major Public Open Space) and 14-16-5-2(J)(2) (Lots Adjacent to Major Public Open Space) above

regardless of the applicability of those provisions related to the location or size of the premises.

2. Comply with the applicable standards in Section 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2).
3. Comply with the WTF concealment requirements in Section 14-16-4-3(E)(12)(a).
4. Comply with the applicable wall design and materials standards in Section 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space).
5. Comply with the applicable sign restrictions in Sections 14-16-5-12(G)(1)(e).

5-2(K) PREVENTING AND MITIGATING CONSTRUCTION IMPACT

See the DPM for standards.

5-3 ACCESS AND CONNECTIVITY

5-3(A) PURPOSE

This Section 14-16-5-3 is intended to improve connectivity in existing and future development areas by:

5-3(A)(1) Encouraging transportation connections consistent with long-range system maps.

5-3(A)(2) Providing adequate street connectivity.

5-3(A)(3) Supporting a multi-modal transportation network.

5-3(A)(4) Ensuring convenient and efficient access to current and future neighborhoods.

5-3(A)(5) Mitigating the traffic impacts of new development.

5-3(A)(6) Reducing vehicle miles traveled.

5-3(A)(7) Increasing the effectiveness of local service delivery and reducing emergency response times.

5-3(B) APPLICABILITY

5-3(B)(1) The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering standards, design standards, DPM standards, or other standards in this IDO.

5-3(B)(2) Standards in Subsection 14-16-5-3(C) (General Access and Circulation) and Subsection 14-16-5-3(D) (Pedestrian Circulation) apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO.

5-3(B)(3) Standards in Section 14-16-5-3(E) (Subdivision Access and Circulation) apply to all new subdivisions, unless explicitly exempted elsewhere in this IDO.

5-3(C) GENERAL ACCESS AND CIRCULATION

5-3(C)(1) Americans with Disabilities Act (ADA)

5-3(C)(1)(a) All "places of public accommodation," as defined in the federal Americans with Disabilities Act (42 USC 12101 et. seq.) shall comply with the requirements of that Act concerning on-site circulation and access.

5-3(C)(1)(b) All properties subject to the federal Americans with Disabilities Act shall comply with applicable Public Right-of-way Guidelines (PROWAG), as amended. Where PROWAG standards conflict with ADA standards, the ADA standards shall prevail.

5-3(C)(2) Complete Streets[353]

Complete streets shall be designed to the specifications in the DPM, which incorporates implementation of Part 6-5-6 of ROA 1994 (Complete Streets).

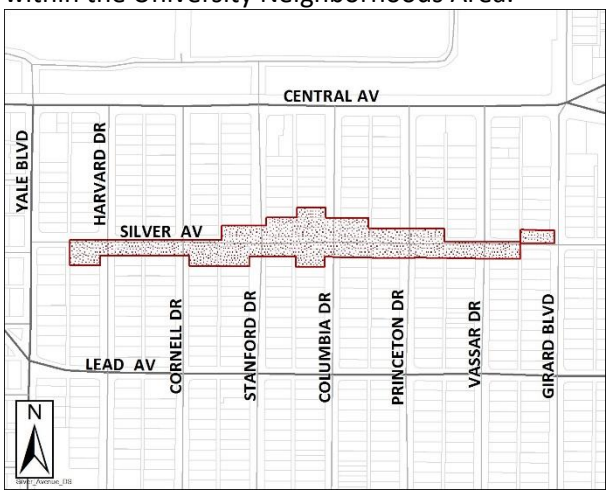
[353] Revised per City Council Amendment A10 to delete Subsection 5-2(C)(2)(a) and remove "to the maximum extent practicable".

5-3(C)(3) Driveways, Drive Aisles, and Access

5-3(C)(3)(a) Development shall comply with the driveway, drive aisle, and access standards in the DPM.

5-3(C)(3)(b) For all low-density residential development, driveways accessed from the front or street side of the property shall be at least 20 feet long.[354]

5-3(C)(3)(c) No new curb cuts may be added in the following mapped area within the University Neighborhoods Area:



5-3(C)(4) Pedestrian Circulation

Development shall comply with the pedestrian circulation standards in Subsection 14-16-5-3(D) (Pedestrian Circulation) and the DPM.

5-3(C)(5) Bicycle Circulation

5-3(C)(5)(a) New development involving more than 1 lot or sites over 5 acres in size adjacent to existing bikeways shall provide at least 1 access point to the bikeways to allow residents and users of the development to easily and safely access those bikeways. Access location and design shall be coordinated with City Parks and Recreation Department.[355]

5-3(C)(5)(b) Development shall comply with the bicycle circulation standards in Section 14-16-5-3(E)(4) (Bicycle Facilities) and the DPM.

5-3(D) PEDESTRIAN CIRCULATION

5-3(D)(1) Sidewalks in Residential Development

5-3(D)(1)(a) Perimeter sidewalks shall be provided in accordance with the DPM, except as noted in Subsection (b) below.

5-3(D)(1)(b) In the Los Duranes – CPO-6, a sidewalk at least 4 feet wide shall be provided on at least 1 side of new public residential subdivision streets or on residential private ways that have been dedicated as

[354] Added per EPC Condition #1 (Tech Edits).
[355] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits). Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

public right-of-way. A sidewalk on such a street that serves 10 or fewer dwelling units may be accommodated within the minimum required roadway width.

5-3(D)(2) Sidewalks in Mixed-use and Non-residential Development

5-3(D)(2)(a) Applicability

These standards apply to the following mixed-use and non-residential development, except in the NR-SU and NR-PO zone districts unless specified otherwise in this IDO:

1. Construction of a new building.
2. Expansion of an existing building that increases the existing square footage by 25 percent.

5-3(D)(2)(b) Sidewalks

Sidewalks meeting the standards of the DPM shall be provided along the entire frontage of each lot.[356]

5-3(D)(3) On-site Pedestrian Connections

All multi-family residential, mixed-use, and non-residential development shall comply with the following standards:

5-3(D)(3)(a) General

1. For the purposes of this Subsection 14-16-5-3(D)(3), the building's overall footprint will be considered the area for calculation of sidewalk width. A collection of smaller buildings linked by common walls will be considered as 1 building.
2. Where primary pedestrian entrances are located adjacent to a public sidewalk, the width of the public sidewalk may be included in the calculation.
3. Shade trees along required pedestrian walkways are required pursuant to Subsection 14-16-5-6(C)(4)(h) (Required Plant Materials and Site Amenities).

5-3(D)(3)(b) Network of Walkways

1. On-site pedestrian walkways that meet the minimum width required by the DPM shall be provided between the pedestrian entrances of each primary building on the site.
2. A 4-foot wide clear path shall be maintained along the walkway at all times. Site amenities, other uses of the sidewalk, the overhang of parked cars, and landscaping may not encroach upon the 4-foot wide clear path.[357]
3. On-site pedestrian walkways shall connect to all of the following:
   a. A sidewalk meeting the standards of the DPM along at least one lot frontage.

[356] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[357] Moved editorially from Subsection 5-3(D)(3)(b)3.f, since this applie to all development per the DPM.

b. Any abutting City park or trail, Major Public Open Space, or other Civic or Institutional uses, as long as such access is coordinated with and approved by the Parks and Recreation Department or the property owner of the civic or institutional use.

c. Any abutting public transit facility.

4. Walkways shall be installed along any street-facing façade with a pedestrian entrance of a building containing any of the following development:[358]

   a. Mixed-use or non-residential development in any Mixed-use zone district.

   b. Development of uses in the Civic and Institutional or Commercial categories in Table 4-2-1 in any Non-residential zone district.

   c. Walkways required by this Subsection shall meet the standards of the DPM, except where Table 5-3-1 requires a wider walkway.

Table 5-3-1: Required Walkway Width

Building Size (sq. ft.)	Minimum Walkway Width (ft.)
≤10,000	8
>10,000 and ≤50,000	10
>50,000 and ≤60,000	11
>60,000 and ≤70,000	12
>70,000 and ≤80,000	13
>80,000 and ≤90,000	14
>90,000	15

   d. The width of the required walkway may vary along the entire length of the façade provided that the average required width is maintained and provided that the width of the walkway along the façade is a minimum of 8 feet.

5-3(D)(3)(c) Materials to Alert Motorists

On-site walkways and crosswalks shall be identified to motorists and pedestrians through the use of one or more of the following:

1. Changing material, patterns, or paving color (i.e. changing the color of the paving itself, not painting the paving material).
2. Changing paving height.
3. Decorative bollards or planters.
4. Raised median walkways with landscaped buffers.
5. Stamped or stained concrete.

5-3(D)(4) Trails

Trails shall be dedicated on alignments that connect to any planned or existing trails on adjacent properties, as necessary to serve the residents, occupants,

[358] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.

and users of the proposed development, and shall be constructed pursuant to the DPM.

5-3(E) SUBDIVISION ACCESS AND CIRCULATION

5-3(E)(1) Street Connectivity

5-3(E)(1)(a) Level of Connectivity Required

The street network in new subdivisions shall be created through block standards in Subsection 14-16-5-4(E) (Block Design and Layout). The connectivity and classification of each street shall be consistent with the Mid-region Council of Governments (MRCOG) Long Range Roadway System Map, the Long Range Transportation System Guide of the Metropolitan Transportation Plan, and the DPM, intended to create a hierarchy of street classifications for arterials, collectors, and local streets spaced adequately for a complete network that provides circulation throughout the city to accommodate various travel modes.[359]

5-3(E)(1)(b) Detailed Design

1. Detailed intersection spacing, geometry, and horizontal alignment for streets shall meet all DPM standards.
2. Streets shall be designed to the standards of the DPM.
3. The character, extent, width, and location of all streets shall conform to the MRCOG Long Range Roadway System Map, the Long Range Transportation System Guide of the Metropolitan Transportation Plan, the DPM, and other policies, plans, and ordinances adopted by the City and shall be consistent in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and the proposed uses of the land to be served by the streets.[360]

5-3(E)(1)(c) Roadway Dimensions

1. The design of each new subdivision street shall comply with the dimensional ranges shown in the DPM.
2. Where an arterial or collector street is not shown in the MRCOG Long Range Roadway System Map or the Long Range Transportation System Guide of the Metropolitan Transportation Plan and there is no adopted future street line, the arrangement of streets in a subdivision shall do one of the following:[361]
   a. Provide for the continuation of existing arterial and collector streets in surrounding areas.
   b. Conform to a plan approved by the City to address a particular situation where topographic or other conditions

[359] Revised per EPC Condition #1 (Tech Edits).
[360] Revised per EPC Condition #1 (Tech Edits).
[361] Revised per EPC Condition #1 (Tech Edits).

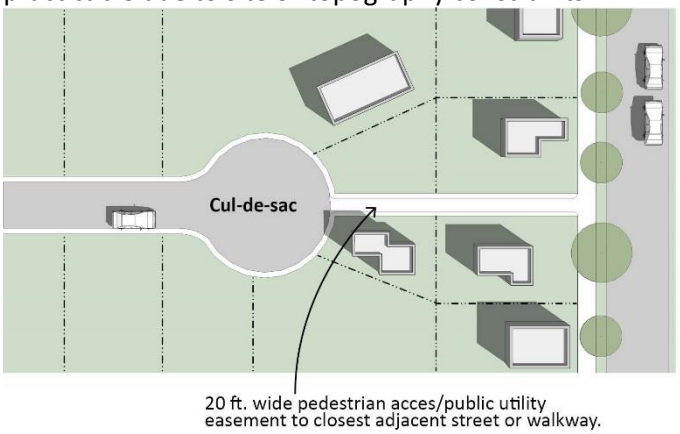
make continuance of, or conformance to, existing streets impractical.

c. Conform to spacing standards for various street classifications to provide and enhance circulation for various travel modes as specified in the DPM and best suited to provide appropriate access to the predominant land uses allowable on abutting lands within ½ mile.

5-3(E)(1)(d) Stub Streets and Cul-de-sacs[362]

Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions:

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

[362] Council Amendment S revises this Subsection to limit cul-de-sacs and stub streets to 100 ft. EPC Condition #73 does not recommend adopting Council Amendment S because the existing IDO and DPM requirements are sufficient. This Amendment was not approved by City Council.

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).[363]

5-3(E)(1)(f) Private Ways

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 the following conditions:

1. Private ways may be platted only where the Development Review Board (DRB) determines that such ways will clearly function as a local street.
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 DRB.
3. The 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 DRB pursuant to Subsections 14-16-6-6(K) (Subdivision of Land – Minor) and 14-16-6-6(L) (Subdivision of Land – Major).[364]
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.[365]

5-3(E)(2) Connections to Adjacent Land

5-3(E)(2)(a) Where land adjacent to 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 new subdivision streets shall be designed to align with those streets to allow through circulation, unless deemed impracticable by the DRB due to physical constraints, natural features, or traffic safety concerns.[366]

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 the block lengths in Table 5-4-1, unless deemed impracticable by the DRB

[363] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #21.
[364] Revised per EPC Condition #1 (Tech Edits).
[365] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #22.
[366] Revised per EPC Condition #1 (Tech Edits).

due to physical constraints, natural features, or traffic safety concerns.[367]

5-3(E)(3) Driveways, Drive Aisles, and Access

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, dive 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 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 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

Each street designated in the Metropolitan Transportation Plan and/or the Bikeways and Trails Facility Plan as an existing or proposed route to accommodate bicycles shall be incorporated into the development and shall be designed to comply with the standards of the DPM. 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.[368]

[367] Revised per EPC Condition #1 (Tech Edits).
[368] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

5-4 SUBDIVISION OF LAND

5-4(A) PURPOSE

This Section 14-16-5-4 is intended to promote the public health, safety, and general welfare of the current and future inhabitants of the City by ensuring that development sites:

5-4(A)(1) Are consistent with the land use planning objectives of the adopted ABC Comp Plan, as amended, and other plans, policies, and ordinances adopted by the City Council.

5-4(A)(2) Are appropriately sized and shaped to meet the intended use of land consistent with the zoning provisions and Development Standards in this IDO.

5-4(A)(3) Accurately document the boundaries of each lot in the subdivision.[369]

5-4(A)(4) Avoid development of sensitive lands.

5-4(A)(5) Are adequately served by a safe street and trail network that is consistent with the City's adopted transportation plans, with convenient access for motor vehicles, bicycles, and pedestrians.

5-4(A)(6) Require the timely installation and dedication of public improvements and utilities necessary to serve the development, while providing economy for governmental purposes and efficiency in governmental operations.

5-4(B) APPLICABILITY

5-4(B)(1) The standards in this Section 14-16-5-4 apply to all subdivisions of land into 2 or more lots, building sites, or tracts, or when 2 or more platted lots are consolidated into a larger lot for development or redevelopment, unless expressly exempted elsewhere in this IDO, in a development agreement, an approved Site Plan within the NR-SU or PD zone districts, an approved Framework Plan within the PC zone district, or an approved annexation plan.[370]

5-4(B)(2) The subdivision standards apply to all areas within the city unless specifically exempted.

5-4(B)(3) Land shall be subdivided only in accordance with the subdivision approval procedures in Subsections 14-16-6-6(K) (Subdivision of Land – Minor) and 14-16-6-6(L) (Subdivision of Land – Major).

5-4(C) COMPLIANCE WITH ZONING REQUIREMENTS

5-4(C)(1) All lots created by a subdivision shall comply with applicable standards in Part 14-16-3 (Overlay Zones); Section 14-16-5-1 (Dimensional Standards), particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency; Section 14-16-5-3 (Access and Connectivity); and this Section 14-16-5-4.[371]

5-4(C)(1)(a) The City shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

[369] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[370] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[371] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

5-4(C)(1)(b) Nonconforming lots may be replatted without requiring Variance to lot size if the replat meaningfully decreases the degree of already existing nonconformity.[372]

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 Review Board (DRB) is responsible for making determinations regarding unsuitability of land for subdivision.

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) (Avoidance of 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.[373]

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

[372] Revised for consistent use of the term "lot" per EPC Condition #1 (Tech Edits).
[373] Revised per EPC Condition #1 (Tech Edits).

of the parties to that agreement, and not the City. See Section 14-16-1-9 (Relationship to Private Agreements and Covenants).

5-4(E) BLOCK DESIGN AND LAYOUT

5-4(E)(1) Connectivity, Streets, and Alleys

5-4(E)(1)(a) Street connectivity patterns shall comply with the provisions of Section 14-16-5-3 (Access and Connectivity).

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

5-4(E)(1)(c) In Areas of Consistency, alleys shall be included in subdivision design in those areas of the city where surrounding areas are platted with alleys and shall continue the alignments of those alleys.[374]

5-4(E)(1)(d) Construction of all streets and alleys shall comply with all applicable standards in the DPM.

5-4(E)(2) General Block Layout

5-4(E)(2)(a) Blocks shall generally be square or rectangular but may vary in shape to protect natural features or respond to site constraints.

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

5-4(E)(3) Block Dimensions

5-4(E)(3)(a) Block Lengths

Block lengths shall meet the requirements and comply with standards in the DPM associated with each Center and Corridor area and each street classification. Table 5-4-1 is provided as a summary for reference only. In the case of conflict, requirements in the DPM shall prevail.

5-4(E)(3)(b) Pedestrian Crossings

Pedestrian crossings shall be provided and designed per the requirements in the DPM, summarized in Table 5-4-1.

Table 5-4-1: Summary of Block Lengths in the DPM

Location	Block Length (ft.)	Signalized Pedestrian Crossing (ft.)	Designated Pedestrian Crossing (ft.)
Streets in Center & Corridor Areas			
Downtown	200-400	≤660	≤400
Urban Center	300-400	≤660	≤400
Main Street Area	300-400	≤660	≤400
Activity Center	400-600	≤1,320	≤600

[374] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

Employment Center	≤800	≤2,640	As appropriate
Village Center	400-600	≤1,320	≤600
Streets in Other Areas			
Collector, Arterial, or Interstate Highway	Per DPM	Per DPM	Per DPM
Local Street	≤600	≤2,640	As appropriate

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) (Avoidance of 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).[375] 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.[376]

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 – DRB for an alternative layout and access provisions is approved pursuant to Subsection 14-16-6-6(P).[377]

5-4(F)(2)(b) Residential lots shall avoid layouts where the rear lot line is adjacent to a collector or arterial street.[378] 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[379]

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) (Avoidance of Sensitive Lands).

[375] Revised to use defined term added per EPC Condition #1 (Tech Edits).
[376] Revised per City Council Amendment B20.
[377] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[378] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".
[379] Revised per City Council Amendment A10 to delete Subsection 5-4(F)(3)(c) about avoiding through lots to the maximum extent possible.

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.

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[380]

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 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.

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.[381]

[380] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[381] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

5-4(I) ELECTRICAL AND COMMUNICATION LINES

5-4(I)(1) Distribution Lines 12 Kilovolts or Less

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 DRB may grant a Waiver – DRB pursuant to Subsection 14-16-6-6(P) if it is determined that no significant public purpose would be served by requiring the 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

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 – 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:[382]

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. Refer to the Public Service Company of New Mexico (PNM) Electric Service Guide for all structure clearance requirements.

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.

[382] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

Significant cuts near the edges of a proposed subdivision to lower the grade within the development shall be avoided.[383]

5-4(J)(2) Slope Criteria

All final slopes shall comply with all applicable standards in the DPM.

5-4(J)(3) Grading near the Property Line

Particular care shall be taken to ensure that existing foundations, retaining walls, stable slopes, or other structures are not compromised and that the adjacent property is not damaged or its use constrained due to grading at or near the property line.

5-4(J)(4) Grading in Floodplains

Grading in a Special Flood Hazard Area without an approved drainage report and financial guarantees for the permanent improvements is prohibited.[384]

5-4(K) DEDICATION OF LAND FOR PUBLIC PURPOSES

5-4(K)(1) General

Dedication of land for the following public uses may be required in accordance with any of the following City policies or regulations:

5-4(K)(1)(a) Streets and other access pursuant to the Metropolitan Transportation Plan and DPM.

5-4(K)(1)(b) Drainage facilities pursuant to the IDO, the DPM, or AMAFCA standards.

5-4(K)(1)(c) Other public facilities required in accordance with the DPM.

5-4(K)(2) Dedication of Public Areas Designated in Adopted Plans

If a proposed public area shown on an adopted City or County plan is located in whole or in part in the area being subdivided, an appropriate tract shall be shown as reserved, deed restricted, or dedicated for public use on the plat unless, after a written request from the subdivider, the appropriate governmental body notifies the subdivider that it does not intend to either acquire or accept the lot within 3 years from the date of the inquiry.

5-4(K)(3) Acceptance of Dedications

The procedure for accepting dedications of public lands and improvements is specified in Section 14-16-6-6(K) (Subdivision of Land – Minor) or Section 14-16-6-6(L) (Subdivision of Land – Major).

5-4(K)(4) Drainage, Flood Control, or Erosion Control Facilities

5-4(K)(4)(a) Whenever no beneficial use can be derived by an owner from continued retention of land necessary for permanent drainage, flood control, or erosion control facilities or when the facilities involve a major arroyo, the land required for the operation and maintenance of the facilities must be dedicated to AMAFCA or the City.

[383] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".
[384] Revised to use defined term added per EPC Condition #1 (Tech Edits).

5-4(K)(4)(b) Unless subject to Subsection (a) above, easements for drainage, flood control, and erosion control facilities are acceptable as long as a written agreement between the owner and the City exists that specifies uses allowed on the lands covered by the easement, and as long as no permanent facilities are constructed on those 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

5-4(L)(1) The 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.[385]

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 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

5-4(N)(1) The subdivider shall install and construct all improvements required by this Subsection 14-16-5-4(N) and the DPM. Required improvements shall be installed and constructed as shown on the approved preliminary plat and as

[385] Revised per City Council Amendmetn B20.

specified in an Infrastructure Improvements Agreement (IIA) between the subdivider and the City. The City may accept commitments to provide improvements or services by the County and/or by franchised and/or private utility systems where the 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) 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 infrastructure can be included in that future subdivision or Site Plan approval.

5-4(O) INFRASTRUCTURE IMPROVEMENTS AGREEMENT

Upon approval of a plat and/or Site Plan and prior to recording, the subdivider shall execute an IIA to guarantee completion of required improvements. The format and required contents of the IIA shall comply with 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, and the DPM.

5-4(P) ADDITIONAL DESIGN CRITERIA AND CONSTRUCTION STANDARDS

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. 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.

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5-5 PARKING AND LOADING

5-5(A) PURPOSE

This Section 14-16-5-5 is intended to ensure that development provides adequate off-street parking spaces for all modes of transport by establishing standards and requirements that minimize traffic congestion, avoid increased parking on neighborhood streets, allow flexibility in addressing parking demand, and improve the visual appeal of the city by regulating the placement, layout, and design of parking areas, parking structures, and garages.

5-5(B) APPLICABILITY

Unless modified elsewhere in this IDO, the requirements of this Section 14-16-5-5 shall apply to all uses and development in any zone district. No final development approval or building permit shall be issued unless the parking requirements of this section are met or modified in accordance with the applicable parking requirements of this IDO.

5-5(B)(1) Activities that Trigger Parking Requirements

The following activities shall require compliance with the standards in this Section 14-16-5-5.

5-5(B)(1)(a) Construction of a new primary building.

5-5(B)(1)(b) Expansion of the gross floor area of an existing primary building by more than 25 percent or 2,500 square feet, whichever is less, from the square footage originally approved, in which case the provisions of Table 5-5-1 and Table 5-5-2 shall apply to the expanded gross floor area of the building. All relevant standards in this Section 14-16-5-5 shall apply to any new parking added to conform with this provision and to any portions of the site affected by the expansion.

5-5(B)(1)(c) A change in use of a primary building that complies with the requirements of Table 5-5-1 and Table 5-5-2 before the change in use, and that increases the minimum off-street parking requirements for the building by more than 25 percent. Changes in use that result in a smaller increase in off-street parking spaces shall not be required to provide additional parking.

5-5(B)(1)(d) A change in use associated with a tenant improvement or renovation of a primary building that does not comply with the requirements of Table 5-5-1 and Table 5-5-2 prior to the change in use, provided that any of the following conditions apply:

1. The maximum number of parking spaces possible is provided in compliance with the standards of Subsection 14-16-5-5(F) (Parking Location and Design) without the removal or partial removal of a structure or required landscaping.
2. Any area resulting from the voluntary removal or partial removal of a structure shall be used to provide additional parking toward fulfilling the required number of off-street parking spaces for the new use(s) required by Table 5-5-1 and Table 5-5-2 as adjusted by Section 14-16-5-5(C)(4) (Parking Adjustments and Credits).

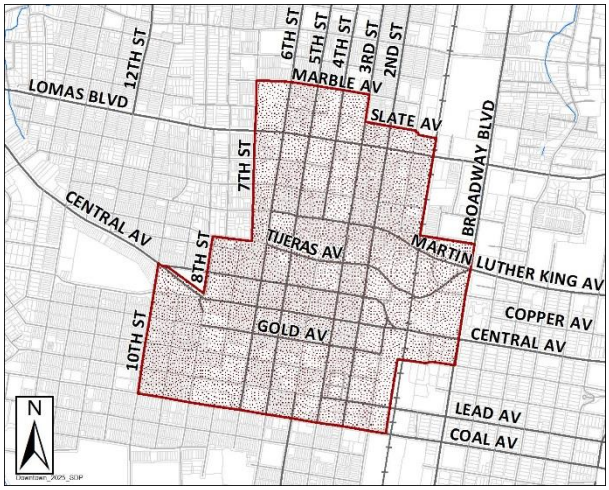
3. The amount of parking available for the new use is at least 80 percent of the off-street parking spaces for the new use(s) required by Table 5-5-1 and Table 5-5-2, as adjusted by Section 14-16-5-5(C)(4) (Parking Adjustments and Credits).

5-5(B)(2) Exemptions and Reductions

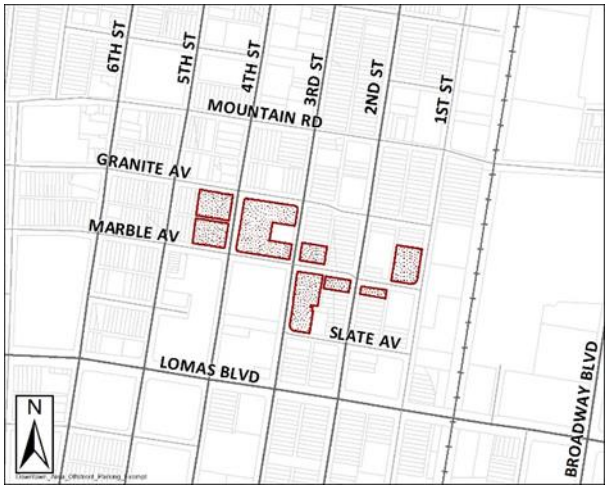
5-5(B)(2)(a) Off-Street Parking Exemption

The following areas are exempt from requirements in Subsections 14-16-2-4(E)(3)(g)1 (Minimum Parking Requirements in MX-FB), 14-16-5-5(C) (Off-street Parking), and 14-16-5-5(D) (Motorcycle Parking), except those required to satisfy the Americans with Disabilities Act. If parking is provided where it is otherwise exempt pursuant to this Subsection 14-16-5-5(B)(2), parking standards in the remainder of this Section 14-16-5-5 shall apply.

1. Downtown Area[386]



2. McClellan Park Area



3. Old Town – HPO-5

[386] EPC Condition #1 (Tech Edits) recommended changing this to Downtown Center for consistency with the Downtown Center, which was converted to MX-FB zones, and to remove certain areas in neighborhoods surrounding downtown from the parking exemption. EPC Condition #23 recommended striking that Tech Edit, so no change has been made in this draft.

5-5(B)(2)(b) Pre-1965 Buildings

Primary buildings constructed prior to 1965 do not have to meet minimum off-street parking requirements, except those required to satisfy the Americans with Disabilities Act, if the primary building is expanded by less than 200 square feet and the number of existing parking spaces on the lot is not reduced.[387]

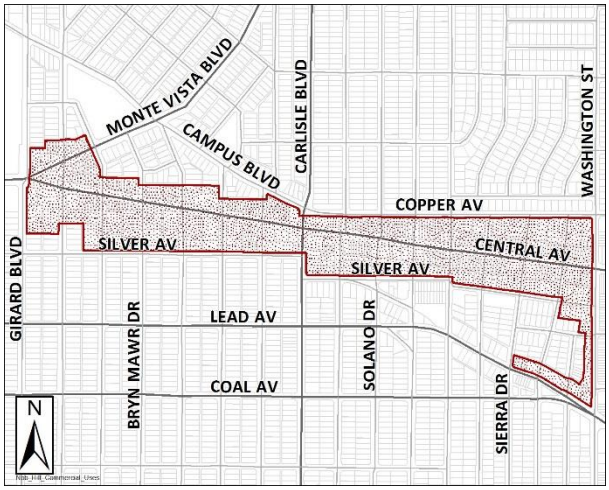
5-5(B)(2)(c) Barelas Area

The minimum off-street parking requirement in the following mapped area in Barelas is 50 percent of any requirement in Table 5-5-1. No additional parking adjustments or credits are allowed.



5-5(B)(2)(d) Nob Hill Area

Non-residential uses other than restaurants, bars, and nightclubs in establishments of less than 3,000 square feet in the following mapped area do not have to meet minimum off-street parking requirements, except those required to satisfy the Americans with Disabilities Act.



[387] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

5-5(B)(3) Existing Parking

Off-street parking or loading spaces provided prior to the effective date of this IDO shall not be reduced or reconfigured in any way that would bring the property or use out of compliance with this Section 14-16-5-5 or would increase the degree of any existing nonconformity with the provisions of this Section 14-16-5-5.

5-5(C) OFF-STREET PARKING

5-5(C)(1) Calculation

Off-street parking spaces used to comply with the requirements of this Section 14-16-5-5 shall be calculated as follows:

5-5(C)(1)(a) Parking requirements in Table 5-5-1 are calculated as ratios to be multiplied by the gross floor area or design capacity of the use.

5-5(C)(1)(b) The required minimum off-street parking may be adjusted pursuant to Subsection 14-16-5-5(C)(5) (Parking Reductions).[388]

5-5(C)(1)(c) When a calculation of required parking spaces results in a fraction of a space, the number of required parking spaces shall be rounded down to the nearest whole number.

5-5(C)(1)(d) No space used for a required loading or stacking space may be used to satisfy minimum off-street parking requirements.

5-5(C)(1)(e) No space used for shopping corrals or for other uses that make the space unavailable for vehicle parking may be used to satisfy minimum off-street parking requirements.

5-5(C)(2) Minimum Off-street Parking Table

Unless specified otherwise in this IDO or modified by Sections 14-16-5-5(C)(3) (Amenity, Recreation, and Entertainment Uses) and 14-16-5-5(C)(5) (Parking Reductions), off-street parking spaces shall be provided in accordance with Table 5-5-1. For unlisted uses, required parking is determined by Planning Director per Section 14-16-5-5(C)(4). If a conditional use is approved pursuant to Subsection 14-16-6-6(A) and the approval states a different parking requirement, then the parking requirement in the Conditional Use Approval shall apply. See also Subsection 14-16-5-5(C)(7) (Parking Maximums).

[388] Deleted second sentence to reflect changes to Subsections 5-5(D) and 5-5(E) per EPC Condition #1 (Tech Edits).

Table 5-5-1: Minimum Off-street Parking Requirements
UC = Urban Center; AC = Activity Center; MS = Main Street area; PT = Premium Transit area as identified in the ABC Comp Plan
DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

Use	IDO Parking Requirement
PERMISSIVE PRIMARY USES	
RESIDENTIAL	
Household Living	
Dwelling, single-family detached	1 space / DU up to 2 BR 2 spaces / DU with 3 or more BR
Dwelling, mobile home	2 spaces / mobile home
Dwelling, cluster development	1 space / DU up to 2 BR 2 spaces / DU with 3 or more BR
Dwelling, cottage development	1 space / DU R-A and R-1: 2 additional spaces / project for visitors
Dwelling, two-family detached (duplex)	1 space / DU up to 2 BR 2 spaces / DU with 3 or more BR
Dwelling, townhouse	
Dwelling, live-work	2 spaces / DU UC-MS-PT: 1 space / DU
Dwelling, multi-family	1.5 spaces / DU UC-MS-PT: 1 space / DU
Group Living	
Assisted living facility or nursing home	Assisted living facility: 1 space / 3 beds Nursing home: 1 space / 5 residential care beds, but not less than 2 spaces
Community residential facility	1 space / 4 persons design capacity
Group home	
Dormitory[389]	1 space / 3 persons design capacity
CIVIC AND INSTITUTIONAL USES	
Adult or child day care facility	1 space / 400 sq. ft. GFA UC-MS-PT: 1 space / 600 sq. ft. GFA
BioPark	Per BioPark Master Plan
Cemetery	No requirement
Community center or library	2 spaces / 1,000 sq. ft. GFA
Correctional facility	3 spaces / 1,000 sq. ft. GFA
Daytime gathering facility	No requirement
Elementary or middle school	2 spaces / classroom
Fire or police station	2 spaces / 1,000 sq. ft. GFA
High school	1 space / 4 seats in main auditorium or 3 spaces / classroom, whichever is greater
Hospital	1 space / 3 patient beds or 4 spaces / 1,000 sq. ft. GFA, whichever is greater
Museum or art gallery	3 spaces / 1,000 sq. ft. GFA, but not less than 2 spaces UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA, but not less than 2 spaces
Overnight shelter	No requirement
Parks and open space	

[389] Revised from "Sorority or Fraternity" per EPC Condition #1 (Tech Edits).

Table 5-5-1: Minimum Off-street Parking Requirements
UC = Urban Center; AC = Activity Center; MS = Main Street area; PT = Premium Transit area as identified in the ABC Comp Plan
DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

Use	IDO Parking Requirement
Religious institution	1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1] UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1]
Sports field	4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch the recreation
University or college	1 space / 500 sq. ft. GFA of office, research, and library area plus 1 space / 200 sq. ft. GFA of largest auditorium space
Vocational school	3 spaces / 1,000 sq. ft. GFA UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA
COMMERCIAL USES	
Agriculture and Animal-related	
Community garden	No requirement
Equestrian facility	No requirement
General agriculture	No requirement
Kennel	2.5 spaces / 1,000 sq. ft. GFA
Nursery	2 spaces / 1,000 sq. ft. GFA
Veterinary hospital	2.5 spaces / 1,000 sq. ft. GFA
Other pet services	
Food, Beverage, and Indoor Entertainment	
Adult entertainment	1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1] UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1]
Auditorium or theater	
Bar	8 spaces / 1,000 sq. ft. GFA UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA
Catering service	2 spaces / 1,000 sq. ft. GFA
Health club or gym	2.5 spaces / 1,000 sq. ft. GFA
Nightclub	8 spaces / 1,000 sq. ft. GFA UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA
Residential community amenity	3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2
Restaurant	8 spaces / 1,000 sq. ft. GFA UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA
Tap room or tasting room	8 spaces / 1,000 sq. ft. GFA UC-MS-PT: 5 spaces / 1,000 sq. ft. GFA
Other indoor entertainment	1 space / 3 persons design capacity, or per Table 5-5-2, whichever is greater
Lodging	
Bed and breakfast	1 space for manager plus 1 space / guest room
Campground or recreational vehicle park	1 space / designated camping or RV spot

Table 5-5-1: Minimum Off-street Parking Requirements
UC = Urban Center; AC = Activity Center; MS = Main Street area; PT = Premium Transit area as identified in the ABC Comp Plan
DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

Use	IDO Parking Requirement
Hotel or motel	1 space / guest room UC-MS-PT: 2 spaces / 3 guest rooms
Motor Vehicle-related	
Car wash	2 spaces / 1,000 sq. ft. GFA of retail, office, and waiting area
Heavy vehicle and equipment sales, rental, fueling, and repair	1 space / 1,000 sq. ft. GFA
Light vehicle fueling station	4 spaces / 1,000 sq. ft. GFA
Light vehicle repair	1 space / 1,000 sq. ft. GFA
Light vehicle sales and rental	2 spaces / 1,000 sq. ft. GFA
Outdoor vehicle storage	No requirement
Paid parking lot	
Parking structure	
Offices and Services	
Bank	3 spaces / 1,000 sq. ft. GFA UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA
Blood services facility	4 spaces / 1,000 sq. ft. GFA UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA
Club or event facility	1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1] UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1]
Commercial services	3 spaces / 1,000 sq. ft. GFA
Construction contractor facility and yard	No requirement
Crematorium	1 space / 1,000 sq. ft. GFA
Medical or dental clinic	5 spaces / 1,000 sq. ft. GFA UC-MS-PT: 3 spaces / 1,000 sq. ft. GFA
Mortuary	1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1]
Office	3.5 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
Personal and business services, small	4 spaces / 1,000 sq. ft. GFA UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA
Personal and business services, large	
Research or testing facility	1.5 space / 1,000 sq. ft. GFA
Self-storage	1 space / 3,000 sq. ft. GFA
Outdoor Recreation and Entertainment	
Amphitheater	1 space / 4 seats in main assembly area[1]
Balloon Fiesta Park events and activities	Per parking study or adopted Master Plan
Drive-in theater	No requirement
Fairgrounds	4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities
Residential community amenity	3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2
Stadium or racetrack	1 space / 4 seats in main assembly area[1]
Other outdoor entertainment	3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2

Table 5-5-1: Minimum Off-street Parking Requirements
UC = Urban Center; AC = Activity Center; MS = Main Street area; PT = Premium Transit area as identified in the ABC Comp Plan
DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

Use	IDO Parking Requirement
Retail Sales	
Adult retail	4 spaces / 1,000 sq. ft. GFA UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA
Bakery goods or confectionery shop	
Building and home improvement materials store	2 spaces / 1,000 sq. ft. GFA
Farmers' market	No requirement
General retail	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
Grocery store	
Liquor retail	4 spaces / 1,000 sq. ft. GFA
Pawn shop	4 spaces / 1,000 sq. ft. GFA
Transportation	
Airport	Determined by airport management
Freight terminal or dispatch center	No requirement
Helipad	No requirement
Park-and-ride lot	No requirement
Railroad yard	No requirement
Transit facility	Determined by transportation authority
INDUSTRIAL USES	
Manufacturing, Fabrication, and Assembly	
Artisan manufacturing	3 spaces / 1,000 sq. ft. GFA
Light manufacturing	1 space / 1,000 sq. ft. GFA
Heavy manufacturing	1 space / 5,000 sq. ft. GFA
Natural resource extraction	No requirement
Special manufacturing	1 space / 1,000 sq. ft. GFA
Telecommunications, Towers, and Utilities	
Geothermal energy generation	No requirement
Electric utility	
Major utility, other	
Solar energy generation	
Wind energy generation	
Wireless Telecommunications Facility (WTF)	
Waste and Recycling	
Recycling drop-off bin facility	No requirement
Solid waste convenience center	
Salvage yard	
Waste and/or recycling transfer station	
Wholesaling and Storage	
Above-ground storage of fuels or feed	No requirement
Outdoor storage	
Warehousing	
Wholesaling and distribution center	1 space / 2,000 sq. ft. GFA

Table 5-5-1: Minimum Off-street Parking Requirements
UC = Urban Center; AC = Activity Center; MS = Main Street area; PT = Premium Transit area as identified in the ABC Comp Plan
DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

Use	IDO Parking Requirement
ACCESSORY AND TEMPORARY USES	
ACCESSORY USES	
Agriculture sales stand	No requirement
Animal keeping	
Automated Teller Machine (ATM)	No requirement[2]
Drive-through or drive-up facility	No requirement[2]
Dwelling unit, accessory	1 space / accessory dwelling unit
Dwelling, accessory without kitchen	No requirement
Family care facility	
Family home day care	
Garden	
Hobby breeder	
Home occupation	
Independent living facility	1 space / DU
Mobile food truck	No requirement
Mobile vending cart	
Outdoor animal run	
Outdoor dining area	5 spaces / 1,000 sq. ft. GFA outdoor seating space UC-AC-MS-PT: No requirement
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	No requirement
Parking of non-commercial vehicle	
Parking of recreational vehicle, boat, and/or recreational trailer	
Second kitchen in a dwelling	1 additional space required
Other use accessory to non-residential primary use	No requirement
Other use accessory to residential primary use	
TEMPORARY USES	
Circus	4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities
Construction staging area, trailer, or office	No requirement
Dwelling unit, temporary	1 space / DU
Fair, festival, or theatrical performance	4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities
Garage or yard sale	No requirement
Hot air balloon takeoff/landing	
Open air market	
Park-and-ride facility, temporary	
Real estate office or model home	2 spaces / 1,000 sq. ft. GFA of office
Seasonal outdoor sales	4 spaces / 1,000 sq. ft. of stall area and customer circulation area

[1] 30 in. pew or bench space = 1 seat.
[2] Stacking space requirements in Subsection 14-16-5-5(I) apply if designed to be accessed from motor vehicles.

5-5(C)(3) Amenity, Recreation, and Entertainment Uses

Uses in Table 5-5-1 that reference Table 5-5-2 shall provide the minimum number of off-street parking spaces listed in Table 5-5-2 below. If a site includes more than one use listed in Table 5-5-1, the Planning Director may authorize a reduction in the combined parking requirements for the individual uses based on anticipated joint use of facilities as determined by the Planning Director.

Table 5-5-2: Minimum Off-street Parking Requirements for Amenity, Recreation, and Entertainment Uses

Activity	Number of Spaces Required
Miniature Golf	2 spaces / hole
Golf Driving Range	1 space / tee plus 1 space / 15 sq. ft. of hitting area
Golf Course	4 spaces / hole
Sports Court	3 spaces / court
Swimming Pool	1 space / 3 persons design capacity
Batting Cage	1 space / 2 batting spaces
Skate Facility	4 spaces / 1,000 sq. ft. of skating surface
Amusement Park	1 space / 300 sq. ft. GFA plus 1 space / 5,000 sq. ft. of outdoor area
Unlisted Uses	As determined by Planning Director per Section 14-16-5-5(C)(4)

5-5(C)(4) Unlisted Uses

For any use not expressly listed in Table 5-5-1 and Table 5-5-2, the Planning Director is authorized to do any of the following:

5-5(C)(4)(a) Apply the minimum off-street parking space requirement specified in Subsection 14-16-5-5(C) (Off-street Parking) for the listed use that the Planning Director determines is most similar to the proposed use.

5-5(C)(4)(b) Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association, the American Planning Association, or another recognized parking reference resource.

5-5(C)(4)(c) Establish the minimum off-street parking space requirement based on local or national best practices.

5-5(C)(4)(d) Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on information provided by the of the National Parking Association, the American Planning Association, or another recognized parking reference resource, and/or the Institute of Transportation Engineers or another recognized traffic reference resource.

5-5(C)(5) Parking Reductions[390]

The minimum amounts of off-street automobile parking required by Table 5-5-1 and Table 5-5-2 above shall be adjusted by the factors in this Subsection 14-16-5-5(C)(5). These factors may be applied individually or in combination, with each

[390] Revisions throughout this sebsection per EPC Condition #1 (Tech Edits) and associated Exhibit to clarify the difference between reductions and credits.

reduction being calculated from the requirement in Table 5-5-1 and Table 5-5-2.[391] The cumulative reduction shall not exceed 50 percent of the off-street parking spaces required by Table 5-5-1 and Table 5-5-2 unless the applicant satisfies the requirements of Subsections 14-16-5-5(C)(5)(d) (Public Parking Reduction) or 14-16-5-5(C)(5)(e) (Parking Study Reduction).

5-5(C)(5)(a) General Reductions for Centers and Corridor Areas[392]

In UC-AC-EC-MS areas or in MT areas in Areas of Change, where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for the relevant Center or Corridor area, a 20 percent reduction in required off-street parking spaces shall apply to properties in those areas.

5-5(C)(5)(b) Shared Parking Reduction

1. Two (2) or more uses listed in Table 4-2-1 may share one or more parking structures or parking lots located pursuant to Subsection 14-16-5-5(F)(1)(a). The sharing of any required parking shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area. Such agreement shall address the issue of how parking will be shared if the parties change their business hours and peak business periods.[393]
2. The total off-street parking requirement for those uses may be reduced by the factors shown in Table 5-5-3. Off-street parking required shall be the sum of the 2 parking requirements for the 2 uses divided by the factors for that combination of uses. If more than 2 uses share a parking lot or structure, the required parking shall be calculated by applying Table 5-5-3 to the 2 uses with the largest parking requirements and then adding the required parking for the additional uses.

   Example:
   Proposed project in a Main Street area includes 40 2-bedroom dwelling units, 15,000 square feet of gross floor area for retail, and 2,500 square feet of gross floor area for a child day care facility.

   Step 1: Identify basic parking requirements from Table 5-5-1.

   (40 dwelling units)*(1 space per DU) = 40 spaces.

   (15,000 sq. ft.)*(2.5 spaces per 1,000 sq. ft.) = 37.5 spaces; rounded to 37.

   (2,500 sq. ft.)*(1 space per 600 sq. ft.) = 4.17 spaces; rounded to 4.

   Step 2: Add the 2 largest parking requirements.

[391] Revised per EPC Condition #1 (Tech Edits) to clarify what to calculate parking reductions from.
[392] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #24.a.
[393] Revised per City Council Amendment B20.

40 (multi-family) + 37 (retail) = 77 spaces.

Step 3: Divide by the appropriate factor in Table 5-5-3.

For multi-family residential and retail the factor is 1.2.

77 / 1.2 = 64.17 spaces; rounded to 64.

Step 4: Add other parking requirements without adjustment:

64 + 4 = 68 spaces, final adjusted parking requirement.

Table 5-5-3: Shared Parking Reduction Factors

Use	Multi-family Residential	Civic or Institutional	Food, Beverage, and Indoor Entertainment or Lodging	Retail	Other Non-residential
Multi-family Residential	1.0				
Civic or Institutional	1.1	1.0			
Food, Beverage, and Indoor Entertainment or Lodging	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other Non-residential	1.3	1.5	1.7	1.2	1.0

5-5(C)(5)(c) Reduction for Proximity to Transit[394]

1. The minimum number of off-street parking spaces required may be reduced by 30 percent if the proposed development is located within 1,320 feet (¼ mile) in any direction of any transit stop or transit station with a peak service frequency of 15 minutes or better.[395]
2. The minimum number of off-street parking spaces required may be reduced by 10 percent if the proposed development is located within 330 feet in any direction of any transit stop or transit station with a peak service frequency between 15 minutes and 45 minutes.[396]
3. Where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for PT areas, the minimum number of off-street parking spaces required may be reduced by 50 percent if the proposed development is located within a PT area.[397]
4. The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 5 percent for projects that include, at the applicant's expense, transit rider shelters of a type and location acceptable to the City regardless of service frequency.

[394] Council Amendment T recommends broadening general transit parking reductions. EPC Condition #74 does not recommend adopting Council Amendment T.
[395] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[396] Added per City Council Floor Amendment C9.
[397] Revised per EPC Condition #1 (Tech Edits).

5. No development approved with any of these parking reductions shall be considered nonconforming if the transit line, station, or stop is later relocated or if peak service frequency decreases, resulting in a number of parking spaces that does not meet the minimum requirements that would apply without the Proximity to Transit reduction.

5-5(C)(5)(d) Public Parking Reduction[398]

The Planning Director may approve a reduction or elimination of parking requirements if any of the following conditions applies:

1. The development is within and participates in a public parking district in which individual property owners jointly provide shared parking for an area of the city exceeding 5 acres in size.
2. The applicant can demonstrate that adequate spaces are available in a nearby public parking lot or structure, and that the reduction or elimination of parking requirements will not result in traffic congestion or on-street parking in any nearby Residential zone district. For the purposes of this provision, on-street parking spaces shall be considered nearby public parking spaces.

5-5(C)(5)(e) Parking Study Reduction[399]

The Planning Director may approve a reduction of parking requirements if the applicant provides a parking needs study, prepared by a consultant with expertise in that area recognized by the City, and using parking generation assumptions acceptable to the City, demonstrates that off-street parking at a rate lower than that otherwise required by this Section 14-16-5-5, will adequately accommodate all anticipated demand for off-street parking and will not result in either traffic congestion or parking congestion in surrounding neighborhoods, and the Planning Director determines that the parking study provides a more accurate measure of parking needs for the site than application of the standards in this Section 14-16-5-5 that would otherwise apply.

5-5(C)(6) Parking Credits[400]

5-5(C)(6)(a) Electric Vehicle Charging Station Credit

Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as 2 vehicle parking spaces toward the satisfaction of minimum off-street parking requirements.

5-5(C)(6)(b) Van and Car Pool Parking Credit

1. Each off-street parking space designated and signed for the exclusive use of a shared carpool vehicle shall count as 4 spaces toward the satisfaction of minimum off-street parking requirements.

[398] Revised from "allowance" to reflect other revisions to this section per EPC Condition #1 (Tech Edits) and associated Exhibit.
[399] Revised from "allowance" to reflect other revisions to this section per EPC Condition #1 (Tech Edits) and associated Exhibit.
[400] Revisions throughout this sebsection per EPC Condition #1 (Tech Edits) and associated Exhibit to clarify the difference between reductions and credits.

2. Each off-street parking space designated and signed for the exclusive use of a shared vanpool vehicle shall count as 7 spaces toward the satisfaction of minimum off-street parking requirements.

5-5(C)(6)(c) Shared Vehicle Program Credit[401]

Each off-street parking space designated and signed for the exclusive use of an existing car sharing program shall count as 4 spaces toward the satisfaction of minimum off-street parking requirements.

5-5(C)(6)(d) On-street Parking Credit

1. Any on-street parking space abutting the subject property may be counted as 1 required off-street parking space if the street does not have residential parking permit restrictions.
2. On-street parking spaces abutting the subject property shall be considered as located on the same lot for the purposes of Subsection 5-5(F)(1) (Location).
3. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
4. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements of this Section 14-16-5-5.
5. On-street parking spaces credited for a specific use shall not be reserved for the exclusive use by customers, employees, or occupants of that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be allowed.

5-5(C)(6)(e) Off-site Parking Credit[402]

1. The provision of required parking at an off-site parking area may be counted toward required off-street parking spaces on a 1-for-1 basis and is allowed for 100 percent of the required parking spaces, except that those required to satisfy the Americans with Disabilities Act shall be provided on the site of the building or use.[403]
2. Off-site parking must meet the location standards in Subsection 14-16-5-5(F)(1)(a) and shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area.

[401] Added per EPC Condition #1 (Tech Edits).
[402] Revised from "allowance" to reflect other revisions to this section per EPC Condition #1 (Tech Edits) and associated Exhibit.
[403] Revised per EPC Condition #1 (Tech Edits) and associated Exhibit.

5-5(C)(7) Parking Maximums

Parking maximums shown in Table 5-5-1 apply to parking lots, not to spaces provided in parking structures.

5-5(C)(8) Accessible Parking

5-5(C)(8)(a) Within the off-street parking requirements of Table 5-5-1 and Table 5-5-2, as adjusted by Section 14-16-5-5(C)(5) (Parking Reductions) – and not in addition to those requirements – accessible parking shall be provided for all multi-family and non-residential uses as required by the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended.

5-5(C)(8)(b) Accessible parking spaces shall be located, sized, and constructed as required by the DPM.

5-5(C)(9) Electric Vehicle Parking[404]

When more than 200 off-street parking spaces are constructed, at least 2 percent of the vehicle parking spaces shall include electric vehicle charging stations with a rating of 240 volts or higher.

5-5(D) MOTORCYCLE PARKING

5-5(D)(1) In addition to parking spaces required by Table 5-5-1, at least the minimum number of off-street parking spaces for motorcycles, mopeds, and motor scooters listed in Table 5-5-4 shall be provided on the site for all uses except residential uses. The minimum number of required motorcycle spaces shall be calculated based on the total number of required off-street parking spaces, after any reductions, credits, and allowances have been calculated.[405]

Table 5-5-4: Minimum Motorcycle Parking Requirements

Required Off-street Vehicle Parking Spaces	Number of Motorcycle Spaces Required
1-25	1 space
26-50	2 spaces
51-100	3 spaces
101-150	4 spaces
151-300	5 spaces
301-500	6 spaces
501-750	7 spaces
751-1,000	8 spaces
1,000 and above	8 spaces plus 1 space per each additional 500 spaces

5-5(D)(2) All motorcycle parking areas shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.

5-5(D)(3) Motorcycle parking spaces shall be located, sized, and constructed as required by the DPM.

[404] Moved from electric vehicle parking credit and revised per EPC Condition #25.
[405] Revised per EPC Condition #1 (Tech Edits).

5-5(E) BICYCLE PARKING

5-5(E)(1) Unless specified otherwise in this IDO, all development shall provide on-site parking spaces for bicycles in accordance with Table 5-5-5. Where the minimum bicycle parking requirement in Table 5-5-5 is based on the number of off-street parking spaces, it shall be calculated based on the total number of off-street parking spaces provided on the site, regardless of the minimum requirement for off-street parking spaces.[406]

Table 5-5-5: Minimum Bicycle Parking Requirements[407]

Use	IDO Bicycle Parking Requirement
Residential use	≥5 multi-family or live-work dwelling units: 3 spaces or 10% of required off-street parking spaces, whichever is greater
Dormitory[408]	1 space / 3 persons design capacity
Elementary or middle school	3 spaces / classroom
High school	
Vocational school	3 spaces / 1,000 sq. ft. GFA
Hotel or motel	2 spaces + 1 space / 6,000 sq. ft. GFA of conference, restaurant, bar, and banquet space
Grocery store[409]	1 space / 2,000 sq. ft. of GFA
Non-residential uses not listed in this table	3 spaces or 10% of required off-street parking spaces, whichever is greater

5-5(E)(2) The required bicycle parking spaces in Table 5-5-5 may be reduced by the Planning Director based on site-specific conditions.[410]

5-5(E)(3) Bicycle parking spaces shall be located, sized, and constructed as required by the DPM.

5-5(E)(4) Bicycle parking facilities shall meet the following standards:

5-5(E)(4)(a) All bicycle parking areas shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.

5-5(E)(4)(b) Required bicycle parking spaces shall be located within 50 feet in any direction of a primary pedestrian entrance. Sites with multiple primary pedestrian entrances shall have distributed bicycle parking locations.[411]

5-5(E)(4)(c) Bicycle parking facilities shall be racks or lockers that are installed and anchored to prevent removal except by authorized personnel.

5-5(E)(4)(d) Racks shall be designed to support the bicycle in an upright position and so that both wheels and 2 points of the frame may be locked securely to it using a U-shaped lock or a chain/cable and lock.

[406] Revised per EPC Condition #1 (Tech Edits).
[407] Revised per City Council Amendment B20.
[408] Revised from "Sorority or Fraternity" per EPC Condition #1 (Tech Edits).
[409] Added per EPC Condition #1 (Tech Edits).
[410] Revised per EPC Condition #1 (Tech Edits).
[411] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

5-5(E)(4)(e) Where the primary use of the property includes 100 or more dwelling units or 100,000 or more square feet of non-residential gross floor area, at least 20 percent of required bicycle parking spaces shall be in secured long-term storage lockers or areas.

5-5(F) PARKING LOCATION AND DESIGN

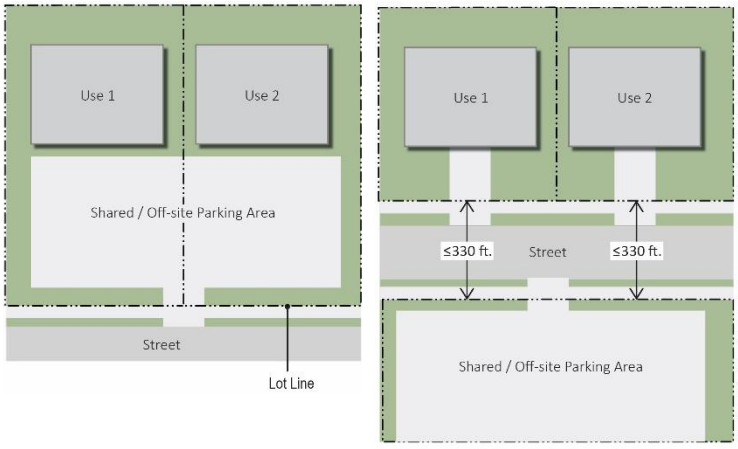
5-5(F)(1) Location

5-5(F)(1)(a) All Areas

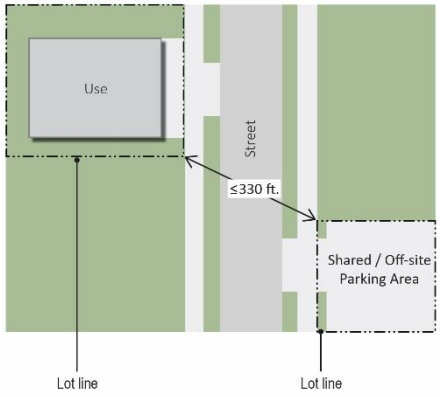
1. No portion of an off-street parking facility shall be located in a public street, sidewalk, alley, or other public right-of-way.
2. If the total required parking exceeds 20 spaces, 25 percent of the total required parking may be designed as compact parking spaces.
3. Where shopping carts are offered to customers, shopping cart corrals, or similar cart storage facilities shall be provided and identified and cannot occupy required parking spaces.
4. Except in the NR-LM and NR-GM zone districts, no required parking area shall be used for the storage, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies unless specified otherwise in this IDO. The prohibition on vehicle storage does not apply to approved outdoor storage and display related to light vehicle sales and rental or for heavy vehicle and equipment sales, rental, fueling, and repair uses in the zone districts where those uses are allowed.
5. No parking lot, driveway, or drive aisle located in any Residential or Mixed-use zone district shall be used for the storage of commercial vehicles.
6. Mixed-use and non-residential developments on lots with at least 200 feet of frontage on a public street may be designed with a small parking court located between the front façade of the primary building and the front lot line provided that:
    a. No more than 30 percent of the total parking requirement is provided in a parking court.
    b. The parking court is surrounded on 2 sides by the development.
    c. Parking courts accessed from a local street shall be no greater than 110 feet wide and 150 feet deep.
7. Parking in any Residential zone district or for low-density residential development is prohibited on any portion of the front yard setback other than on a driveway or drive aisle meeting the standards of this IDO and the DPM.
8. Required parking spaces for single-family and two-family detached dwellings, and cluster development shall be located on the same lot as the residential use they serve. On-street parking spaces abutting the subject property shall be

considered as located on the same lot for the purposes of Subsection 5-5(C)(6)(d) (On-street Parking Credit).[412]

9. Required parking spaces for townhouse or cottage development, in a designated communal or shared parking area shall be located on a lot abutting at least 1 of the lots served by such parking. On-street parking spaces abutting the subject property shall be considered as located on the same lot for the purposes of Subsection 5-5(C)(6)(d) (On-street Parking Credit).
10. Required parking spaces for any residential use other than those listed in Subsections 8 and 9 above may be located in a designated communal or shared parking area located on a lot adjacent to at least 1 of the lots served by such parking. Shared parking is subject to requirements in Subsection 14-16-5-5(C)(5)(b) (Shared Parking Reduction). On-street parking spaces abutting the subject property shall be considered as located on the same lot for the purposes of Subsection 5-5(C)(6)(d) (On-street Parking Credit).
11. Required parking spaces for uses in the Civic and Institutional, Commercial, and Industrial use categories may be located in a designated parking area on a lot within 330 feet in any direction of the lot served by such parking if they meet the standards in Subsection 14-16-5-5(C)(5)(b) (Shared Parking Reduction) or Subsection 14-16-5-5(C)(6)(e) (Off-site Parking). (See figure below).[413] On-street parking spaces abutting the subject property shall be considered as located on the same lot for the purposes of Subsection 5-5(C)(6)(d) (On-street Parking Credit).



[412] City Council Amendment B20 added conservation development, but Council Amendment B4 removed all references to conservation development.
[413] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.



5-5(F)(1)(b) Downtown, Urban Centers, Main Street Areas, and Premium Transit Areas

In addition to the provisions in Subsection (a) above, the following standards apply in DT-UC-MS-PT areas.

1. Off-street parking and loading areas shall not be located between the front façade of the primary building and the street unless allowed by another provision of this IDO.
2. Required off-street parking spaces that are not required to comply with the federal Americans with Disabilities Act may be located off-site in any Mixed-use or Non-residential zone district provided that the property containing the off-site parking is located within 660 feet in any direction of the use for which the parking is provided (measured from the nearest points on their lot lines), and the applicant provides documentation that the off-site spaces will remain available to supply the required parking for the applicant's property for a period of not less than 2 years. Off-site parking for a non-residential use may not be provided in any Residential zone district.[414]
3. Parking in the rear of a site may be accessed by alleys or by shared access drives or easements along abutting side yards where alley access is not feasible or alleys do not exist. Shared access easements shall not be more than 20 feet wide.
4. Parking shall be landscaped following the requirements in Subsection 14-16-5-6(F).

5-5(F)(2) Design, Access, and Circulation

The following standards apply to driveways, drive aisles, carports, parking lots, and parking structures unless specified otherwise in this IDO.

5-5(F)(2)(a) Low-density Residential Development

The following standards apply to all low-density residential development in any zone district except R-MC:

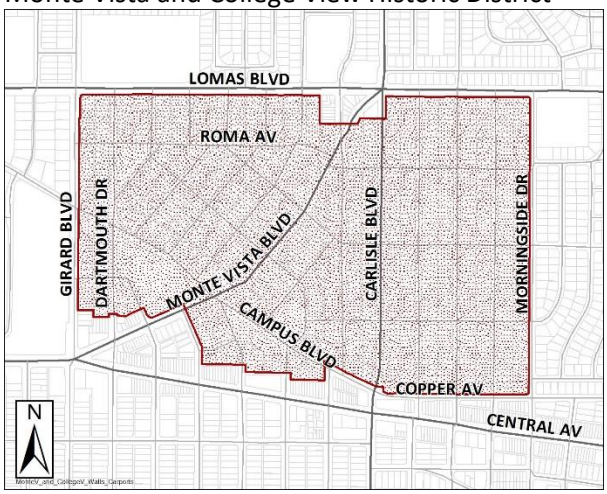
[414] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access) and the DPM.
2. The combined area of the front yard or street side yard that can be improved for driveways and parking areas in the R-1, R-T, R-ML, and R-MH zone districts shall be limited pursuant to Table 5-5-6.[415]

Table 5-5-6: Maximum Front and Street Side Yard Parking Area[416]

Lot Size (sq. ft.)	Maximum Front and Street Side Yard Parking Area
≤2,200	400 sq. ft. or ≤85%, whichever is greater
>2,200 and <5,000	400 sq. ft. or ≤75%, whichever is greater
≥5,000	400 sq. ft. or ≤60%, whichever is greater

3. Carports[417]
   a. Where carports are allowed pursuant to this Subsection 3, they shall not extend into any required clear sight triangle.
   b. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no carport wall may be built within the required front or side setback area unless a Permit – Carport is approved pursuant to Subsection 14-16-6-6(G).
   c. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion a carport structure may be located within 3 feet of a lot line.
   d. Carports are prohibited within any front yard in the following small areas:
      i. Downtown Neighborhood Area – CPO-3
      ii. Monte Vista and College View Historic District



[415] Revised per City Council Amendment B16.
[416] Revised per City Council Amendment B16.
[417] Revised per EPC Condition #26. Revised per EPC Condition #1 (Tech Edits) and R-19-150.

4. In Centers and Corridor areas identified in the ABC Comp Plan, as amended, tandem parking is allowed. A tandem parking space may be counted toward off-street parking requirements provided that both spaces are leased to, allocated to, or otherwise under the control of the same party.

5-5(F)(2)(b) All Other Uses

1. Public parking areas shall be designed so that vehicles do not have to back out of the parking area onto a public street.
2. The primary vehicular access to a parking area shall be from a side street or alley, where alleys are platted and in use. If an alley is used for parking area access, the alley area may be included in the calculation of circulation and maneuvering areas.
3. Vehicular access to a primary non-residential use shall be located to avoid the need for traffic from a collector or arterial street to use a local street for more than 150 feet to access the lot containing the non-residential use.[418]
4. Vertically stacked tandem parking using lift equipment may be used to meet minimum off-street parking requirements in any zone district provided that the parking structure is attended with a lift operator at all times.
5. Fire and emergency access to and through parking areas shall comply with Article 14-2 of ROA 1994 (Fire Code).
6. In the MX-H and MX-FB zone districts, no portion of a vehicle driving lane shall be located in the area directly between the front façade of the primary building and the front lot line.
7. Large Parking Lots
   a. Parking areas, parking circulation, and access for a non-residential development with more than 100,000 square feet of gross floor area shall be designed based on a traffic study conducted at the applicant's expense, covering anticipated traffic volumes, turning movements, trip generation, and parking demand.
   b. Each parking lot containing 100 or more parking spaces, any of which are located more than 330 feet from the front façade of the building shall contain walkways designed to allow pedestrians to access the front door of the primary building without the need to walk through parking areas or cross driving lanes, as required by the DPM.
   c. Each parking lot containing 100 or more spaces shall divide the parking lot into separate areas each containing less than 100 spaces that are separated from each other by 1 or more of the following:

[418] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

i. Landscaped swales or other landscaped features (which shall count toward the amount of required site landscaping).

ii. Landscaped pedestrian paths not less than 20 feet wide.

iii. Driving lanes that do not contain parking spaces on either side.

iv. Primary or accessory buildings.

v. A distance of at least 100 feet (measured between the closest points in the 2 parking areas).

d. Each parking lot containing 200 or more spaces shall include bicycle pathways designed to provide a clear and convenient connection across or through vehicle circulation areas, as required by the DPM.

e. All parking lots shall meet the landscaping requirements in Subsection 14-16-5-6(F) (Parking Lot Landscaping).

5-5(F)(3) Technical Design Standards

5-5(F)(3)(a) All parking facilities shall comply with all applicable provisions in this IDO, including but not limited to those in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-5(I) (Landscaping, Buffering, and Screening), 14-16-5-8 (Outdoor Lighting), and 14-16-5-9 (Neighborhood Edges), and applicable standards in the DPM.

5-5(F)(3)(b) Design and construction of surface parking areas shall also comply with all applicable standards in the DPM, including but not limited to those standards addressing the following topics:

1. Grading and drainage of parking areas.
2. Parking surface materials, including the use of pervious paving materials.
3. Allowed parking space overhangs of public rights-of-way, sidewalks, walkways, and landscaped areas, and the use and design of wheel stops and barriers to prevent overhangs and damage.
4. Marking of parking spaces.
5. Parking space and aisle dimensions.

5-5(F)(4) Historic Protection Overlay Zones

In the HPO zones, all off-street parking and loading areas and garages shall be located toward the rear of the site to the maximum extent practicable, shall comply with the standards in all other portions of this Subsection 14-16-5-5, and shall comply with the additional standards applicable to that Historic Protection Overlay zone in this Section 14-16-5-5(F)(4). If there is a conflict between other parking standards in this Section 14-16-5-5 and the standards in this Section 14-16-5-5(F)(4), the standards in this Section 14-16-5-5(F)(4) shall prevail.

5-5(F)(4)(a) East Downtown – HPO-1

1. Minimum parking lot setbacks:
   a. From the front lot line: 30 percent of the lot depth.
   b. From other street frontages: 10 feet.
   c. From rear lot lines: 5 feet.
2. Vehicular access is allowed only from a side street or alley.
3. Parking structures shall have ground floor uses along all side street frontages. At side and rear property lines where ground floor uses are not required, parking structures shall have opaque walls at least 3 feet high or vegetative screening. If the side or rear property line is adjacent to a Residential zone district, the wall of the parking structure must be entirely solid, without opening.

5-5(F)(4)(b) Eighth and Forrester – HPO-2

1. For single-family and two-family detached dwellings, circular driveways are prohibited.
2. Tandem parking is allowed in driveways for single-family and two-family detached dwellings provided that the tandem space is behind the required front setback. The tandem space may be counted in the calculation of required on-site parking driveways.

5-5(F)(4)(c) Fourth Ward – HPO-3

1. Parking and loading areas shall be located to the back of the site.
2. Parking and loading areas shall be located to minimize visibility from the street.
3. Parking on the street-facing side of corner buildings is prohibited.

5-5(F)(4)(d) Huning Highland – HPO-4

1. All parking areas with 6 or more parking spaces shall be divided with landscaped areas planted in accordance with Section 14-16-5-6 (Landscaping, Buffering, and Screening).
2. Parking areas shall be accessed primarily by alleys where physical conditions permit.
3. Tandem parking is allowed in driveways provided that the tandem space is behind the front yard setback. The tandem space may be counted in the calculation of required on-site parking.
4. Automobile headlights shall be screened from adjacent lots and from the street in accordance with Section 14-16-5-6 (Landscaping, Buffering, and Screening).

5-5(F)(4)(e) Old Town – HPO-5

Off-street parking is not required, but any off-street parking shall comply with all provisions of this Section 14-16-5-5, excluding those special provisions applicable to other HPO zones.

5-5(F)(4)(f) Silver Hill – HPO-6

1. An alley shall serve as the primary access to parking and loading areas.
2. Tandem parking is allowed in driveways provided that the tandem space is behind the front yard setback. The tandem space may be counted in the calculation of required on-site parking driveways.
3. Existing driveways shall not be widened or expanded, and paving in the front yard setback other than for driveways is prohibited.
4. Parking areas with 6 or more vehicle parking spaces must include landscaped areas internal to the parking area complying with Section 14-16-5-6 (Landscaping, Buffering, and Screening).

5-5(G) PARKING STRUCTURE DESIGN

5-5(G)(1) Crime Prevention Through Environmental Design (CPTED)

Above-ground parking structures or portions of structures occupied by automobile parking shall be designed using the principles of CPTED so as to deter crime and to facilitate security measures and shall meet the following standards in addition to the other standards of this Section.

5-5(G)(2) Parking Spaces and Circulation

Parking spaces and circulation shall meet technical standards in the DPM.

5-5(G)(3) Building Design Standards

All parking structures that provide parking for multi-family dwellings, mixed-use development, and non-residential development shall comply with the following standards. These standards do not apply to any garage for low-density residential development.

5-5(G)(3)(a) Minimum and maximum setbacks for the parking structure are the same as those for the primary building.

5-5(G)(3)(b) No horizontal length of any façade shall extend longer than 40 feet without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, projection of lintels, portals, and other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.

5-5(G)(3)(c) Each street-facing façade shall be designed to screen all parked vehicles to a height of 4 feet to conceal internal light sources when viewed from the public street.[419]

[419] Revised per EPC Condition #27.

5-5(G)(3)(d) The height of an accessory parking structure shall not exceed the height of the primary building it serves.

5-5(G)(3)(e) Where a parking structure is located beneath or within a primary building, loading docks shall be integrated into the parking structure.

5-5(G)(4) Centers, Main Street Areas, and Premium Transit Areas

In all Centers identified in the ABC Comp Plan, Main Street areas, and Premium Transit areas, parking structures shall comply with the following standards in addition to those listed in Subsections (1), (2), and (3) above:

5-5(G)(4)(a) The ground floor street-facing façade of the parking structure shall have a minimum ground floor clear height of 10 feet for a depth of at least 30 feet from the property line abutting the street to allow for conversion to a pedestrian-oriented use when the market supports that use.[420]

5-5(G)(4)(b) Parking structure ramps shall not be visible from any public street.

5-5(H) OFF-STREET LOADING[421]

5-5(H)(1) Number of Required Off-street Loading Spaces

All non-residential uses with 25,000 square feet or more of gross floor area shall provide off-street loading spaces and related access and maneuvering areas pursuant to Table 5-5-7 and this Subsection 14-16-5-5(H).

Table 5-5-7: Off-street Loading Space Requirements[422]

Zone District	Required Loading Spaces
Non-residential Zone Districts	
Uses in the Lodging, Offices and Services, and Retail Sales categories	Minimum: 1 space / 50,000 sq. ft. ground floor GFA or part thereof Maximum: 3 spaces
Other non-residential uses	Minimum: 1 space / 50,000 sq. ft. ground floor GFA or part thereof Maximum: 2 spaces
All Other Zone Districts	
All non-residential uses	Minimum: 1 space / building[423]

5-5(H)(2) Location of Off-street Loading Spaces

5-5(H)(2)(a) Loading spaces shall be located on the same lot as the use it serves, unless Subsection (b) below applies.[424]

5-5(H)(2)(b) Joint use of an off-street loading facility may be approved by the Planning Director provided that the applicant provides documentation demonstrating the adequacy of the facility to serve anticipated loading needs, and an executed agreement

[420] Revised per EPC Condition #1 (Tech Edits). Revised from 13 ft. per City Council Amendment B8.
[421] Deleted Subsection (3) (Design and Layout of Off-street Loading Areas) per City Council Amendment B20, as covered by the DPM.
[422] Deleted column for Minimum Size of Required Loading Spaces per City Council Amendment B20 as covered in the DPM.
[423] Revised per EPC Condition #1 (Tech Edits) to delete language about this requirement applying only on sites with adequate space to require a Waiver to do something other than this requirement and make this provision more objective.
[424] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

among the owners of the buildings or uses sharing the facility is submitted to and approved by the Planning Director.

5-5(H)(2)(c) Where a single customer entrance to a building is provided, customer loading areas shall not be located in front of the customer entrance or within 15 feet in any direction of the entrance.[425]

5-5(I) VEHICLE STACKING AND DRIVE-THROUGH OR DRIVE-UP FACILITIES

The following standards apply to all uses that require vehicle stacking, including but not limited to a drive-through or drive-up facility, fueling station, or car wash, and to any facility or parking area where traffic flow is controlled by an entry gate, ticket booth, or guard house.

5-5(I)(1) Vehicle Stacking Spaces

5-5(I)(1)(a) Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation aisles and shall comply with stacking space dimensions required by the DPM.

5-5(I)(1)(b) Vehicle stacking spaces shall be provided pursuant to Table 5-5-8 and other standards in this Subsection 14-16-5-5(I). Required stacking distances shall be measured from the end of the queuing lane or property line to the point of service, as specified in Table 5-5-8.

Table 5-5-8: Required Stacking Spaces

Activity	Minimum Required Stacking Spaces, per Establishment[1]		Measured from End of Queuing Lane To:
	General	UC-MS	
Bank or Automated Teller Machine (ATM)	4	3	Teller window / ATM
Light Vehicle Fueling Station	1	1	End of fuel pump island
Car Wash	3	2	Outside of washing bay
Restaurant	6	4	Pick-up window
Retail Store	4	3	Pick-up window
Other	Determined by the City Engineer based on anticipated demand		

[1] Each stacking space shall be 20 ft. long unless specified otherwise in the DPM or by the City Engineer.

5-5(I)(2) Drive-through or Drive-up Facility Design[426]

5-5(I)(2)(a) Drive-through lanes adjacent to public rights-of-way shall be screened by a landscape buffer area at least 6 feet wide containing a vegetative screen or wall constructed of a material similar in texture, appearance, and color to the street-facing façade of the primary building (but excluding exposed concrete masonry unit (CMU) block) at least 3 but not more than 4 feet tall. The landscape buffer area shall be provided on the public street side.

[425] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[426] Council Amendment G recommends revisions to drive-through/drive-up requirements to facilitate this type of development. EPC Condition #61 revises the provision about providing additional enhancements. Revised per City Council Amendment A8.

5-5(I)(2)(b) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

5-5(I)(2)(c) Drive-through service windows shall not be located parallel to any Residential zone district.

5-5(I)(2)(d) In UC-MS-PT areas and the MX-H zone district, no drive-through lanes shall be located between the front façade of the primary building and the front lot line or within a required street side setback, except on lots that meet at least 2 of the following criteria:

1. The lot is located on a corner.
2. The lot is 21,780 square feet (1/2 acre) or smaller.
3. The lot does not have vehicular access to the street that the front façade of the primary building faces.

5-5(I)(2)(e) In UC-MS-PT areas and the MX-H zone district, if a drive-through lane is allowed pursuant to Subsection 14-16-5-5(I)(2)(d), the drive-through lane shall be screened pursuant to Subsection 14-16-5-5(I)(2)(a), and enhanced pedestrian crossings, such as a raised crosswalk, shall be required where the drive-through lane crosses a pedestrian pathway to the primary entrance of the building.

5-5(I)(2)(f) Drive-through service windows and any associated order board shall be located at least 50 feet in any direction from any abutting Residential zone district or lot containing a residential use in a Mixed-use zone district.[427]

5-5(I)(2)(g) Where abutting any Residential zone district or lot containing a residential use in any Mixed-use zone district, the edge buffering provisions of Subsection 14-16-5-6(E) (Edge Buffer Landscaping) shall apply.

[427] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

5-6 LANDSCAPING, BUFFERING, AND SCREENING

5-6(A) PURPOSE

This Section 14-16-5-6 regulates landscaping to ensure visually attractive, sustainable desert landscapes that aid in the creation of a quality public realm. The City recognizes landscape as a visual component to quality environments that enhance Albuquerque's overall appearance and provide other public benefit through:

5-6(A)(1) Providing visual relief from urbanization.

5-6(A)(2) Establishing a consistent, attractive streetscape that generates a sense of continuity and a strong, positive city image.

5-6(A)(3) Improving the aesthetic appearance of commercial, industrial, and multi-family residential development to protect and enhance public and private investments and property values.

5-6(A)(4) Ensuring the use of native and/or adapted, low water-use, or xeric species and regionally appropriate, sustainable design and maintenance techniques to conserve water resources.

5-6(A)(5) Contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retention. Landscape should be designed to retain soil moisture, prevent erosion, encourage the growth of abutting plantings, and mitigate urban heat-island effects, while aiding in the abatement of air and water pollution, dust, noise, heat, and glare.

5-6(A)(6) Providing screening of some types of facilities, structures, and equipment.

5-6(A)(7) Providing shade and comfort for pedestrians and visually narrowing streets, which has been shown to reduce vehicle speeding and accidents.

5-6(B) APPLICABILITY

The provisions of this Section 14-16-5-6 shall apply to all of the following, unless exempted by another portion of this IDO:

5-6(B)(1) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(2) Construction of a new parking lot containing 25 or more spaces, or expansion of an existing parking lot by 25 spaces or more.

5-6(B)(3) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by 2,500 square feet or more, or 25 percent or more, whichever is less.

5-6(B)(4) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is $500,000 or more.

5-6(B)(5) In the case of walls provided for buffering or screening requirements with conflicting standards in this Section 14-16-5-6, Section 14-16-5-5 (Parking and

Loading), and Section 14-16-5-9 (Neighborhood Edges), the highest specified wall height allowance prevails.

5-6(B)(6) Requirements for walls provided to meet buffering and screening requirements prevail over maximum wall height regulations in Section 14-16-5-7 (Walls and Fences), but shall be subject to any other applicable material and design requirements in Subsection 14-16-5-7(E).

5-6(C) GENERAL LANDSCAPING STANDARDS

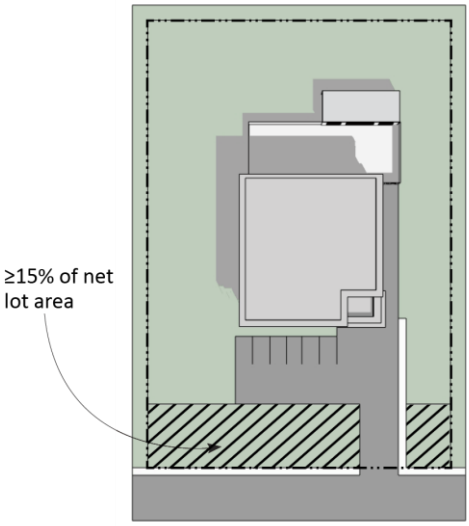
The following standards apply to all landscaping, screening, or buffering required by this Section 14-16-5-6.

5-6(C)(1) Landscape Plan Required

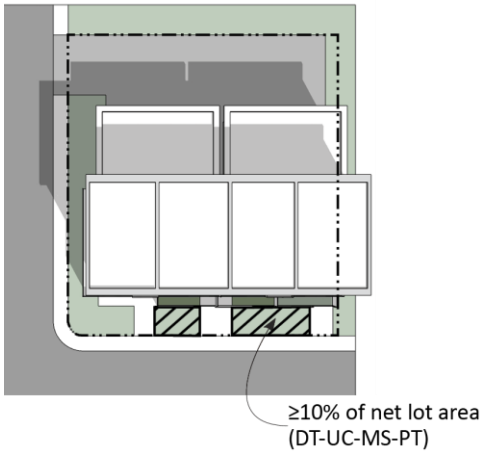
A landscape plan with designed landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the relevant decision-making body determines that compliance with the provisions of this Section 14-16-5-6 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with this Section 14-16-5-6 can be demonstrated in the combined materials.

5-6(C)(2) Minimum Landscape Area

5-6(C)(2)(a) Except as noted in Subsection (b) below, a minimum of 15 percent of the net lot area of each development shall contain landscaping. (See figure below.)

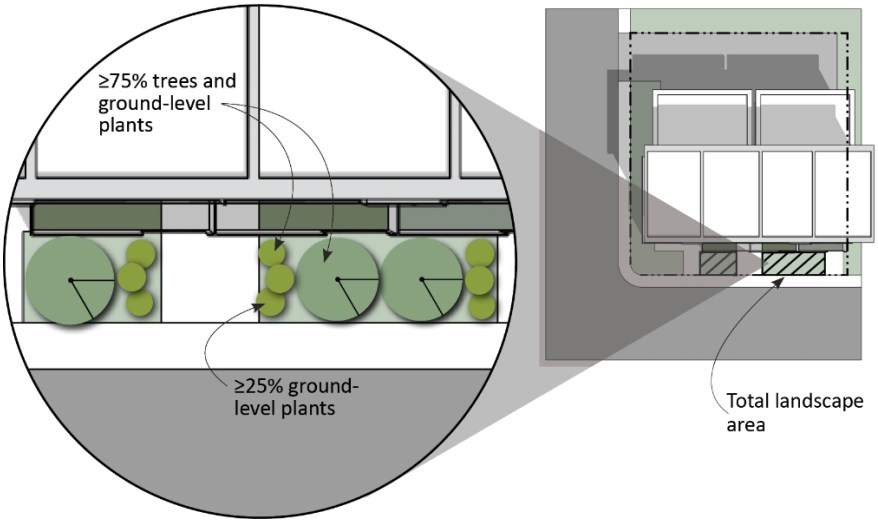


5-6(C)(2)(b) In DT-UC-MS-PT areas, a minimum of 10 percent of the net lot area of each development shall contain landscaping. In these areas, landscaping required to meet this requirement need not be at ground level. (See figure below.)



5-6(C)(2)(c) The mature realistic spread of trees and shrubs will be used to calculate required vegetative coverage as follows:

1. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscape area as measured by canopy width or the area beneath the dripline of the mature size of the actual vegetation. (See figure below.)
2. Of the required vegetative coverage, a minimum of 25 percent shall be provided as ground-level plants (shrubs, grasses, etc.) as measured of the mature size of the actual vegetation. (See figure below.)



5-6(C)(2)(d) See also Subsections 14-16-5-6(D) (Street Frontage Landscaping), 14-16-5-6(E) (Edge Buffer Landscaping), and 14-16-5-6(F) (Parking Lot Landscaping) for additional landscaping requirements.

5-6(C)(3) Overlapping Requirements

5-6(C)(3)(a) If areas required to be landscaped by 2 or more provisions of this Section 14-16-5-6 overlap each other, the provision requiring the greater amount of landscaping shall apply, and landscaping

provided that meets the greater requirement shall count toward fulfilling the overlapping requirements.

1. See Subsection 14-16-5-6(C)(12) (Existing Vegetation Credit).
2. See Subsection 14-16-5-6(C)(13) (Stormwater Management Features).
3. See Subsection 14-16-5-6(D) (Street Frontage Landscaping).
4. See Subsection 14-16-5-6(E) (Edge Buffer Landscaping).
5. See Subsection 14-16-5-6(F) (Parking Lot Landscaping).

5-6(C)(3)(b) Landscaped areas may count toward satisfying usable open space requirements specified for Residential zone districts in Table 5-1-1 and for Mixed-use zone districts in Table 5-1-2.

5-6(C)(3)(c) Gardens and community gardens provided may count toward satisfying the requirements of Subsection 14-16-5-6(C)(2) (Minimum Landscape Area).

5-6(C)(3)(d) Any landscaping provided to meet requirements in Subsection 14-16-5-2(I) (Major Arroyo Standards) may count toward any required landscaping in this Section 14-16-5-6 but shall be subject to Subsection 14-16-5-6(C) (General Landscaping Standards).

5-6(C)(3)(e) Any covered or uncovered outdoor seating and gathering areas provided to meet requirements in Subsection 14-16-5-11(E)(3) (Outdoor Seating and Gathering Areas) may count toward up to 1/3 of required landscaping in Section 14-16-5-6 but shall be subject to standards in Subsection 14-16-5-6(C) (General Landscaping Standards).[428]

5-6(C)(4) Required Plant Materials and Site Amenities

5-6(C)(4)(a) A minimum of 5 species must be used in the landscaped area.

5-6(C)(4)(b) Only trees and shrubs selected from the Official Albuquerque Plant Palette of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Section 14-16-5-6(C) (General Landscaping Standards), except that, upon presentation of evidence, the relevant decision-making body may authorize alternative species or cultivars that meet all of the following requirements:

1. Meet the intended purpose of that type of landscaping.
2. Are not hazardous.
3. Are not identified as invasive on a City or State plant list.
4. Are not listed in the City's Weed Identification Handbook.
5. Are equally hardy to the New Mexico climate.

5-6(C)(4)(c) Installation of any trees, shrubs, or other vegetation included in a State list of prohibited or invasive species or listed as noxious weeds in the City's Weed Identification Handbook is prohibited.

[428] Revised per EPC Condition #1 (Tech Edits) for more consistent treatment of the terms "outdoor" and "in a building".

5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be turf grass species requiring irrigation for survival after the first 2 growing seasons. Irrigated turf grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste. Any turf shall be installed at least 3 feet in any direction from any non-permeable hard surface. (A buffer using mulch can be used when planting turf adjacent to non-permeable surface.)[429]

5-6(C)(4)(e) Artificial turf/grass shall not be counted as living vegetative material or to meet the requirements of this Section 14-16-5-6(C) (General Landscaping Standards).

5-6(C)(4)(f) All vegetation shall comply with Article 9-12 and Parts 6-1-1 and 6-6-2 of ROA 1994 (Pollen Control, Water Conservation Landscaping and Water Waste, and Street Trees) and Section 4 of the Albuquerque Bernalillo County Water Authority (ABCWUA) Legislation and Ordinances (Water Waste Reduction Ordinance) as applicable.[430]

5-6(C)(4)(g) All required plant materials shall be free of disease and insects and shall conform to the American Standard for Nursery Stock (ASNA) of the American Nursery and Landscape Association.

5-6(C)(4)(h) Shade trees planted approximately 25 feet on-center are required along all required pedestrian walkways. If the walkway is less than 25 feet long, at least one tree is required, or, where there is insufficient space for a tree, a trellis of at least 8 feet high for at least 5 feet along the walkway shall be provided.[431]

5-6(C)(4)(i) In DT-UC-MS areas, landscaped areas other than street frontage shall include pedestrian furniture, pedestrian amenities, or trash receptacles to encourage pedestrian use.

5-6(C)(4)(j) See also Subsection 14-16-5-6(D) (Street Frontage Landscaping) for additional landscaping requirements.

5-6(C)(5) Soil Condition and Planting Beds[432]

5-6(C)(5)(a) All vegetated material required by this Section 14-16-5-6 shall be planted in uncompacted soil.

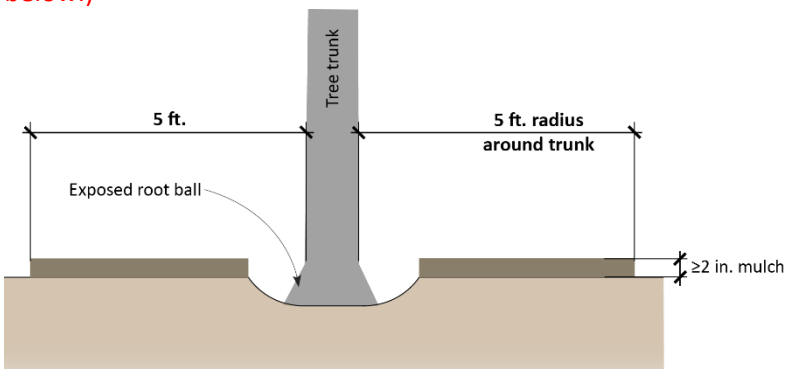
5-6(C)(5)(b) If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.[433]

[429] Revised per EPC Condition #1 (Tech Edits).
[430] Revised per EPC Condition #1 (Tech Edits).
[431] Revised per EPC Condition #1 (Tech Edits).
[432] Multiple revisions to the organization of this section per EPC Condition #1 (Tech Edits) that were not necessarily compatible. Efitorial revisions to organization for clarity and consitstency.
[433] Revised per EPC Condition #1 (Tech Edits). Requirement that weed barriers be permeable moved from the new 5-6(C)(5)(d) below as duplicative of an existing provision Requirement that no weed barrier is allowed where organic mulch is used moved to new 5-6(C)(5)(e) below as that is the only Subsection that requires organic mulch. Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

5-6(C)(5)(c) The use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of any landscaped area, or 50 percent in DT-UC-MS areas.[434]

5-6(C)(5)(d) A minimum of 2 inches of mulch is required in all planting areas, with 3-4 inches recommended. (See figure below.)[435]

5-6(C)(5)(e) Organic mulch is required as ground cover under trees within a 5-foot radius around the tree trunk, but not directly against the trunk. In these areas, weed barrier fabric is prohibited. (See figure below.)[436]



5-6(C)(5)(f) All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops located 2 feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff in vegetated swales and stormwater infiltration areas.

5-6(C)(6) Minimum Plant Sizes at Installation

All vegetation required by this Section 14-16-5-6 shall meet the minimum size requirements in Table 5-6-1 unless specified otherwise in this IDO.

Table 5-6-1: Minimum Plant Sizes

Plant material type (ANSI types)	Minimum size
Deciduous Street Trees	2 in. caliper 6 in. above grade
Deciduous Accent Trees	1.5 in. caliper 6 in. above grade or 6 ft. in height
Evergreen Tree	6 ft. in height
Multi-trunk Tree	Minimum 2 trunks with a combined caliper of 2 in.
Shrubs	1 gallon container size
Ground cover and turf	Adequate to provide general ground cover within 1 growing season after planting

5-6(C)(7) Plant Material Spacing

5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall be located at least 3 feet in any direction from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections.[437]

[434] Revised per City Council Amendment B20.
[435] Added per EPC Condition #1 (Tech Edits).
[436] Added per EPC Condition #1 (Tech Edits).
[437] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

5-6(C)(7)(b) Where tree planting requirements are based on the length of the street frontage, areas occupied by driveways and drive aisles shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways or drive aisles shall be planted in other landscaped front yard areas.[438]

5-6(C)(7)(c) The Planning Director may authorize adjustments to any spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced.

5-6(C)(8) Protecting Clear Sight Triangle

The clear sight triangle shall be maintained at all exits of parking areas and street intersections.

5-6(C)(9) Planting in or over the Public Right-of-way

5-6(C)(9)(a) All planting of vegetated material or installation of any landscaping, buffering, or screening material in the public right-of-way shall require the prior approval of the City. The property owner shall be responsible for the maintenance, repairs, or liability for all the landscaping placed in or over the public right-of-way.[439]

5-6(C)(9)(b) Any trees that overhang a public sidewalk or Major Public Open Space shall be trimmed to maintain an 8 foot clearance over the sidewalk. Any trees that overhang a public street shall be trimmed to maintain a 9 foot clearance over the street surface.

5-6(C)(9)(c) Where landscaping is installed in the public right-of-way, the applicant shall install an adequate irrigation system that meets the minimum technical requirements In Article 6-6 of ROA 1994 (Trees, Vegetation and Landscaping) and the DPM, with a separate meter for the landscape area in the public right-of-way, or a separate valve(s) at the property line allowing isolation of the irrigation to the landscape within the public right-of-way. Drip irrigation systems and artificial turf shall not be allowed within the public right-of-way.

5-6(C)(10) Planting near Utilities

5-6(C)(10)(a) Trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose. The Planning Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.

5-6(C)(10)(b) Trees shall not be planted within 10 feet in any direction of the centerline of a sewer or water line.[440]

[438] Revised per EPC Condition #1 (Tech Edits).
[439] Revised per EPC Condition #1 (Tech Edits).
[440] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

5-6(C)(10)(c) Trees or shrubs planted within utility easements shall comply with the standards of the utility provider to minimize effects on facilities maintenance and repair.

5-6(C)(10)(d) If overhead distribution electric lines are present and large trees cannot be planted due to potential interferences with the electric lines, one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage. New trees planted near electric transmission lines shall be no taller than 25 feet in height at maturity to avoid conflicts with existing electric facilities.

5-6(C)(10)(e) All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance for access and to ensure the safety of the work crews and public during maintenance and repair.

5-6(C)(10)(f) Trees shall not be planted near existing or proposed street light poles.

5-6(C)(10)(g) Standards in the DPM may apply to tree planting in or near other utility easements, such as gas lines.

5-6(C)(11) Parking on Landscaped Areas Prohibited

Parking of automobiles, trucks, trailers, boats, recreational vehicles, or other motor vehicles is prohibited on any required landscape or buffer area.

5-6(C)(12) Existing Vegetation Credit

5-6(C)(12)(a) If existing non-prohibited vegetation meets the location requirements and intent of landscaping, buffering, or screening required by this Section 14-16-5-6, that existing vegetation may be credited toward the landscaping, buffering, or screening materials required by this Section 14-16-5-6.

5-6(C)(12)(b) All existing vegetation preserved and used for credit against the requirements for new vegetation shall be protected during construction by a fence erected one foot beyond the drip line of the vegetation.

5-6(C)(12)(c) Trees may be credited only 1 time toward any one buffer, screen, or other landscape requirement.

5-6(C)(12)(d) Trees shall be credited in accordance with Table 5-6-2.

Table 5-6-2: Credits for Preserving Trees

Diameter at Breast Height (in.)	Number of Trees Credited
≥25	8
≥13 and <25	6
≥8 and <13	4
≥4 and <8	2
<4	1
Prohibited trees 8 in. or greater[1]	1

[1] Prohibited trees are those that do not appear on the Official Albuquerque Plant Palette and may appear on the City or State list of prohibited or invasive species

5-6(C)(13) Stormwater Management Features

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

5-6(C)(13)(b) Required landscape and buffer areas shall be designed pursuant to the DPM and the City Standard Specifications for Public Works Construction.[441]

5-6(C)(13)(c) In the R-ML, R-MH, Mixed-use, and NR-SU zone districts, and on lots containing multi-family dwellings or non-residential uses in the R-A, R-1, R-MC, and R-T zone districts, surface runoff including runoff from roofs and parking areas shall be directed into depressed water collection areas that are located in landscape areas and that meet all applicable standards in the DPM.

5-6(C)(13)(d) Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided that the area includes vegetation required by this Section 14-16-5-6.[442]

5-6(C)(13)(e) Where walkways and multi-use trails cross required landscape areas, permeable paving may be used and may count toward satisfying the requirements of Subsection 14-16-5-6(C)(2) (Minimum Landscape Area). [443]

5-6(C)(14) Irrigation Systems

5-6(C)(14)(a) Irrigation systems shall comply with Section 8 of the ABCWUA Legislation and Ordinances (Cross Connection Prevention and Control Ordinance).[444]

5-6(C)(14)(b) All irrigation systems shall be designed to minimize the use of water.

5-6(C)(14)(c) All non-residential landscape irrigation shall have automatic timers and/or programmable settings to avoid overwatering.

5-6(C)(14)(d) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, drive aisles, streets, and parking and loading areas.

5-6(C)(15) Installation

5-6(C)(15)(a) All landscaping material used to meet the requirements of this Section 14-16-5-6 shall be installed in accordance with the planting procedures established by the American Nursery and Landscape Association.

[441] Added editorially for clarity, since these requirements already apply.
[442] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".
[443] Sidewalks removed for consistency per City Council Amendment B20.
[444] Added per EPC Condition #1 (Tech Edits).

5-6(C)(15)(b) All required landscaping, street trees, screening, and buffering shall be installed prior to the issuance of a final certificate of occupancy. If there is more than one primary building on the site, the landscaping, screening, and buffering related to each building shall be installed prior to the issuance of a final certificate of occupancy.

5-6(C)(15)(c) Any damage to utility lines resulting from the negligence of the abutting property owner or the property owner's agents or employees in the installation and maintenance of any landscaping, screening, or buffering in a public right-of-way, private way, or easement shall be the responsibility of such property owner. Any damage to utility lines resulting from the growth of plant materials that have been approved by the applicable public utility as part of a plan for landscaping, screening, or buffering on the public right-of-way shall be the responsibility of such public utility. If a public utility disturbs landscaping, screening, or buffering in a public right-of-way, private way, or easement , it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If the plant materials die despite those efforts, it is the obligation of the abutting property owner to replace the plant materials.[445]

5-6(C)(15)(d) Property owners acknowledge that approved landscaping and trees installed and maintained in a public right-of-way, private way, or easement abutting private properties are the property of the City, and that that the City reserves the right to remove them if necessary for a transportation project without compensation, but at no cost to the property owner. Landscaping installed in an abutting public right-of-way, private way, or easement by property owners and later removed by the City shall not impact previously approved net lot area calculations for required landscaping.

5-6(C)(16) Alternative Landscaping

The Planning Director may approve alternate landscape plans that do not meet the specific requirements stated in this Section 14-16-5-6 if the Planning Director determines that the alternatives meet all of the following criteria:

5-6(C)(16)(a) Are consistent with the purposes of this Section 14-16-5-6.

5-6(C)(16)(b) Do not include invasive vegetation included in a City or State list of prohibited or invasive species or listed as a noxious weed in the City's Weed Identification Handbook.

5-6(C)(16)(c) Do not include a reduction of tree planting requirements.

5-6(C)(16)(d) Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development.

5-6(C)(16)(e) Provide equal or superior visual appearance of the property when viewed from the street.

[445] EPC Condition #1 (Tech Edits) recommended deleting the last 3 sentences of this provision. EPC Condition #28 removed this recommendation from the Tech Edits.

5-6(C)(16)(f) Provide equal or superior carbon dioxide absorption and heat island reductions.

5-6(D) STREET FRONTAGE LANDSCAPING

5-6(D)(1) Required Street Trees[446]

5-6(D)(1)(a) All development shall comply with Part 6-6-2 of ROA 1994 (Street Trees) and any standards developed by the Parks and Recreation Department or other City department to implement that Ordinance. Trees are generally required along street frontages every 25 feet on center unless specified otherwise in Part 6-6-2 of ROA 1994 (Street Trees).

5-6(D)(1)(b) Only trees selected from the Official Albuquerque Plant Palette of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Subsection 14-16-5-6(D) (Street Frontage Landscaping), except that existing trees that are 8 inch caliper or larger may count toward street tree requirements, regardless of whether they appear on one of those lists.

5-6(D)(1)(c) Planting areas necessary for trees in the street frontage shall be provided as follows:

1. A minimum of 4 feet by 4 feet for trees that attain at least 15 feet but no more than 20 feet in height at maturity.
2. A minimum of 5 feet by 5 feet for trees that attain more than 20 feet but no more than 40 feet in height at maturity.
3. A minimum of 6 feet by 6 feet for trees that attain more than 40 feet in height at maturity.
4. Tree grates may be used in constrained locations to accommodate pedestrian circulation, to allow the required planting areas in Subsections 1 through 3 above to have a walkable surface.

5-6(D)(1)(d) Along street frontages where street trees are required, trees that are planted within 20 feet of the back of curb of the abutting street may fulfill this requirement.

5-6(D)(2) Additional Frontage Landscaping

5-6(D)(2)(a) General

Commercial and mixed-use buildings with a footprint of more than 50,000 square feet shall have at least 1 tree and 3 shrubs planted every 30 feet along the length of any façade facing a City park or trail, Major Public Open Space, or major arroyo.[447]

[446] Deleted Subsection 5-6(D)(1)(b) per City Council Amendment A10 to.
[447] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear".

5-6(D)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit areas

Fifty (50) percent of any front setback area not used for pedestrian access to the building or improved with pedestrian furniture and amenities shall be landscaped, and no part of the front setback area surface shall be asphalt.

5-6(E) EDGE BUFFER LANDSCAPING[448]

5-6(E)(1) General Requirements

5-6(E)(1)(a) Landscaped edge buffers and/or edge buffer walls are required between properties to mitigate the impacts of significant differences in property use, size, or scale through standards specified in Subsections (2) through (5) below.

5-6(E)(1)(b) If a landscaped edge buffer is required and a wall is required or will be provided, the wall shall be provided on the property line between the two properties unless specified otherwise in this IDO.[449]

5-6(E)(1)(c) Required edge buffering is not required to be installed along any portion of the lot line covered by an access easement between adjacent lots, but an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot line, as applicable.

5-6(E)(1)(d) For the purposes of this Subsection 14-16-5-6(E), "industrial development" refers to the zone districts and uses indicated in Subsection 14-16-5-6(E)(4)(a) (Industrial Development Adjacent to Non-industrial Development).

5-6(E)(1)(e) Additional buffering may be required for specific uses, pursuant to any Use-specific Standards for those uses in Section 14-16-4-3 or Neighborhood Edge standards in Section 14-16-5-9.

Table 5-6-3: Edge Buffer – Development Type Summary[1]

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

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

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

Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot containing low-density residential development in an R-A, R-1, R-MC, or R-T

[448] Revised per City Council Amendment B24.
[449] Added per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B24.

zone district, a buffer shall be provided along the lot line, as specified for the relevant area below.

5-6(E)(2)(a) General[450]

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

1. If a wall at least 3 feet in height is provided or exists along the property line between the 2 properties, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.[451]
2. If no wall is provided or exists, 1 tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity and 3 shrubs shall be provided for every 25 feet along the lot line, with spacing designed to minimize sound, light, and noise impacts.

5-6(E)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas[452]

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

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

Where mixed-use or non-residential development other than industrial development occurs on any lot abutting or across an alley from a lot in the R-ML

[450] Revised per City Council Amendment B24.
[451] Subsection 5-6(E)(1)(c) added and revised per EPC Condition #1 (Tech Edits) and EPC Condition #29. Revised per City Council Amendment B24.
[452] Revised per City Council Amendment B24.

or R-MH zone districts with 1 or more multi-family dwellings, a buffer shall be provided along the lot line, as specified for the relevant area below.

5-6(E)(3)(a) General[453]

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

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

5-6(E)(3)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas[454]

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

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

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

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

Where a lot with industrial zoning or development is adjacent to a lot with non-industrial zoning or development, as described in Subsections 1 and 2 below, a buffer shall be provided as specified for the relevant areas in Subsections (b) and (c) below.

1. Where any development in an NR-LM or NR-GM zone district is adjacent to any lot that is not in an NR-LM or NR-GM zone district.

[453] Revised per City Council Amendment B24.
[454] Revised per City Council Amendment B24.

2. Where light manufacturing; heavy manufacturing; special manufacturing; natural resource extraction; non-linear portions of an electric utility, drainage facility, or other major utility; or any primary use in the Waste and Recycling category in Table 4-2-1 is developed on a lot abutting a vacant lot or a lot with a use other than one of these specified uses.[455]

5-6(E)(4)(b) General[456]

A landscaped edge buffer area at least 25 feet wide shall be provided on the subject property along the property line between the two adjacent properties. For drainage facilities, a landscaped edge buffer area at least 15 feet wide shall be provided on the subject property along the property line between the two adjacent properties, unless a smaller edge buffer area is approved by the City Engineer as necessary on a particular lot.

1. If a wall at least 3 feet in height is provided or exists along the landscaped edge buffer area, 1 of the following requirements shall be met:
   a. If the wall is located on the property line, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.
   b. Where the edge buffer area is across the street from the lot with non-industrial zoning or development, the wall may be set back from the property line if both of the following requirements are met:
      i. Landscaping that meets the requirements in Subsection 2. below shall be provided between the wall and the street.
      ii. The landscaping shall be maintained by the owner of the subject property.
2. If no wall is provided or exists, 1 tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 feet along the lot line, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.

5-6(E)(4)(c) Downtown, Urban Centers, and Main Street and Premium Transit Areas[457]

An opaque wall or fence at least 6 feet tall shall be provided on the subject property along any lot line abutting or across an alley from the non-industrial development.

1. One (1) tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing

[455] Revised per EPC Condition #1 (Tech Edits).
[456] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #30.a. Revised per City Council Amendment B24.
[457] Revised per City Council Amendment B24.

designed to minimize sound and light impacts of the proposed development on the adjacent property.

2. The side of the wall facing the non-industrial development shall be at least as finished in appearance as the side facing the industrial use.
3. If there is an existing wall between the two properties, it may count toward satisfying the requirements of Subsection 14-16-5-6(E)(4)(c)0 if it meets, or is improved to meet, the height and design standards above.

5-6(E)(5) Area of Change Next to Area of Consistency

Where a lot in an Area of Change is abutting or across an alley from a lot in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the lot in the Area of Change, regardless of the proposed land use on that lot.

Table 5-6-4: Edge Buffer – Development Area Summary[1]

Lot in Area of Change Next to	Specific Standards	General Buffering	Buffering in DT-UC-MS-PT
Area of Consistency in R-A, R-1, R-MC, or R-T	14-16-5-6(E)(2)	Landscaped buffer area ≥15 ft.	Wall, fence, or vegetative screen ≥6 ft.
Area of Consistency in R-ML or R-MH	14-16-5-6(E)(3)	Landscaped buffer area ≥20 ft.	
Area of Consistency in Mixed-use, NR-C, or NR-PO	14-16-5-6(E)(4)	Landscaped buffer area ≥25 ft.	

[1] See subsections 14-16-5-6(E)(5)(a), 14-16-5-6(E)(5)(b), and 14-16-5-6(E)(5)(c) for the complete buffer standards for Development Areas.

5-6(E)(5)(a) If the lot in the Area of Consistency is in an R-A, R-1, R-MC, or R-T zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(2) shall apply.

5-6(E)(5)(b) If the lot in the Area of Consistency is in an R-ML or R-MH zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(3) shall apply.

5-6(E)(5)(c) If the lot in the Area of Consistency is in any Mixed-use, NR-C, or NR-PO zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(4) shall apply.

5-6(F) PARKING LOT LANDSCAPING

5-6(F)(1) Parking Lot Edges

5-6(F)(1)(a) Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises.

5-6(F)(1)(b) Where a parking lot is abutting an R-A, R-1, R-MC, or R-T zone district, provisions related to parking area in Subsection 14-16-5-9(D) (Parking, Drive-through Or Drive-up Facilities, and Loading) shall apply.

5-6(F)(1)(c) Where development is coordinated on 2 or more abutting sites, or where multiple parking areas are located on a single lot, or on

planned development areas controlled by Site Plans, these requirements shall be based on the entire development area unless otherwise approved by the decision-making body.

5-6(F)(1)(d) Landscape buffers may be crossed by drive aisles connecting to abutting land.

5-6(F)(1)(e) No parking is allowed within a required landscape buffer area.

5-6(F)(1)(f) Landscape approved within the abutting public right-of-way or private way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscape and the premises, but in no case shall the width of the on-site landscape buffer be less than 5 feet.

5-6(F)(1)(g) The landscape area may be reduced by up to 25 percent if the surface of the parking or vehicle circulation area is of a permeable material with approval from the Planning Director.

5-6(F)(1)(h) Where walls are required, they shall integrate with building materials and colors.

5-6(F)(1)(i) Landscape buffers are required in the following locations, with minimum widths and design requirements as specified below:

1. Front Lot Edge
    a. General
    Any parking lot located within 30 feet of the front lot line shall be screened from the street either by a masonry wall constructed of a material similar in texture, appearance, and color to the street-facing façade of the primary building (but excluding exposed CMU block) at least 3 but not more than 4 feet in height, or by a landscape buffer at least 10 feet in width with a continuous line of evergreen shrubbery 3 feet in height, or by other means that the Planning Director determines provides equal or better screening of the headlights of parked vehicles.
    b. Downtown, Urban Centers, and Main Street and Premium Transit Areas
    Any parking lot located within 30 feet of the front lot line shall be screened from the street by a masonry wall as described in Subsection a above. Openings in the masonry wall no more than 4 feet wide to allow passage of bicycles and pedestrians from the street into the parking lot are allowed.
2. Side and Rear Lot Edges
    Where no side or rear lot line buffer is required by Subsection 14-16-5-6(E) above, the following standards apply where the side or rear lot line abuts a public street:
    a. General
    Any parking lot located within 20 feet of a side or rear lot line shall be screened by a landscaped strip at least 6 feet

wide containing at least 2 trees and 6 shrubs per 25 feet of the parking lot edge closest to the lot line, or by other means that the Planning Director determines provides equal or better screening of the headlights of parked vehicles.

b. Downtown, Urban Centers, and Main Street and Premium Transit Areas
Any parking lot located within 20 feet of a side or rear lot line shall be screened by a landscaped buffer at least 5 feet wide containing one tree and 3 shrubs per 25 feet of the parking lot edge closest to the lot line, or by a masonry wall constructed of a material other than cement block, at least 3 but not more than 4 feet tall.

5-6(F)(2) Parking Lot Interior

5-6(F)(2)(a) General

At least 10 percent of the parking lot area of lots containing 50 or fewer spaces, and at least 15 percent of the parking lot area of lots containing 50 or more spaces, shall be landscaped.

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

At least 5 percent of the parking lot area of lots containing 50 or fewer spaces, and at least 10 percent of the parking lot area of lots containing 50 or more spaces, shall be landscaped.

5-6(F)(2)(c) Tree Requirements

1. One (1) tree is required per 10 parking spaces.
2. No parking space may be more than 100 feet in any direction from a tree trunk.[458]
3. At least 75 percent of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.

5-6(F)(2)(d) Location and Dimension of Landscaped Areas[459]

1. The minimum size of tree planters within off-street parking areas shall be 60 square feet per tree. This requirement may be reduced to 36 square feet if the surface of a parking or vehicle circulation area abutting the tree planter is of a permeable material and, combined with the tree planter area, meets the 60 square foot per tree requirement.
2. In parking areas of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than 8 feet in any dimension.

[458] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[459] Revised and moved per EPC Condition #1 (Tech Edits).

5-6(F)(3) Abutting Arroyos or Major Public Open Space

When a parking lot is located abutting a major arroyo or any Major Public Open Space, screening shall be provided via one of the following options:

5-6(F)(3)(a) Walls or fencing a minimum of 6 feet high; fencing requires landscaping with evergreen shrubs or vines to form a screen at least 75 percent opaque.

5-6(F)(3)(b) Shrubs and trees sufficient to act as a screen at least 4 feet high and at least 75 percent opaque.

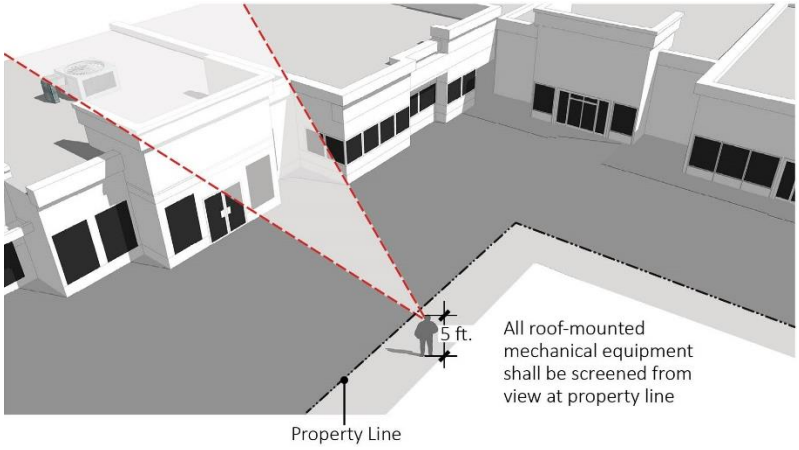
5-6(G) SCREENING OF MECHANICAL EQUIPMENT AND SUPPORT AREAS

Site areas listed below shall comply with the following standards. In any case where a decorative wall or fence is required or installed, chain link fencing (with or without slats) shall not satisfy the requirement.

5-6(G)(1) Roof-mounted Mechanical Equipment

5-6(G)(1)(a) No screening is required for rooftop solar energy equipment.

5-6(G)(1)(b) In any R-ML, R-MH, Mixed-use, NR-C, NR-BP, NR-SU, or NR-PO zone district, roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from 5 feet above ground level at any property line abutting a City park or trail, Major Public Open Space, major arroyo, or public street classified as a collector, arterial, or interstate highway. (See figure below.)[460]



5-6(G)(2) Ground-mounted Mechanical Equipment

5-6(G)(2)(a) R-ML, R-MH, and Mixed-use Zone Districts

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

[460] Revised per EPC Condition #1 (Tech Edits) for consistent reference to street classifications.

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

5-6(G)(2)(c) Screening
Where it is not practicable to locate ground-mounted mechanical equipment pursuant to Subsections (a) and (b) above, such equipment shall be screened from view by an opaque decorative wall or fence or a vegetative screen.

1. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall incorporate at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block).
2. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
3. No screening of ground-mounted solar energy equipment that would reduce the efficiency or effectiveness of the solar energy equipment is required.

5-6(G)(2)(d) Safety Exemption
Notwithstanding Subsections (a), (b), and (c) above, screening is not required if it would violate any State or federal safety rules.

5-6(G)(3) Loading, Service, and Refuse Areas

5-6(G)(3)(a) Covering Waste Containers
All waste containers and dumpsters shall be in a roofed enclosure or be equipped with and use a lid covering and shall be designed so that stormwater runoff does not reach storm drain inlets.

5-6(G)(3)(b) Development Abutting Low-density Residential[461]
Where a lot is abutting low-density residential development or lots zoned R-1, R-MC, or R-T, dumpsters for solid waste, but not for recycling, are prohibited in any required setback or landscape buffer area that is contiguous with the low-density residential development.

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

[461] Added per EPC Condition #1 (Tech Edits). Cross-reference to this Subsection from Section 5-9 (Neighborhood Edges) not added as inconsistent with IDO structure.

5-6(G)(3)(d) NR-C, NR-BP, NR-SU, and NR-PO Zone Districts

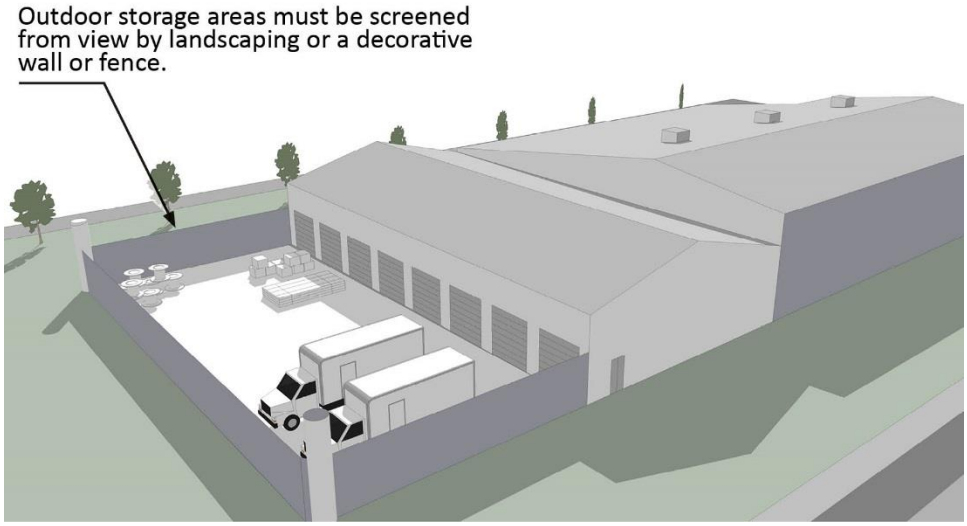
Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from streets, City parks, Major Public Open Space, trails, or major arroyos adjacent to the lot or from adjacent properties with low-density residential development to the maximum extent practicable.

5-6(G)(3)(e) Screening

Where it is not practicable to locate the loading, service, and refuse areas pursuant to Subsections (c) and (d) above, they shall be screened from view by an opaque decorative wall or fence at least 6 feet tall but not more than 8 feet tall that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block) or a vegetative screen planted along the full length of the area to be screened and at least 8 feet high at the time of planting.[462] [463]

5-6(G)(4) Outdoor Storage Areas for Vehicles, Equipment, and Materials

Areas where motor vehicles, including but not limited to automobiles, trucks, trailers, recreational vehicles, boats, equipment, and/or materials, are stored outside and are typically not moved within a consecutive 7-day period, and that are adjacent to any Residential zone district, a lot containing a residential use in any Mixed-use zone district, a City park, Major Public Open Space, public trail, or major arroyo, shall be screened from view by a vegetative screen or by an opaque decorative wall or fence at least 7 feet and no more than 8 feet high that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block).



5-6(G)(5) Satellite Dishes

For ground-mounted satellite dishes that are larger than 3 feet in diameter in any Residential zone district, or that are larger than 6 feet in diameter in any

[462] Wall requirement reduced from 8 ft. to 6 ft. per EPC Condition #1 (Tech Edits)
[463] Revised per City Council Amendment B20.

Mixed-use or Non-residential zone district, the base of the dish shall be screened from view from a City park, Major Public Open Space, public trail, or major arroyo by a vegetative screen or an opaque wall or fence constructed of 1 of the primary materials used on the nearest façade of the primary building on the lot (but excluding exposed CMU block), to the maximum extent possible and consistent with the effective operation of the satellite dish.

5-7 WALLS AND FENCES

5-7(A) PURPOSE

This Section 14-16-5-7 regulates walls, fences, retaining walls, and vertical combinations of those items (collectively referred to in this section as "the wall" or "walls") in order to enhance the visual appearance of development in the city; establish a consistent, attractive streetscape; ensure visual compatibility with public spaces such as City parks and trails, major arroyos, and Major Public Open Space; and promote street and neighborhood character.

5-7(B) APPLICABILITY[464]

5-7(B)(1) The Standards in this Section 14-16-5-7 apply to new walls and replacement or repair of existing walls, unless modified elsewhere in this IDO.

5-7(B)(2) A wall shall be erected only after obtaining a permit, pursuant to the provisions in Subsections 14-16-6-5(F) (Permit – Wall or Fence – Minor) or 14-16-6-6(H) (Permit – Wall or Fence – Major), as applicable.

5-7(B)(3) If the wall permit is approved pursuant to Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor) or is granted a Permit – Wall or Fence – Major pursuant to Subsection 14-16-6-6(H), and the Permit allows for location, height, or design elements that differ from the regulations in this Section 14-16-5-7, then the requirement in the Permit shall prevail.

5-7(B)(4) Where higher walls are required for buffering and screening purposes in Section 14-16-5-5 (Parking and Loading), Subsection 14-16-5-6(E) (Edge Buffer Landscaping), Subsection 14-16-5-6(F) (Parking Lot Landscaping), Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas), or Section 14-16-5-9 (Neighborhood Edges), the highest specified wall height allowance shall prevail, but the wall shall be subject to any other applicable standards in this Section 14-16-5-7.

5-7(B)(5) Requests for walls taller than allowed by any provision in this Section 14-16-5-7 require the approval of a Variance, pursuant to Subsection 14-16-6-6(H) (Variance – EPC) for walls associated with a Site Plan – EPC or Subsection 14-16-6-6(O) (Variance – ZHE) for all other walls, and shall meet the additional requirements in Subsection 14-16-5-7(E)(2) (Articulation and Alignment).

5-7(B)(6) Walls adjacent to major arroyos and Major Public Open Space shall be required to follow additional standards in this Section 14-16-5-7 as well as any applicable standards in Subsections 14-16-5-2(I) (Major Arroyo Standards), 14-16-5-2(G) (Irrigation Facility (Acequia) Standards), and 14-16-5-2(J) (Major Public Open Space Edges).

5-7(B)(7) Retaining walls shall be required to follow standards in Subsections 14-16-5-7(C) and 14-16-5-7(F).

5-7(B)(8) Access to bikeways shall be added pursuant to Section 14-16-5-3(C)(5) (Bicycle Circulation).

[464] Revisions made to references throughout this subsection for consistency with changes made per EPC Condition #1 (Tech Edits) and R-19-150.

5-7(C) WALL LOCATION

5-7(C)(1) Walls may be constructed anywhere on a lot, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by clear sight triangle requirements.[465]

5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by the DPM, including but not limited to, clear sight triangle requirements or standards for alignments and easements. Walls may not encroach into any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.[466]

5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table

Unless specified otherwise in Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO, walls shall comply with the height standards in Table 5-7-1.

Table 5-7-1: Maximum Wall Height

Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP)[1]	Non-residential (NR-LM, NR-GM)	See also:
Standard Wall Height					
Wall in the front yard or street side yard[2][3][4]	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot[5][6]	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
Corner Lot Abutting Residential Zone District					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street[3]	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(g)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
Walls Abutting Major Arroyos and Major Public Open Space					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)

[1] In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply.
[2] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c).

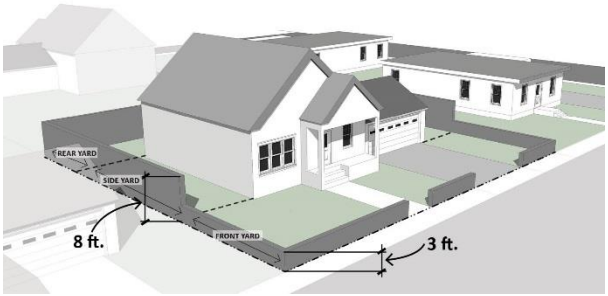
[465] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[466] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Floor Amendment C8.

Table 5-7-1: Maximum Wall Height					
Zone Category	**Residential**	**Mixed-use**	**Non-residential (NR-C, NR-BP)[1]**	**Non-residential (NR-LM, NR-GM)**	**See also:**

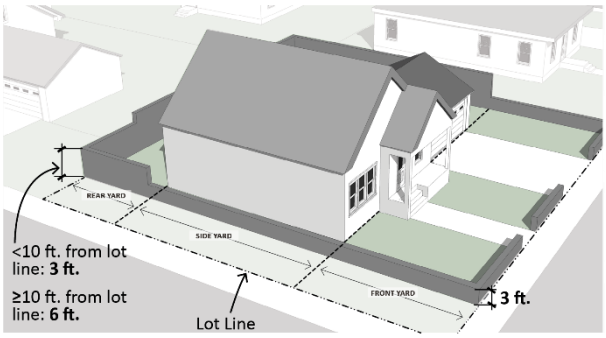
[3] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g).[467]
[4] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).[468]
[5] Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.
[6] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.

5-7(D)(2) Wall Illustrations[469]

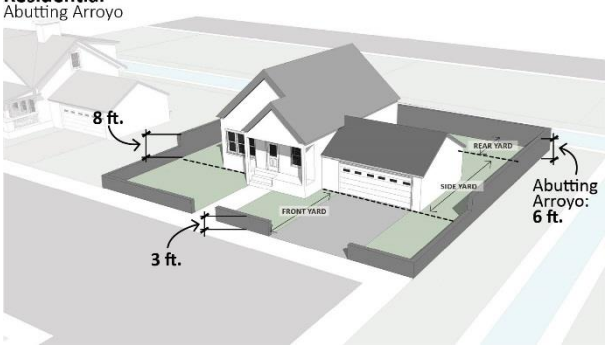
Residential
Standard Wall



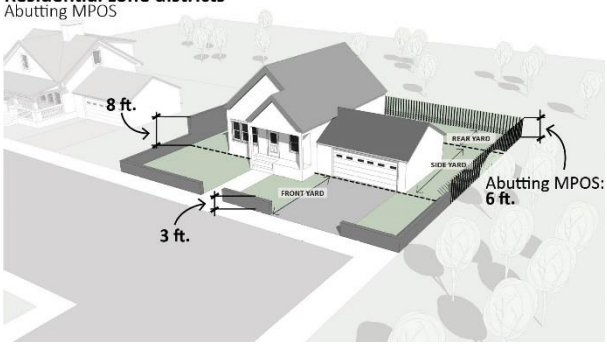
Residential
Corner



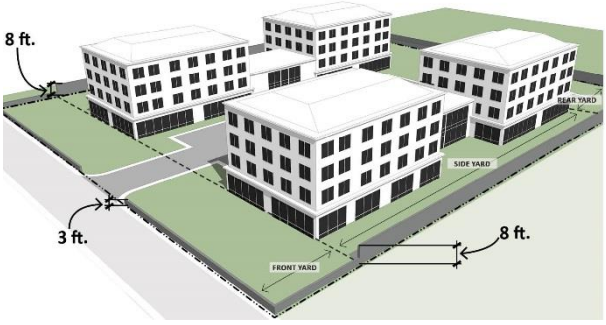
Residential
Abutting Arroyo



Residential zone districts
Abutting MPOS

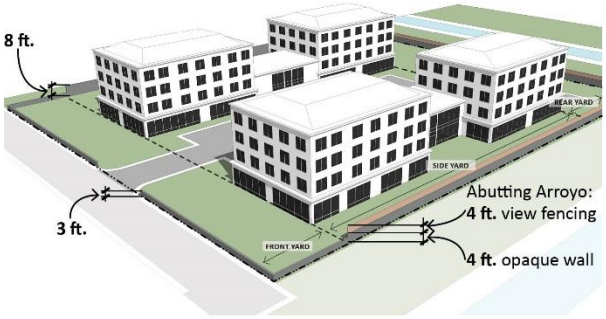


Mixed-use / NR-C / NR-BP
Standard Wall

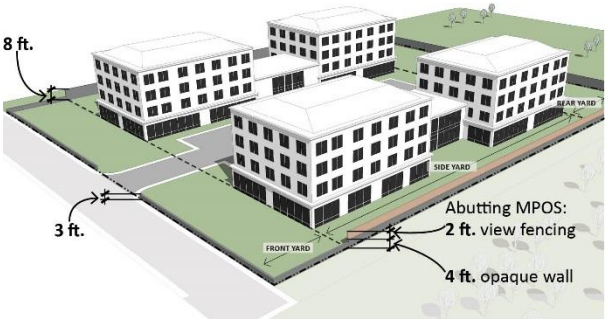


[467] Revised for consistency with changes made per EPC Condition #1 (Tech Edits) and R-19-150.
[468] Added per City Council Amendment A12.
[469] Revised Residential Corner illustration per City Council Amendment B20.

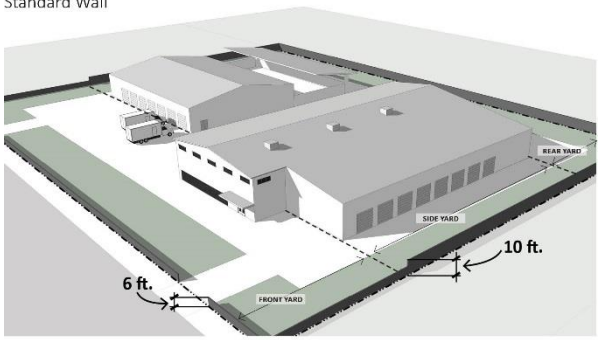
Mixed-use / NR-C / NR-BP
Abutting Arroyo



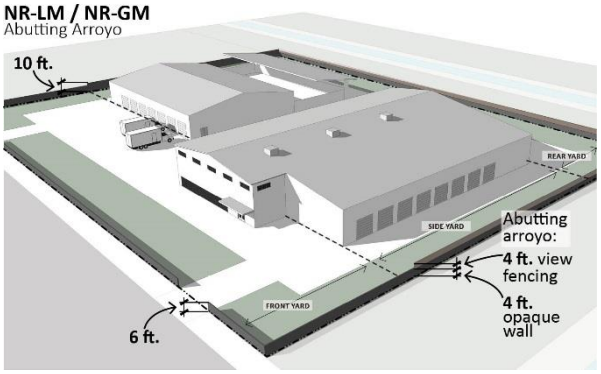
Mixed-use / NR-C / NR-BP
Abutting MPOS



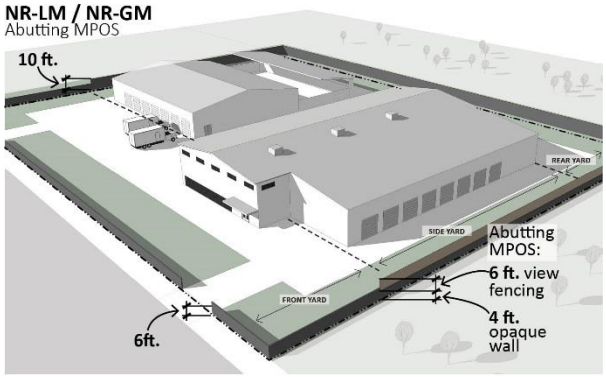
NR-LM / NR-GM
Standard Wall



NR-LM / NR-GM
Abutting Arroyo



NR-LM / NR-GM
Abutting MPOS



5-7(D)(3) Exceptions to Maximum Wall Height

5-7(D)(3)(a) Design elements may project vertically 2 feet above the maximum wall height. Such elements shall have a maximum width of 5 feet and are allowed at intervals of no less than 50 feet.[470]

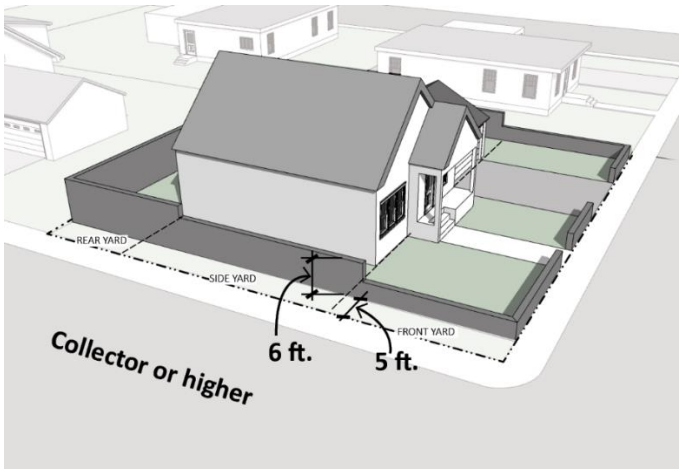
5-7(D)(3)(b) Retaining walls are subject to the height restrictions in Subsection 14-16-5-7(F)(1) (Maximum Height).

5-7(D)(3)(c) For multi-family residential development, the maximum height is 6 feet if view fencing is used for portions of a wall above 3 feet.[471]

5-7(D)(3)(d) For low-density residential development, the maximum height of a wall in the street side yard is 6 feet if that yard abuts a street

[470] Revised from 200 ft. to 50 ft. per EPC Condition #1 (Tech Edits). EPC Condition #1 (Tech Edits) proposed changing the maximum width of design elements from 5 ft. to 2 ft. This recommendation was struck per EPC Condition #31.b.
[471] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition # 31.a.

classified as a collector, arterial, or interstate highway and if the wall is set back at least 5 feet from the property line. (See figure below.)[472]



5-7(D)(3)(e) For development in any NR-C or NR-BP zone district, the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet.[473]

5-7(D)(3)(f) Except where a Permit – Wall or Fence – Major is required pursuant to Subsection (g) below or where prohibited pursuant to Subsection (h) below, the Zoning Enforcement Officer (ZEO) may make an exception to the height standards in Table 5-7-1 for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site, pursuant to Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor).

5-7(D)(3)(g) For low-density development in or abutting a Residential zone district where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit – Wall or Fence – Major pursuant to Subsection 14-16-6-6(H), except where a taller wall is prohibited pursuant to Subsection (h) below.[474]

Table 5-7-2: Options for a Taller Front or Side Yard Wall[1]

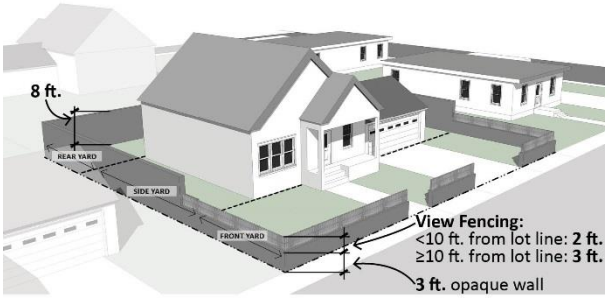
Wall Type and Location	Maximum Wall Height	Illustration
View Fencing		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	5-7(D)(3)(g)1
≥10 ft. from lot line abutting the street	6 ft.	5-7(D)(3)(g)1

[472] Added per EPC Condition #1 (Tech Edits). Moved from being a note on Table 5-7-1 as recommended to a provision in this section to avoid having regulations as notes where they can be missed.
[473] Added per City Council Amendment A12.
[474] Revised per EPC Condition #1 (Tech Edits). Revised for consistency with changes made per EPC Condition #1 (Tech Edits) and R-19-150.

Table 5-7-2: Options for a Taller Front or Side Yard Wall[1]		
Wall Type and Location	**Maximum Wall Height**	**Illustration**
Courtyard Walls		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
Corner Lots		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)
[1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major).[475]		

1. Illustration for View Fencing

Residential
View Fencing (Requires Variance – ZHE)



2. Illustration for Courtyard Wall

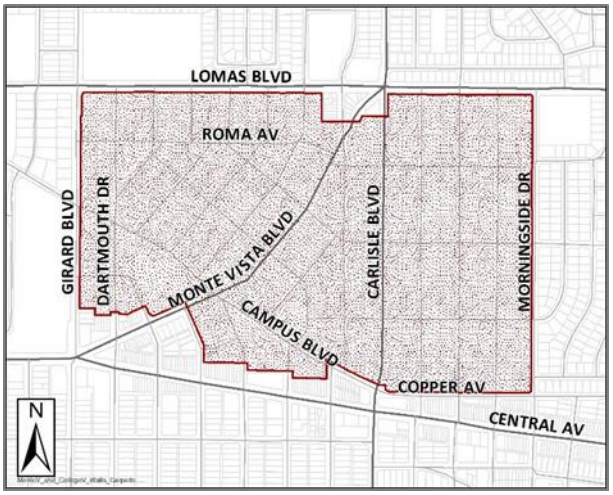
Residential
Courtyard Wall (Requires Variance – ZHE)



5-7(D)(3)(h) Walls greater than 3 feet in height are prohibited in any front or street side yard on lots with low-density residential development in the following small areas. No Permit – Wall or Fence – Major or Variance to this provision is allowed in the following small areas.

1. Downtown Neighborhood Area – CPO-3
2. Monte Vista and College View Historic District

[475] Revised for consistency with changes made per EPC Condition #1 (Tech Edits) and R-19-150.



5-7(E) MATERIALS AND DESIGN

5-7(E)(1) Materials and Texture

5-7(E)(1)(a) Unless specified otherwise in this IDO, walls may be opaque.

5-7(E)(1)(b) Acceptable wall materials include, but are not limited to, stucco over concrete masonry unit (CMU) blocks or other structural materials; stabilized adobe; split face blocks; slump blocks; bricks; stone; glass blocks; curved interlock blocks; wood; tubular steel; wrought iron bars; chain link fencing; other grill work; or a combination of these materials, with the following exceptions:

1. Exposed flat-faced CMU blocks shall not constitute more than 50 percent of any wall facing a public street or City park or trail.
2. Chain link fencing (with or without slats) shall not be allowed on any portion of a site visible from a public street, City park or trail, Major Public Open Space, or major arroyo except in the R-A, R-1, NR-LM, or NR-GM zone districts. Chain link fencing is allowed as temporary security fencing during active construction in any zone district.

5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar materials are regulated as follows:[476]

1. In or adjacent to any Residential zone district, such materials are prohibited, except that critical infrastructure facilities are exempt from this regulation.
2. In or adjacent to any Mixed-use zone district, such materials are prohibited, except that critical infrastructure facilities are exempt from this regulation.

[476] Council Amendment A recommends allowing barbed wire in Non-residential zones under some circumstances and introduces a sunset clause for existing barbed wire that doesn't meet IDO requirements. EPC Condition #56 revises the provision to prohibit barbed wire adjacent (instead of abutting) Residential or Mixed-use zone districts. EPC Condition #57 removes the sunset clause. EPC Condition #58 retains the exemption for public utilities that is in the existing provision. Revised per City Council Amendment C7 and revised editorially for clarity about the location of the wall.

3. In Non-residential zone districts, such materials are allowed on street-facing walls that meet all of the following criteria:
   a. The wall is at least 6 feet in height.
   b. The wall is set back at least 5 feet.
   c. The wall is not adjacent to any Residential or Mixed-use zone district, where Subsections 1 and 2 above apply.
   d. The wall is not visible from a City park or trail.
   e. The wall is not visible from Major Public Open Space.

5-7(E)(2) Articulation and Alignment

Portions of walls that obtain approval for a wall that exceeds the maximum height limits in Section 14-16-5-7(D) (Maximum Wall Height) or are required to exceed those limits and that face any public street, City park or trail, Major Public Open Space, or major arroyo, shall incorporate at least 1 of the following features to break up the massing of the wall. (See figure below for illustrations of each option).

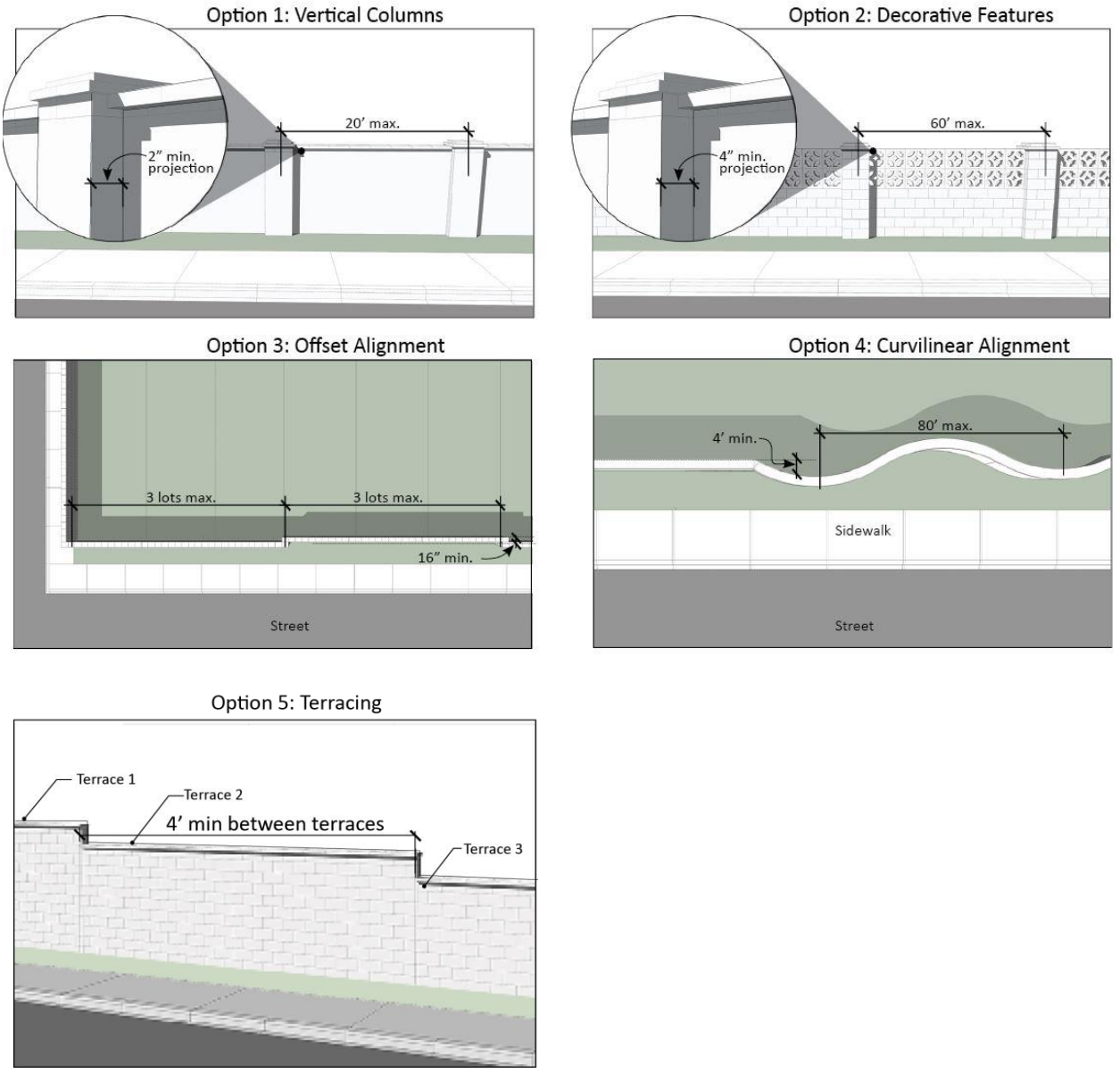
5-7(E)(2)(a) Option 1
Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals of no more than 20 feet in length.

5-7(E)(2)(b) Option 2
Decorative features, such as columns with a minimum projection of 4 inches from the public side of the wall surface at intervals of no more than 60 feet in length.

5-7(E)(2)(c) Option 3
Offset in wall alignment of at least 16 inches, spaced so that no more than 3 consecutive lots have the same wall alignment.

5-7(E)(2)(d) Option 4
Curvilinear alignments with a minimum distance of 4 feet between the outer surfaces of the wall. The outermost point of each curve shall have intervals no greater than 80 feet.

5-7(E)(2)(e) Option 5
Terracing of walls with a minimum horizontal distance of 4 feet separating the vertical height segments.



5-7(E)(3) Wall Design

Any portions of a wall facing a public street, City park or trail, Major Public Open Space, or major arroyo shall comply with at least 1 of the following. (See figure below for illustrations of each option).

5-7(E)(3)(a) Option 1

Openings distributed throughout the length of the wall equal to at least 5 percent of the wall surface, constructed into the surface or created by using see-through pattern blocks, tubular steel or wrought iron bars, wood, or other grillwork.

5-7(E)(3)(b) Option 2

Variation in wall height at intervals of at least every 20 feet along the length of the wall. The normal stepping of the wall to accommodate grade change does not satisfy this requirement.

5-7(E)(3)(c) Option 3

Use of a second and visually contrasting material, texture, or color along the length of the wall on at least 20 percent of its surface.

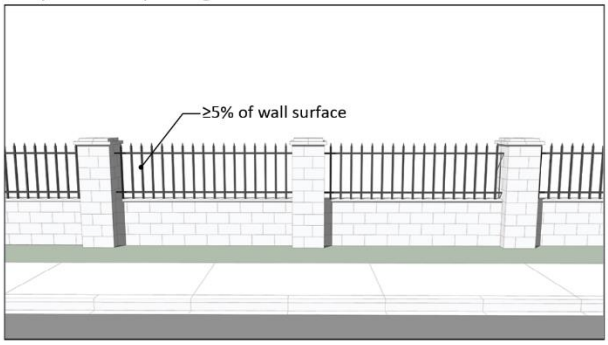
5-7(E)(3)(d) Option 4

A continuous overhang cap along the length of the wall that projects at least 2 inches from the public side of the wall surface.

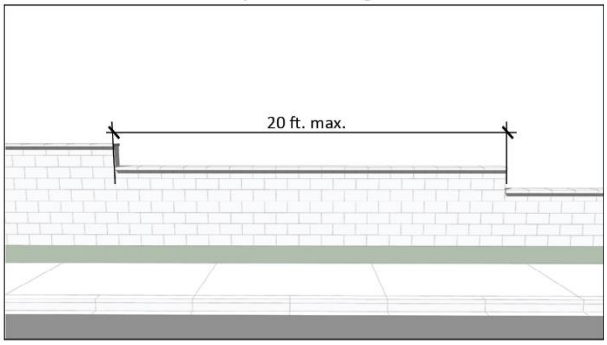
5-7(E)(3)(e) Option 5

A variety of living shrubs, trees, and/or vines covering or overhanging at least 1/3 of the length of the wall in conjunction with a streetscape/landscape maintenance agreement between the City and the adjoining property owner and/or community association as part of a subdivision approval.

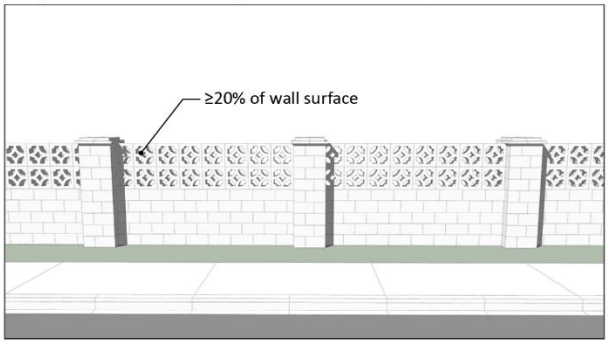
Option 1: Openings



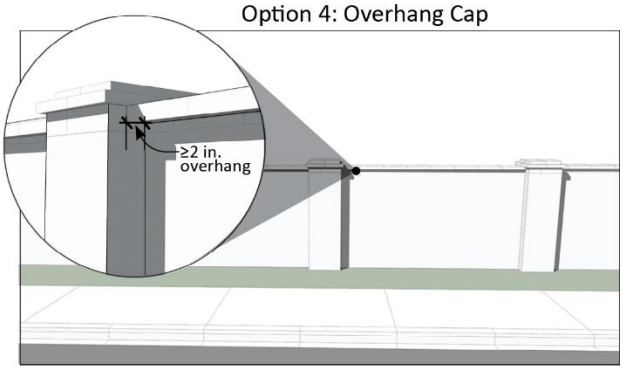
Option 2: Height Variation



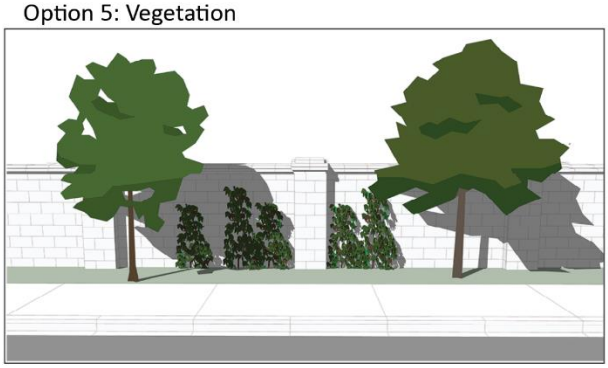
Option 3: Contrasting Material, Texture, or Color



Option 4: Overhang Cap



Option 5: Vegetation



5-7(E)(4) Walls Adjacent to Major Arroyos or Major Public Open Space

All walls other than retaining walls adjacent to a major arroyo or any Major Public Open Space must comply with the following standards, in addition to all other applicable standards in this Section 14-16-5-7. If any of the following standards conflict with another wall standard in this IDO, the standard in this Subsection 14-16-5-7(E)(4) shall prevail.

5-7(E)(4)(a) In any zone district adjacent to Major Public Open Space and in any Mixed-use or Non-residential zone district adjacent to arroyos, only the following wall types are allowed on the sides of the lot facing the Major Public Open Space or arroyo:

1. View fencing of at most 50 percent opacity constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material. Where allowed, chain-link fencing

shall be accompanied by a vegetative screen with a mature height at least as tall as the fence and with at most 75 percent opacity, planted on the public side of the fence but within the lot line containing the proposed development.

2. Opaque walls of 4 feet or less, combined with view fencing as described in Subsection 1 above, with a combined height not to exceed the maximum wall height in Table 5-7-1.
3. Where allowed, opaque walls shall be constructed of wood, stucco over CMU blocks, stained concrete block, stone, split-faced or fluted block, or adobe. Exposed CMU block walls are prohibited. Predominant materials shall be earth tone in color, with a Light Reflective Value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

5-7(E)(4)(b) Where walls are allowed to be higher than 4 feet pursuant to Table 5-7-1, the following standards apply:

1. Opaque walls over 4 feet in height are allowed adjacent to arroyos only in any Residential zone district.
2. Opaque walls may be no more than 4 feet tall, combined with 1 of the fencing types described in Subsection (a)1 above, with a combined height not to exceed the maximum wall height in Table 5-7-1.
3. Each wall over 4 feet tall shall include a horizontal offset of at least 16 inches every 100 feet.

5-7(E)(4)(c) On lots adjacent to the Petroglyph National Monument, perimeter walls abutting the Petroglyph National Monument shall be view fencing, such as post and wire, with a maximum of 10 percent opacity.

1. In any zone district, 1 screening wall with higher than 10 percent opacity may be constructed parallel to the lot line abutting the Petroglyph National Monument, subject to the following requirements:
   a. The wall is not located within the minimum building setbacks required by the zone district.
   b. The wall is no more than 20 feet long or up to 50 percent of the lot width, whichever is less.
   c. Wall materials shall be the same as or complement the primary building and shall be constructed of earth tone materials with an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.
2. In any Residential zone district, on lots greater than 10,000 square feet, courtyard walls with higher than 10 percent opacity are allowed to be constructed parallel to the lot line

abutting the Petroglyph National Monument that meet the following requirements:

a. Walls forming the courtyard are attached to the primary building.

b. Walls are not located within the minimum setbacks required by the zone district.

c. Wall materials shall be the same or complement the primary building and shall be constructed of earth-tone materials an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

d. The total area of enclosed spaces on a lot (e.g. any combination of patio, pool enclosure, or courtyard) shall be limited to 1,000 square feet or up to 50 percent of the primary building square footage, whichever is greater, up to a maximum of 2,000 square feet.

3. For single-family and two-family detached dwellings abutting a trail on the Petroglyph National Monument, an opaque perimeter wall is allowed but may only be constructed of stucco over CMU blocks, coyote fencing, or stone per height requirements in Subsection 14-16-5-7(D) (Maximum Wall Height).

5-7(F) RETAINING WALL STANDARDS

5-7(F)(1) Maximum Height

5-7(F)(1)(a) Retaining walls shall have a maximum height as specified in Section 14-16-5-7(D) (Maximum Wall Height) unless a higher wall is approved by the City Engineer as necessary on a particular lot.

5-7(F)(1)(b) Retaining walls higher than 6 feet tall shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm. Terracing shall be limited to 3 tiers.

5-7(F)(2) Terracing

5-7(F)(2)(a) A terrace at least 4 feet wide, with a maximum slope of 1:3 (rise:run), shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the City Engineer where site constraints limit the amount of space available to accommodate the minimum required width.

5-7(F)(2)(b) Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

5-7(F)(3) Setback

Retaining walls must be set back so that the underground footing does not encroach on any abutting public right-of-way.

5-8 OUTDOOR AND SITE LIGHTING[477]

5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light pollution between private properties, and prevent unnecessary sky glow that reduces visibility of stars in the night sky.

5-8(B) APPLICABILITY

5-8(B)(1) General[478]

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



5-8(B)(2) Exemptions

The following types of lighting are not subject to the requirements of this Section 14-16-5-8:

5-8(B)(2)(a) Outdoor light fixtures on advertisement signs on interstate highways.

5-8(B)(2)(b) Outdoor light fixtures existing and legally installed prior to the effective date of this IDO that do not comply with provisions of this IDO not contained in the New Mexico Night Sky Protection Act, provided that when existing light fixtures become unrepairable, their replacements are subject to all the provisions of this Section 14-16-5-8.

5-8(B)(2)(c) Navigational lighting systems at airports and other lighting necessary for aircraft safety.

[477] Council Amendment R revises this section to include site lighting in addition to outdoor lightling. EPC Condition #71 replaces Council Amendment R with a requirement for interior lighting as a use-specific standard for self-storage and EPC Condition #72 provides an exemption for public utilities from Section 5-8 requirements. Revised per City Council Amendment A17.
[478] Revised per EPC Condition #1 (Tech Edit). Revised per City Council Amendment A17.

5-8(B)(2)(d) Outdoor light fixtures necessary for worker safety at farms; ranches; dairies; feedlots; or industrial, mining, or oil and gas facilities.

5-8(B)(2)(e) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that all of the following apply:

1. Light poles are not more than 30 ft. tall.
2. Maximum illumination at the property line is not brighter than 200 foot lamberts.
3. Exterior lighting is extinguished no later than 11:00 P.M. except to complete an activity that is in progress prior to 11:00 P.M.

5-8(B)(2)(f) Lighting for outdoor recreational uses in the NR-PO-B sub-zone that exceeds the standards in this Section 14-16-5-8 but complies with a Master Plan approved by the EPC.

5-8(B)(2)(g) Illuminated and electronic signs are regulated in Section 14-16-5-12 (Signs).

5-8(C) PROHIBITED LIGHTING

5-8(C)(1) Searchlights and spotlights are prohibited, except when used to illuminate alleys, parking structures, and maintenance areas. Where allowed for these purposes, such lights must be shielded and aimed so that they do not result in lighting on any adjacent property or public right-of-way exceeding 200 foot lamberts.[479]

5-8(C)(2) Notwithstanding Subsection (1) above, all searchlights, spotlights, and floodlights are prohibited within 500 feet in any direction of the boundary of any area regulated by Division 30-VI-2 of the Bernalillo County Code of Ordinances (North Albuquerque Acres and Sandia Heights Light Pollution Ordinance).[480]

5-8(C)(3) Lighting that is designed to be flashing, traveling, animated, or intermittent is prohibited, except for seasonal displays discontinued within 7 calendar days of the holiday for which the lighting was provided.

5-8(C)(4) Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights, are prohibited. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

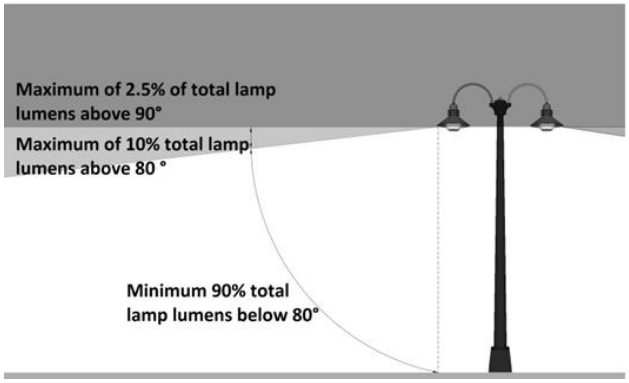
5-8(D) GENERAL DESIGN AND ILLUMINATION

All sources of light visible from the exterior of a property subject to this Section 14-16-5-8 shall meet the following standards:[481]

5-8(D)(1) All outdoor light fixtures 150 watts or greater for incandescent light sources or 70 watts or greater for other types of light sources shall be shielded using full cutoff light fixtures (i.e. a light fixture with zero intensity at or above 90 degrees

[479] Revised per EPC Condition #1 (Tech Edits).
[480] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[481] Revised per City Council Amendment A17.

above nadir and limited to a value not exceeding 10 percent of lamp lumens at or above 80 degrees).



5-8(D)(2) No light source for any outdoor light fixture shall be directly visible from any adjacent property or public right-of-way and shall not be visible from a distance greater than 1,000 feet in any Residential zone district.

5-8(D)(3) All outdoor lighting shall be shielded and aimed so that light spillover onto the area 10 feet beyond the property line shall not exceed 200 foot lamberts at the property line.[482]

5-8(D)(4) Outdoor light fixtures shall have a minimum light intensity of one lumen per square foot and a maximum intensity of 2 lumens per square foot unless specified otherwise in this IDO.[483]

5-8(D)(5) All outdoor light fixtures within any Residential or Mixed-use zone district shall remain off between 11:00 P.M. and sunrise except for security purposes or to illuminate walkways, driveways, drive aisles, equipment yards, and parking lots.

5-8(D)(6) Any sports lighting, floodlights, or searchlights allowed by this Section 14-16-5-8 shall be turned off between 11:00 P.M. and sunrise.

5-8(D)(7) The height of light poles, measured from the finished grade to the top of the pole, shall comply with the standards in Table 5-8-1 unless Part 14-16-2, Part 14-16-3, or any Use-specific Standard in Section 14-16-4-3 provides a different standard, or unless the property is located in the NR-PO-B sub-zone and the pole heights comply with a Master Plan approved by the EPC.

Table 5-8-1: Maximum Height for Light Poles

Zone District	Maximum Height, ft.
Residential zone districts and HPO zones	16
Mixed-use zone districts	20
Non-residential zone districts	30
Within 100 feet in any direction of any Residential zone district[484]	16
Adjacent to Major Public Open Space	20

5-8(D)(8) All outdoor light fixtures mounted on a building or structure other than a light pole, except for security lighting, shall be mounted at least 6 feet and no more

[482] Revised per EPC Condition #1 (Tech Edits).
[483] Revised per City Council Amendment A17.
[484] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

than 15 feet above grade or no higher than 7 feet above the floor of a stoop or porch unless specified otherwise in this IDO.

5-8(D)(9) Light fixtures installed in canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy and shall be equipped with flat lenses that do not project below the canopy ceiling. The canopy fascia shall not be internally illuminated.

5-8(D)(10) All outdoor light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturer's specifications for the fixture.

5-8(D)(11) All sources of light for non-residential development (excluding uses in the Lodging category) other than outdoor light fixtures as regulated above that are visible from the property line shall not exceed 300 foot lamberts as measured from the property line.[485]

5-8(D)(11)(a) In UC-MS-PT areas, if the non-residential development is located within 10 feet of the property line, this measurement is taken from the mid-point of the abutting right-of-way, or from a distance of 50 feet, whichever is closer.

5-8(D)(11)(b) Neon signs are exempt from this requirement.

5-8(E) ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING

5-8(E)(1) Pedestrian-scale Lighting

Pedestrian light fixtures shall comply with the following standards:

5-8(E)(1)(a) Pedestrian-scale lighting, including lighting for sidewalks, walkways, trails, and bicycle paths, shall provide an illumination of at least 1 foot candle, not to exceed 4 foot candles.

5-8(E)(1)(b) Pedestrian light poles shall be mounted no higher than 12 feet above grade and shall be placed a maximum of 100 feet apart.

5-8(E)(1)(c) Pedestrian bollard lamps shall be mounted no higher than 4 feet above grade and shall not exceed 900 lumens for any single lamp.

5-8(E)(2) Decorative Outdoor Lighting

Outdoor lighting intended to enhance the decorative appearance of a building and/or landscaping shall comply with the following standards:

5-8(E)(2)(a) Decorative outdoor lighting shall cast all light downward (rather than upward) against the building surface or onto a landscape feature.

5-8(E)(2)(b) Decorative outdoor lighting shall not exceed 100 watts of incandescent luminance or the equivalent.

5-8(E)(2)(c) Decorative outdoor lighting shall be turned off between 11:00 P.M. and sunrise.

5-8(E)(2)(d) In DT and EC areas and in the Uptown Urban Center, the following standards and exceptions apply:

[485] Added per City Council Amendment A17.

1. Light fixtures for decorative outdoor lighting that are mounted on a building may be higher than allowed by Subsection 14-16-5-8(D)(8), but no higher than the top of the wall or parapet on which they are mounted.
2. Subsections 14-16-5-8(D)(4) and 14-16-5-8(E)(2)(c) do not apply to decorative outdoor lighting.

5-8(E)(3) Parking Lots

Outdoor lighting for parking lots shall comply with the following standards:

5-8(E)(3)(a) Pedestrian walkways and bicycle paths in parking areas shall be lit with pedestrian-scale lighting.

5-8(E)(3)(b) Maintained average luminance values in paved parking areas shall provide an illumination of at least 1 foot candle, not to exceed 4 foot candles.

5-9 NEIGHBORHOOD EDGES

5-9(A) PURPOSE

This Section 14-16-5-9 is intended to preserve the residential neighborhood character of established low-density residential development in any Residential zone district on lots adjacent to any Mixed-use or Non-residential zone district.

5-9(B) APPLICABILITY

5-9(B)(1) Protected Lots

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.

5-9(B)(2) Regulated Lots

Lots regulated by this Section 14-16-5-9 include all those in any R-ML, R-MH, Mixed-use, or Non-residential zone district that are adjacent to a Protected Lot.

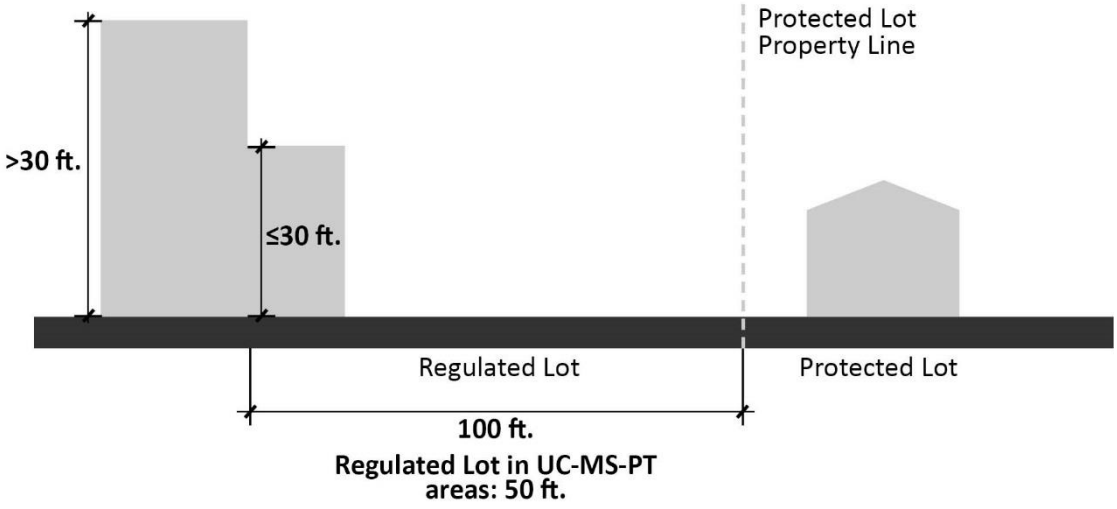
5-9(C) BUILDING HEIGHT STEPDOWN

5-9(C)(1) General Requirement

On Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. (See figure below.)[486]

5-9(C)(2) Urban Centers and Main Street and Premium Transit Areas

On Regulated Lots in UC-MS-PT areas, any portion of a primary or accessory building within 50 feet in any direction of any lot line of a Protected Lot shall step down to a maximum height of 30 feet. (See figure below.)[487]



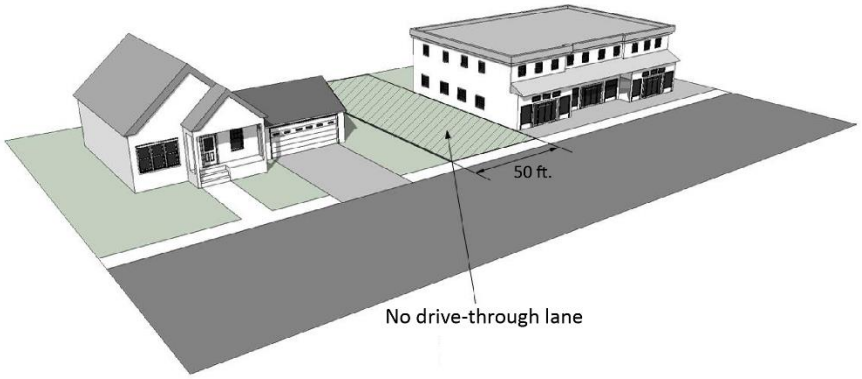
[486] Revised per EPC Condition #1 (Tech Edits).
[487] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

5-9(D) PARKING, DRIVE-THROUGH OR DRIVE-UP FACILITIES, AND LOADING[488]

5-9(D)(1) Parking and Drive-through or Drive-up Facilities

5-9(D)(1)(a) Where parking or vehicle circulation areas on a Regulated Lot abut a Protected Lot, a minimum 6 foot high opaque wall or fence shall be required to visually screen the parking or circulation area. Chain link fence with slats shall not constitute acceptable screening.

5-9(D)(1)(b) For Regulated Lots 10,000 square feet or larger, drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 50 feet. (See figure below.) Parking areas shall be separated from any abutting Protected Lot by a minimum of 15 feet, and edge buffer requirements in Subsection 14-16-5-6(E) apply. For drive-throughs, requirements in Subsection 14-16-5-5(I) apply.[489]



5-9(D)(2) Truck Loading Areas

No truck loading area shall be located between a primary or accessory structure on a Regulated Lot and any side or rear lot line abutting a Protected Lot.

[488] Subsection referring to Screening and Buffering deleted per EPC Condition #1 (Tech Edits). Subsection (1) deleted as unnecessary and Subsection (2) moved to this subsection.
[489] Council Amendment K recommends revising this section to allow parking areas within the 50 ft. area with a 15ft. buffer from protected lots. Revised per City Coucil Amendment A12.

5-10 SOLAR ACCES

5-10(A) PURPOSE

This Section 14-16-5-10 is intended to allow for development while ensuring continued access to solar energy.

5-10(B) APPLICABILITY

The standards in this Section 14-16-5-10 apply to development in any zone district unless specified otherwise in this IDO.[490]

5-10(C) BUILDING HEIGHT

All development in the R-A, R-1, R-MC, R-T, and R-ML zone districts shall comply with the standards in this Subsection 14-16-5-10(C).[491]

5-10(C)(1) The building height shall not exceed the following heights, determined by the distance cardinally south from the northern property line as shown in Table 5-10-1, or angle plane equivalent, or the maximum building height allowed by the zone district, whichever is less. Distances in Table 5-10-1 have been calibrated to a 32 degree angle that allows 1 hour of Winter Solstice sunlight that hits at least 2 feet up on a southern-facing wall located 10 feet from the property line. Distances from the northern property line that are not whole numbers are rounded down.[492]

Table 5-10-1: Solar Rights Maximum Building Heights[493]

Distance from Northern Lot Line, ft.	Maximum Building Height, ft.
0-5	11
6-10	14
11-15	17
16-20	20
21-25	23
26-30	27
31-35	30
36-40	33
41-45	36

5-10(C)(2) The ZEO shall waive or adjust the provisions of Subsection (1) above if the ZEO finds that beneficial solar access can be protected for a lot to the north without compliance with the provisions of Subsection (1) because:[494]

5-10(C)(2)(a) The lot(s) to the north are large enough or higher in elevation than the lot to the south, so that there are many good locations for passive or active solar collector that would not be blocked by proposed construction that does not comply with the height restrictions of Subsection (1) above.

5-10(C)(2)(b) The development on the lot(s) to the north is already served by as much solar collector area as is likely to ever be needed for that lot,

[490] Revised per EPC Condition #1 (Tech Edits).
[491] Added per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B15.
[492] Revised per EPC Condition #1 (Tech Edits). Revised editorially for consistency with City Council Amendment B15.
[493] Revised per City Council Amendment B15.
[494] Revisions thoughout this section per City Council Amendment B15.

and solar access to those collector surfaces will not be impaired by the proposed construction.

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

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

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

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

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

5-10(D) PERMITS FOR SOLAR RIGHTS

Permits to protect solar rights may be requested pursuant to Part 14-11-7 of ROA 1994 (Permits for Solar Rights) and any relevant standards in the DPM.

5-11 BUILDING DESIGN

5-11(A) PURPOSE

This Section 14-16-5-11 is intended to enhance the visual appearance of development of the city, to promote street and neighborhood character, and to strengthen the pedestrian environment. Regulations for large-scale development are intended to mitigate any negative visual impacts arising from the scale, bulk, and mass of large commercial buildings.

5-11(B) APPLICABILITY

The standards in this Section 14-16-5-11 shall apply to development in any zone district when any of the following takes place:

5-11(B)(1) Construction of a new building.

5-11(B)(2) Expansion of the gross floor area of an existing building by 50 percent or more, or 15,000 square feet, whichever is less, in which case the standards of this Section 14-16-5-11 apply to all portions of the building created by or reconstructed as part of the expansion project.

5-11(B)(3) Addition of a second story to an existing single-family or two-family detached dwelling.

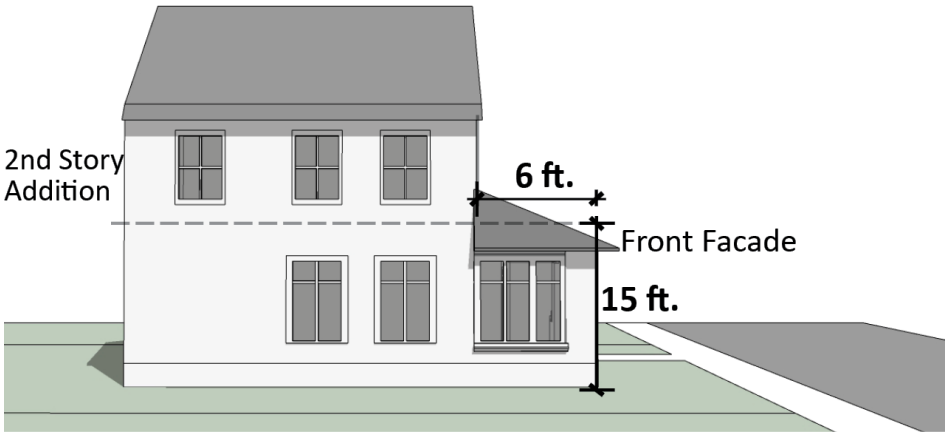
5-11(B)(4) Expansions or renovations of existing buildings that are listed on the National Register of Historic Places or the State Register of Cultural Properties or that are determined to be eligible for listing by the appropriate agency.

5-11(C) LOW-DENSITY RESIDENTIAL DEVELOPMENT

All low-density residential development in any zone district shall comply with all of the standards in this Subsection 14-16-5-11(C).

5-11(C)(1) Primary Building Stepback

Second-story additions and portions of buildings over 15 feet in height shall be stepped back a minimum of 6 feet from the front façade in the following small areas, as noted. (See figure below.)

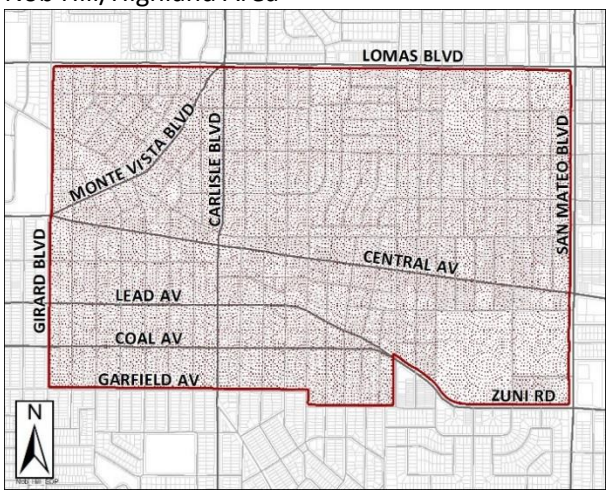


5-11(C)(1)(a) Downtown Neighborhood Area – CPO-3

R-1 and R-T zone districts in the Downtown Neighborhood Area – CPO-3. When there is an existing porch, the stepback is measured from the edge of the porch closest to the street.

5-11(C)(1)(b) Los Duranes – CPO-6

5-11(C)(1)(c) Nob Hill/Highland Area



5-11(C)(1)(d) Sawmill/Wells Park – CPO-12
R-1 and R-T zone districts in the Sawmill/Wells Park – CPO-12.

5-11(C)(2) Windows[495]

In new low-density residential development, windows shall be recessed not less than 2 inches and/or shall be surrounded by a window casing not less than 2 inches wide.

5-11(C)(3) Garages

5-11(C)(3)(a) For any garage that is accessed from the side (i.e. the garage door is generally perpendicular to the front façade of the primary building), any street-facing façade of the garage shall be articulated to resemble the façade of the primary building and shall include at least 5 feet of windows along the length of the street-facing façade of the garage.[496]

5-11(C)(3)(b) Rear-loaded residential garages shall be set back a minimum of 3 feet from a property line abutting an alley or street.

5-11(C)(4) Accessory Buildings

5-11(C)(4)(a) Accessory buildings shall not be located in any required front setback and shall not occupy over 25 percent of the side and rear yards combined.

5-11(C)(4)(b) An accessory building in any required setback shall not exceed the height of the primary building and any applicable height limitations in Subsection 14-16-5-10 (Solar Access) unless it is in a required street side setback, where it shall not exceed the

[495] Added per City Council Amendment B13.
[496] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."

maximum height of a wall or fence allowed by Subsection 14-16-5-7(D).

5-11(C)(4)(c) On a corner lot, the rear yard of which abuts the front yard of a residentially-zoned lot, an accessory building shall comply with the same street side setback as the primary building.

5-11(C)(4)(d) An accessory building that is not covered by Subsection (c) above has no required setback from a lot line.

5-11(C)(4)(e) No accessory building may extend across the width of the rear or side yard unless a passage of at least 5 feet is provided at some point along the width.

5-11(C)(4)(f) An accessory building may be connected to the principal building with a roof, provided that at least 2 sides of the connecting structure are not enclosed with a material other than that necessary for roof supports. The roof shall be located at least as far from any side lot line as is the roof of the principal building.

5-11(C)(4)(g) All accessory buildings must comply with the provisions in with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code).

5-11(D) MULTI-FAMILY RESIDENTIAL DEVELOPMENT

All multi-family residential development, not including parking structures, in any Residential zone district and containing more than 25 dwelling units shall comply with all of the standards in this Subsection 14-16-5-11(D). Parking structures shall comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design).[497]

5-11(D)(1) Building Entrances

Primary pedestrian entrances to each primary building shall be emphasized through variations in façade colors or materials, porticos, roof variations, recesses or projections, or other integral building forms.

5-11(D)(2) Façade Design

5-11(D)(2)(a) No street-facing façade of a primary building shall extend more than 80 horizontal feet without projections or recesses. Each façade greater than 100 horizontal feet in length shall incorporate wall plane projections or recesses having a depth of at least 5 percent of the length of the façade and extending at least 20 percent of the length of the façade.

5-11(D)(2)(b) In UC-MS-PT areas, each floor of every façade that faces a public street shall contain a minimum of 20 percent of the façade in transparent windows and/or doors.

5-11(D)(3) Windows[498]

In new multi-family residential development, windows shall be recessed not less than 2 inches and/or shall be surrounded by a window casing not less than 2 inches wide.

[497] Revised per EPC Condition #1 (Tech Edits) to apply to developments with more than 25 units instead of more than 50 units.
[498] Added per City Council Amendment B13.

5-11(D)(4) Roof Design

Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least 2 feet. Roofs with a pitch of less than 2:12 shall be screened by a parapet wall.[499]

5-11(D)(5) Garages and Carports

To the maximum extent feasible, garages and carports shall not be located between any street-facing façade of any primary multi-family dwelling and the abutting street, but shall instead be internalized within building groups so as not to be directly visible from the street frontage.

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

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

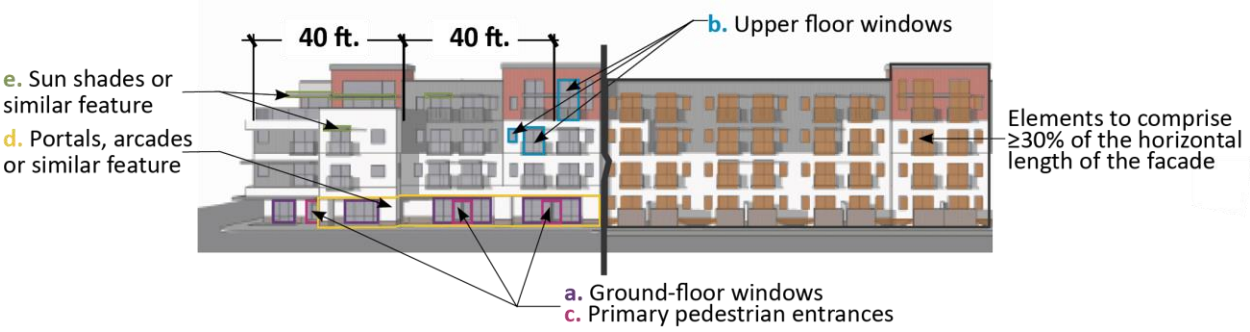
5-11(E)(1) Ground Floor Clear Height[500]

In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum clear height of 10 feet.

5-11(E)(2) Façade Design

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

1. Façades shall be designed to provide a sense of human scale at ground level by providing a clear architectural distinction between ground floor levels and all additional levels.
2. Each street-facing façade shall incorporate at least 2 of the following features along at least 30 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 40 feet. (See figure below for examples.)[501]



[499] Revised per EPC Condition #1 (Tech Edits) to remove exception for parapets in building height.
[500] Revised per EPC Condition #1 (Tech Edits). EPC Condition #76 recommends a new Council Amendment to either remove all provisions related to minimum ground floor clear height or reduce the minimum requirement to 10 ft. Revised from 12 ft. to 10 ft. per City Council Amendment B8.
[501] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."

a. Ground-floor transparent windows, with the lower edge of window sills no higher than 30 inches above the finished floor.

b. Windows on upper floors.

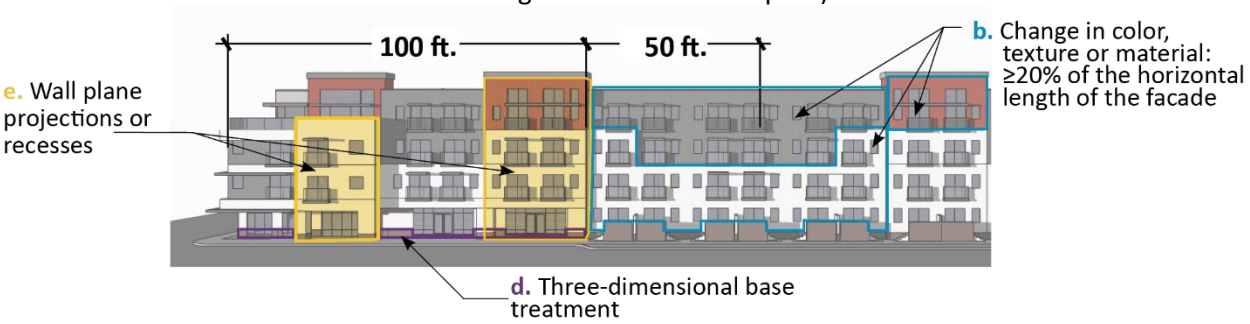
c. Primary pedestrian entrances.

d. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

e. Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.

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

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



a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.[502]

b. A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.[503]

c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.[504]

d. Three-dimensional cornice or base treatments.

e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.[505]

[502] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."
[503] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."
[504] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."
[505] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear."

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

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

5-11(E)(2)(b) Urban Centers, Activity Centers, and Main Street and Premium Transit Areas[506]

1. In new residential and mixed-use development, windows on the upper floors shall be recessed not less than 2 inches.
2. Each ground floor of a street-facing façade shall contain a minimum of 30 percent of its surfaces in transparent windows and/or doors.
   a. No minimum window sill height is required.[507]
   b. For commercial or office uses, interior space must be visible to a depth of 6 feet from the façade.[508]
   c. For buildings in which over 50 percent of the gross floor area of the ground floor is vacant, a Permit – Temporary Window Wrap may be granted pursuant to Subsection 14-16-6-5(E) to temporarily obscure transparent windows and/or doors with opaque window wrap.[509]
      i. Any window wrap shall be limited to the portion of the building with a vacant tenant space.
      ii. Any window wrap shall provide at least 1 opening that is 2-feet wide and 1-foot tall between 4 feet and 6 feet above ground for every 20 feet of façade length, or as acceptable to the City Fire Marshal and the Albuquerque Police Department for security and surveillance into the building.
      iii. Potential negative impacts of the temporary window wrap on surrounding properties, as determined by the ZEO, shall be mitigated to the maximum extent practicable.
      iv. Any portion of the window wrap that meets the definition of a sign in this IDO shall meet the requirements of Section 14-16-5-12 (Signs) and requires a Permit – Sign pursuant to Subsection 14-16-6-5(C).
3. Each street-facing façade shall incorporate at least 3 of the following features along at least 30 percent of the length of the façade. The features listed below shall be distributed along

[506] EPC Condition #65 recommends applying most of the building design standards that were in Council Amendment M for the North 4th area to all development in UC-AC-MS-PT areas, leaving the recommended Subsections a and b in a new CPO for North 4th. Revised per City Council Amendment B7. Subsections revised per EPC Condition #1 (Tech Edits) to remove the term "linear."
[507] Revised from 60% to 50% per EPC Condition #1 (Tech Edits). Revised to 30% per City Council Amendment B7. Illustration removed.
[508] Revised from 20 feet per City Council Amendment B7.
[509] Added per City Council Amendment B19.

the façade so that at least 1 of the of the incorporated features occurs every 30 feet of façade length:[510]

a. Transparent windows and/or doors that constitute a minimum of 50 percent of 1 ground floor street-facing façade, with the lower edge of window sills no higher than 30 inches above the finished floor.

b. Windows on upper floors.

c. Primary pedestrian entrances.

d. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

e. Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.

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

4. Each street-facing façade longer than 50 feet shall incorporate at least 2 of the following additional features:

a. Wall plane projections or recesses of at least 1 foot in depth, occurring at least every 50 feet of façade length and extending for at least 25 percent of the length of the façade.

b. A change in texture or material occurring every 25 feet of façade length and extending for at least 20 percent of the length of the façade.

c. An offset, reveal, pilaster, or projecting element, no less than 2 feet in width, projecting at least 6 inches from the façade and repeating at minimum intervals of 25 feet of façade length.

d. Three-dimensional cornice or base features that are different in material from the primary façade and project at least 3 inches from the façade. A base feature shall be no shorter than 18 inches, and a cornice feature shall be no shorter than 12 inches.

e. A projecting gable, hip feature, or change in parapet height for every 50 feet of façade length.

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

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

[510] Added per EPC Condition #1 (Tech Edits) and revised from 60% to 50% per EPC Condition #32. Revised per City Council Amendment B7.

5-11(E)(3) Outdoor Seating and Gathering Areas

5-11(E)(3)(a) General[511]

1. For primary buildings containing a use from the Transportation subcategory of Commercial Uses or from the Industrial Uses category in Table 4-2-1, at least 1 outdoor seating and gathering area shall be provided that is a minimum of 500 square feet.
2. For all other uses, each primary building containing more than 30,000 square feet of gross floor area shall provide at least 1 outdoor seating and gathering area for every 30,000 square feet of building gross floor area, meeting all of the following standards:
   a. Each required seating and gathering area shall be at least 400 square feet in size for each 30,000 square feet of gross floor area.
   b. At least 25 percent of the required seating and gathering areas shall be shaded from the sun.
   c. The seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.
   d. The required seating and gathering area shall be linked to the primary entrance of the primary building and the public sidewalk or internal drive aisle or located adjacent to or to maximize views to public or private open space.

5-11(E)(3)(b) Urban Centers, and Main Street and Premium Transit Areas

Each primary building containing more than 30,000 square feet of gross floor area on the ground floor shall provide at least 1 outdoor seating and gathering area for every 30,000 square feet of gross floor area on the ground floor, meeting all of the following standards:

1. Each required seating and gathering area shall be at least 400 square feet in size and shall be visible from a public street.
2. At least 25 percent of any required seating and gathering area shall be shaded from the sun.
3. Any required seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.

5-11(E)(3)(c) Large Retail Facilities and Large Developments

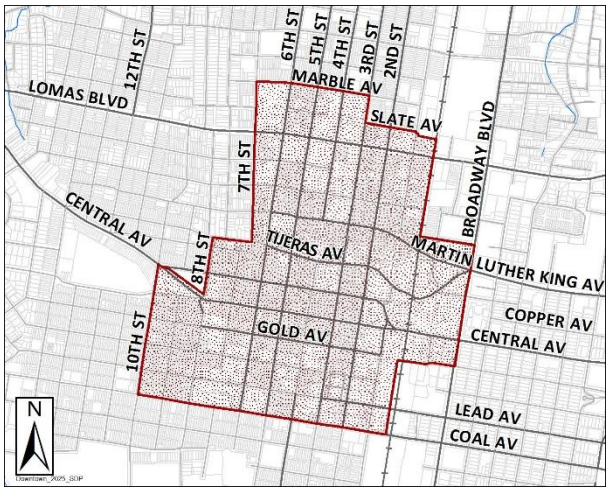
Each large retail facility site that includes a primary building 125,000 square feet or greater or an aggregate of buildings 125,000 square feet or greater shall provide seating and gathering areas in the amount of 400 square feet for every 20,000 square feet of building space. A minimum of 50 percent of the required

[511] Council Amendment L reduces the amount of outdoor seating and gathering areas required for uses in the Transportation and Industrial use categories. Revised per City Council Amendment A13.

public space shall be provided in the form of aggregate space that encourages its use and that serves as the focal point for the development.

5-11(F) HISTORIC BUILDING FAÇADES

This Subsection 14-16-5-11(F) applies in the following mapped area to buildings that are listed on the National Register of Historic Places or the State Register of Cultural Properties or that are determined to be eligible for listing by the appropriate agency.



5-11(F)(1) Renovated buildings shall incorporate elements of the original façade.

5-11(F)(2) Existing original façade details shall not be covered with panels, signs, or by painting them out.

5-11(F)(3) The shape of existing original openings shall not be altered. If a window must be blocked, maintain its original shape.

5-11(F)(4) The original façade shall be restored, where possible, by removing later additions of materials.

5-11(F)(5) For demolition of historic buildings in certain mapped areas, see Subsection 14-16-6-6(B) (Demolition Outside of an HPO).

5-11(G) PARKING STRUCTURES

Portions of buildings that contain parking structures shall meet the design standards in Subsection 14-16-5-5(G) (Parking Structure Design) instead of the building design standards in this Section 14-16-5-11. The remaining portion of the building shall meet the building design standards in this Section 14-16-5-11.

5-12 SIGNS

5-12(A) PURPOSE

This Section 14-16-5-12 is intended to promote and protect the public health, welfare, and safety by regulating all types of existing and proposed signs. More specifically, these regulations are intended to help implement adopted ABC Comp Plan policies, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve scenic and natural beauty, minimize sign clutter, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, curb the deterioration of the community's appearance and attractiveness, comply with all applicable federal and State laws regarding the First Amendment and free speech, and avoid regulating signage based on content, viewpoint, or message.

5-12(B) APPLICABILITY

5-12(B)(1) This Section 14-16-5-12 shall apply to the erection of all signs located outside of, or located within but designed to be viewed from outside of, a structure in any zone district, unless specifically exempted by this IDO.

5-12(B)(2) Part 14-16-3 (Overlay Zones) may include sign regulations, which prevail over any other standards in this IDO.

5-12(B)(3) Additional sign regulations listed in Sections 14-16-4-3 (Use-specific Standards) may apply. In the case of conflict, the stricter provision shall apply.

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

5-12(B)(5) Any sign legally erected before the effective date of this IDO that is no longer in compliance with the standards in this Section 14-16-5-12 may be retained in use, subject to the provisions of Subsection 14-16-6-8(F) (Nonconforming Signs).

5-12(B)(6) For signs in the public right-of-way, see Section 8-2-2-1 of ROA 1994 (Traffic Control Devices, Signs Restricting Use of Streets) and the DPM.

5-12(C) SIGNS PROHIBITED IN ALL ZONE DISTRICTS

The following signs are prohibited, and these types of signs shall be removed or brought into conformance with this IDO and the DPM in accordance with maintenance standards for signs in Subsection 14-16-5-13(B)(10):

5-12(C)(1) Any sign contributing to confusion of traffic control or resembling traffic control lighting; unauthorized sign, signal, marking, or device that purports to be or imitates official traffic control devices or railroad signs or signals; unauthorized sign that attempts to control traffic on any public right-of-way or private way; or sign that hides or interferes with the effectiveness of any official traffic control devices or any railroad signs or signals.

5-12(C)(2) Any sign located in a clear sight triangle.

5-12(C)(3) Any on-premises sign that advertises an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located for more than 30 calendar days after the vacancy or change of business that causes the sign to become inaccurate.

5-12(C)(4) Any rotating, pulsating, or oscillating beacon of light; searchlight; or HID strobe light.

5-12(C)(5) Any sign with an audible device.

5-12(D) PERMITTING

In addition to complying with the applicable provisions for signs in this IDO, a sign may require a Sign Permit as described in this Subsection 14-16-5-12(D) and in Subsection 14-16-6-5(C) (Permit – Sign).

5-12(D)(1) Signs that Require a Sign Permit

5-12(D)(1)(a) Unless exempted by Subsection 14-16-5-12(D)(2) (Activities That Do Not Require a Sign Permit), new signs that meet any of the following criteria may not be erected until a Sign Permit is obtained pursuant to Subsection 14-16-6-5(C) (Permit – Sign):

1. Signs with an area greater than 24 square feet.
2. Signs taller than 8 feet.
3. Illuminated signs.
4. Signs with moving elements.
5. Freestanding and projecting signs.
6. Portable signs.
7. Electronic signs, including changes to an existing sign that turn it into an electronic sign and expansion of the electronic area of an electronic sign.

5-12(D)(1)(b) Electronic signs require an annual permit, pursuant to Subsection 14-16-6-5(C).

5-12(D)(2) Activities That Do Not Require a Sign Permit

The following operations shall not require a sign permit provided that they comply with the standards applicable to that type of sign in this IDO.

5-12(D)(2)(a) Changing the advertising copy or message, including the interchange of the sign face, on an approved painted or printed sign structure or on a marquee or similar approved sign, provided that the size of the sign is not changed.

5-12(D)(2)(b) Painting, cleaning, and other normal maintenance and repair of a sign or sign structure unless a structural change is made.

5-12(E) STANDARDS APPLICABLE TO ALL SIGNS

5-12(E)(1) Content

5-12(E)(1)(a) The regulations in this Section 14-16-5-12 shall be administered and implemented without regard to sign content or message,

except as required to determine the applicability of and compliance with Subsection 14-16-5-12(G) (Off-premises Signs).

5-12(E)(1)(b) Any sign content or message may be substituted for different sign content on any sign allowed under this Section 14-16-5-12, or on any sign that is a legal nonconforming sign under this IDO.

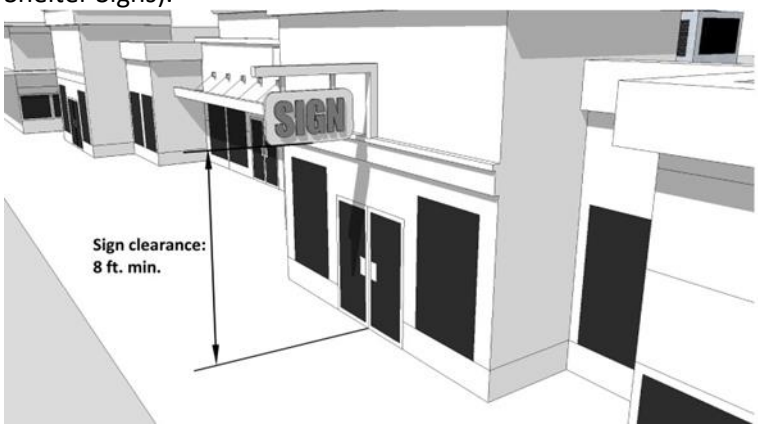
5-12(E)(2) Location

5-12(E)(2)(a) No sign or part of a sign shall be located on any property without the consent of the owner, holder, lessee, agent, trustee, or other party controlling the use of such property.

5-12(E)(2)(b) Signs shall not be located within public waterline or sanitary sewer easements.[512]

5-12(E)(3) Clearance

5-12(E)(3)(a) Any part of a sign extending over a public right-of-way, private way, or private walkway shall have a minimum vertical clearance of 8 feet above any sidewalk or walkway and a minimum vertical clearance of 12 feet above any vehicle driving surface, unless it is a sign allowed by Subsection 14-16-5-12(F)(4)(b) (Portable Signs), 14-16-5-12(J) (Construction Period Sign), or 14-16-5-12(K) (Transit Shelter Signs).



5-12(E)(3)(b) Approval from one of the following entities is required for any part of any sign extending over a public right-of-way, private way, or private walkway:

1. The City, for signs that extend over a public right-of-way.
2. The owner of the property containing the pedestrian traffic area, for signs that extend over a private way or private walkway.

5-12(E)(4) Design and Construction

5-12(E)(4)(a) All signs shall be constructed of durable material and maintained in good condition and repair, shall be securely anchored and constructed to prevent lateral movement that would cause wear

[512] Added per EPC Condition #1 (Tech Edits).

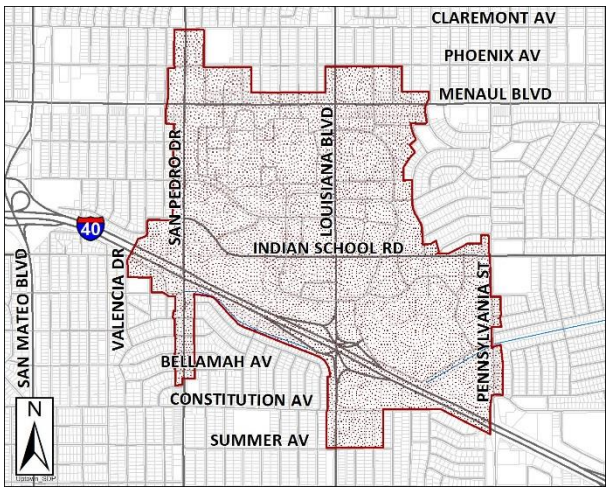
on supporting connections, and shall be constructed to withstand expected wind loads appropriate to design and installation.

5-12(E)(4)(b) No sign may have overhead wiring to supply electric power, except for a freestanding off-premises sign where underground power cannot be accessed from the site.

5-12(E)(4)(c) Sign supports for building-mounted signs other than allowed rooftop signs shall be covered in a manner that integrates the sign with the building design.

5-12(E)(4)(d) Building-mounted signs, with the exception of wall signs, shall not extend more than 2 feet above the wall of a building, except in the following small areas, as noted.[513]

1. East Downtown – CPO-4
   Rooftop signs are allowed pursuant to Subsection 14-16-5-12(F)(3)(a) (Standards Applicable in Small areas).
2. East Downtown – HPO-1
   Rooftop signs are allowed pursuant to Subsection 14-16-5-12(F)(3)(b) (Standards Applicable in Small areas).
3. Nob Hill/Highland – CPO-8
   Higher building-mounted signs are allowed pursuant to Subsection 14-16-3-4(I)(5)(c) (Signs).
4. Uptown Area
   In the mapped area below, signs may extend more than 2 feet above the wall of the building if the following criteria are met:
   a. The sign is a continuation of the plane where it is mounted.
   b. No more than 25 percent of the sign height extends above the wall where it is mounted.



5-12(E)(4)(e) Freestanding sign structures shall not use guy wires, bracing, or external supports.

[513] Revised per EPC Condition #33.

5-12(E)(5) Illumination and Motion

5-12(E)(5)(a) General

1. Signs may be internally or externally lit, provided that the light source is not directly visible from the public right-of-way or from adjacent properties unless specified otherwise in this IDO.
2. No portion of an illuminated sign shall have a luminance greater than 200 foot lamberts or 685 nits at night.
3. No sign or any part of any sign shall move or rotate at a rate of more than once each 10 seconds, with the exception of wind devices, the motion of which is not restricted.
4. No sign or any part of any sign shall change its message or picture at a rate of more than once each 8 seconds.

5-12(E)(5)(b) Residential Zone Districts

In any Residential zone district or within 50 feet in any direction of any Residential zone district, all of the following provisions apply.[514]

1. Illuminated signs are prohibited on lots with low-density residential development.
2. No more than 1 sign per premises with multi-family, mixed-use, or non-residential development shall be illuminated, apart from the general illumination of the premises, between 11:00 PM and sunrise, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies a more restrictive standard.

5-12(E)(5)(c) Mixed-use and Non-residential Zone Districts

An illuminated sign or illuminated element of a sign in any Mixed-use or Non-residential zone district may turn on or off or change its brightness, provided that the following requirements are met, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies any more restrictive standard or Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue) applies any less restrictive standard to eligible signs.

1. The sign is not within 200 feet in any direction of any Residential zone district and visible from that zone district.[515]
2. The sign is not within 330 feet in any direction of Major Public Open Space.[516]
3. Change of illumination does not produce any apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling.

[514] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[515] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[516] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

4. There is no continuous or sequential flashing in which more than 1/3 of the lights are turned on or off at one time.

5-12(F) ON-PREMISES SIGNS

5-12(F)(1) Signs in Residential Zone Districts

5-12(F)(1)(a) The provisions in this Subsection 14-16-5-12(F)(1) and Table 5-12-1 apply to all signs in any Residential zone district unless specified otherwise in this IDO.

5-12(F)(1)(b) Notwithstanding the provisions in Table 5-12-1, a Neighborhood Association representative on file with the Office of Neighborhood Coordination (ONC) or the applicant for a subdivision is allowed 1 monument or freestanding sign for every 5 acres of land within the Neighborhood Association boundary or proposed subdivision area, up to a maximum of 4 signs. If mounted on a perimeter wall, a letter of authorization from the property owner must be submitted with the application.[517]

Table 5-12-1: On-premises Signs in Residential Zone Districts

Sign Type	Zone District			
	R-A	R-MC	R-1, R-T	R-ML, R-MH
Residential Uses[1]				
Wall Sign[2]				
Number, maximum	Low-density residential development: 1 / dwelling Multi-family residential development: 1 / building / street frontage			
Area, maximum[3]	4 sq. ft.[518]	2 sq. ft.		Low-density residential: 2 sq. ft. Multi-family residential: 24 sq. ft.
Window Sign	Prohibited			Limited to signs not discernible from a public right-of-way.
Yard Sign				
Number, maximum	1 / dwelling in lieu of wall sign if dwelling is more than 30 ft. from street	Prohibited		
Area, maximum	2 sq. ft.			
Monument Sign				
Number, maximum	Prohibited			Multi-family residential: 1 / street frontage[519]
Area, maximum				24 sq. ft.
Height, maximum				4 ft.
Allowed and Nonconforming Non-residential Uses				
Building-mounted or Freestanding Sign				
Number, maximum	1 / street frontage			
Area, maximum	24 sq. ft.			

[517] Added per EPC Condition #1 (Tech Edits).
[518] Revised from 2 sq. ft. per EPC Condition #1 (Tech Edits).
[519] Revised per EPC Condition #1 (Tech Edits).

Table 5-12-1: On-premises Signs in Residential Zone Districts				
	Zone District			
Sign Type	R-A	R-MC	R-1, R-T	R-ML, R-MH
Height, maximum	Freestanding sign: 6 ft.			

[1] This section of the table applies to residential uses and uses accessory to the primary residential use, including but not limited to home occupation and agricultural sales stand. For other non-residential uses, see the Allowed and Nonconforming Non-residential Uses section of this table.[520]
[2] For low-density residential development, wall signs are only allowed for a use accessory to the primary residential use on the property.[521]
[3] For wall signs, the maximum size in this table is the sign area allowed per premises and may be achieved through one or multiple signs, as allowed by this table.[522]

5-12(F)(2) Signs in Mixed-use and Non-residential Zone Districts

5-12(F)(2)(a) General

The provisions in Table 5-12-2 and this Subsection 14-16-5-12(F)(2) apply to all signs that are not located within any Residential zone district unless specified otherwise in this IDO.

Table 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts		
	Zone District	
Sign Type	Mixed-use Zone Districts, NR-C, NR-LM, NR-GM	NR-BP, NR-SU, NR-PO, PD, PC
Wall Sign		
Number, maximum	N/A	Per approved plan[1]
Area, maximum	Shall not exceed the following percentages of façade area, inclusive of door and window openings: MX-T, MX-FB-ID: 5% MX-L: 10% MX-M, MX-H, MX-FB-FX, MX-FB-AC, MX-FB-UD, NR-C: 15% NR-LM, NR-GM: 25%	
Location	Where there is no side setback between 2 establishment frontages in the same or abutting buildings, no wall sign may extend closer than 2 feet to the shared edge of the frontage.	
Window Sign	No more than 15% of window and door areas may be covered with signs. On the ground floor, between 4 feet and 8 feet above ground level, window signs shall be limited to 25% of that area.[523]	
Canopy Sign		
Number, maximum	1 / establishment frontage MX-FB: 1 / entry/exit	Per approved plan[1]
Width, maximum	50% of building frontage width MX-FB-AC, MX-FB-UD: full building frontage width	
Height of message surface, maximum	Letters and images must be located on vertical surfaces, which may not exceed 18 in. height	
Marquee Sign		
Number, maximum	A marquee sign is allowed in lieu of – not in addition to – an allowable wall sign. 1 / theater or performance venue frontage.	Per approved plan[1]
Area, maximum	Same as allowable maximum area of wall sign.	

[520] Note added per EPC Condition #1 (Tech Edits).
[521] Revised per EPC Condition #1 (Tech Edits).
[522] Note added per EPC Condition #1 (Tech Edits). Removed reference to yard signs, as there is no way for there to be more than one yard sign on a property in R-A (limited to 1 dwelling per lot) based on the table. Omitted note for monument signs that maximum area is per sign and instead defined sign area (in Measurement Defintions) as being per sign for greater clarity for all sign types.
[523] Added per EPC Condition #1 (Tech Edits) and revised for language consistent with the IDO.

Table 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts

Sign Type	Zone District: Mixed-use Zone Districts, NR-C, NR-LM, NR-GM	Zone District: NR-BP, NR-SU, NR-PO, PD, PC
Height of message surface, maximum	3 ft. MX-FB-AC, MX-FB-UD: 5 ft.	
Projection, maximum	50% of the distance over any abutting sidewalk or 10 ft. from the façade, whichever is less.	
Projecting Sign		
Number, maximum[2]	1 / establishment MX-H and MX-FB: 1 / establishment frontage	Per approved plan[1]
Area, maximum	Same as allowable maximum size of freestanding sign.	
Projection, maximum	30 in. from the façade In the DT area and North 4th Corridor – CPO-9[524], if the lower edge of sign is ≥12 ft. above sidewalk: • 50% of the distance over any abutting sidewalk • 75% of the distance over any abutting sidewalk on Central Avenue between 1st and 8th Streets	
Rooftop Sign		
Number, maximum	1 / building Rooftop signs are only allowed in small areas pursuant to Subsection 14-16-5-12(F)(3) (Standards Applicable in Small areas).	Per approved plan[1]
Area, maximum	75 sq. ft.	
Height, maximum	15 ft. or 25% of the height of the building, whichever is less.	
Freestanding Sign		
Number, maximum[2]	1 / premises / street frontage. A freestanding sign is allowed only where there is at least 100 feet of street frontage. or 1 / Joint Sign Premises, pursuant to Subsection 14-16-5-12(F)(2)(b).	Per approved plan[1]
Area, maximum	MX-T, MX-FB-ID: 50 sq. ft. MX-L: 100 sq. ft. Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 100 sq. ft. at allowable locations abutting a local or collector street. 200 sq. ft. at allowable locations abutting an arterial street or interstate highway. 300 sq. ft. at allowable locations within 200 feet of a through lane of an interstate highway and visible from the interstate highway.	
Height, maximum[3]	MX-T, MX-FB-ID: 9 ft. MX-L: 18 ft. Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 26 ft.	

[1] Per approved NR-BP Master Development Plan; NR-SU, PD, or PC Site Plan – EPC; or NR-PO Master Plan as applicable. If no Master Development Plan is approved or if the approved Master Development Plan does not specify sign standards, see Subsection 14-16-2-5(B)(3)(c)3.
[2] For premises where freestanding signs are allowed, for each street frontage, either a freestanding sign or projecting signs are allowed, not both (i.e. projecting signs can be used on any street frontage where a freestanding sign is not used).
[3] For any freestanding sign that is within 200 feet of a through lane of an interstate highway, the maximum height is measured from the highway road grade at the closest point from the premises.

5-12(F)(2)(b) Joint Sign Premises

A Joint Sign Premises may be created by the owners of 2 or more abutting premises who wish to cooperate in order to jointly obtain

[524] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.

permission for 1 freestanding sign on the Joint Sign Premises. To qualify for a freestanding sign, the Joint Sign Premises shall meet the following requirements:

1. The individual premises included in the Joint Sign Premises must each have less than 100 feet of street frontage along the same street.
2. The combined premises shall have no less than 100 feet of frontage along the same street.
3. The owners of the individual premises shall submit a joint agreement with their application for a Sign Permit pursuant to Subsection 14-16-6-5(C).

5-12(F)(3) Standards Applicable in Small areas

In addition to other standards for on-premises signs, this Subsection 12-16-5-12(F)(3) applies as noted in the following small areas.

5-12(F)(3)(a) East Downtown – CPO-4

Rooftop signs are allowed in any Mixed-use or Non-residential zone district in the East Downtown – CPO-4 if they meet all of the following standards:

1. At least 70 percent of the sign area shall consist of open space, through which the structural framework may be viewed.
2. The remaining portion of the sign area may consist of channel letters, channel graphics, open lighting elements, or a solid panel.

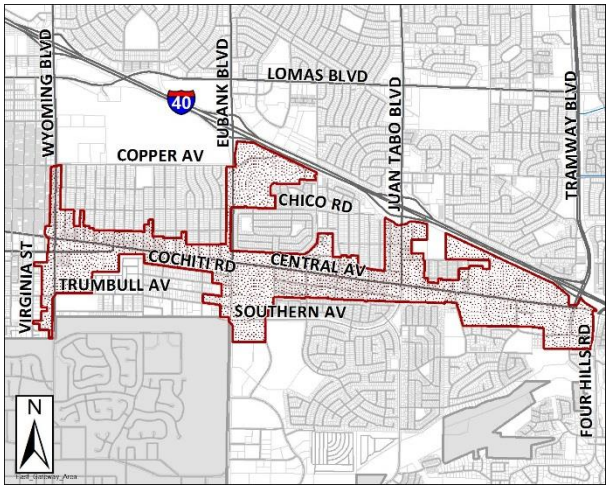
5-12(F)(3)(b) East Downtown – HPO-1

Rooftop signs are allowed in any Mixed-use or Non-residential zone district in the East Downtown – HPO-1 if they meet all of the following standards:

1. At least 70 percent of the sign area shall consist of open space, through which the structural framework may be viewed.
2. The remaining portion of the sign area may consist of channel letters, channel graphics, open lighting elements, or a solid panel.

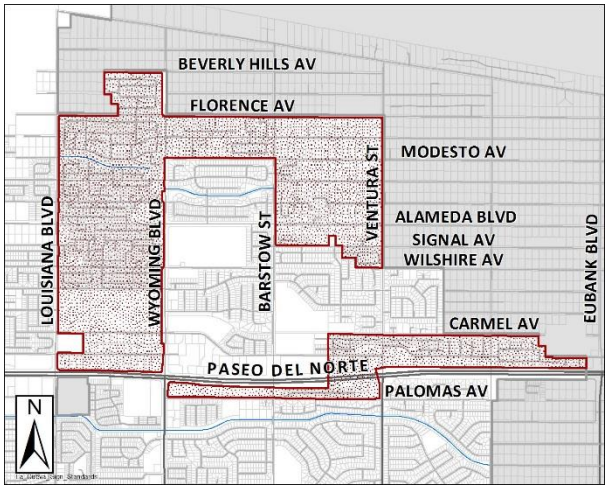
5-12(F)(3)(c) East Gateway Area

Projecting and freestanding signs shall be a maximum size of 75 square feet in any Mixed-use zone district in the following mapped area.



5-12(F)(3)(d) La Cueva Area

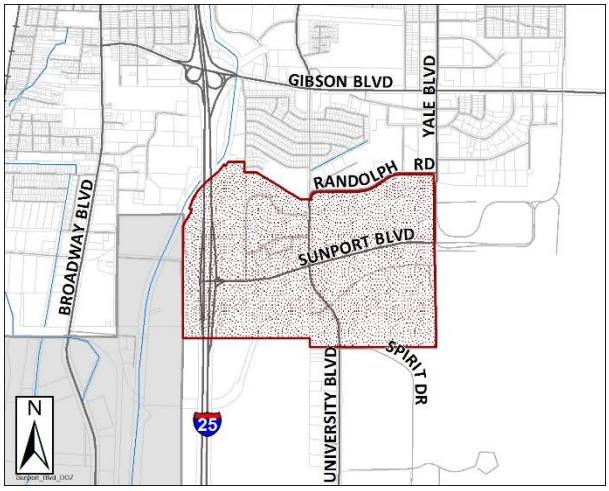
The following provisions apply in any Mixed-use or Non-residential zone district in the following mapped area.



1. Wall signs are prohibited on façades that face abutting Residential zone districts.
2. Freestanding signs shall be monument signs only and shall be a maximum of 50 square feet with a maximum height of 8 feet.

5-12(F)(3)(e) Sunport Boulevard Area

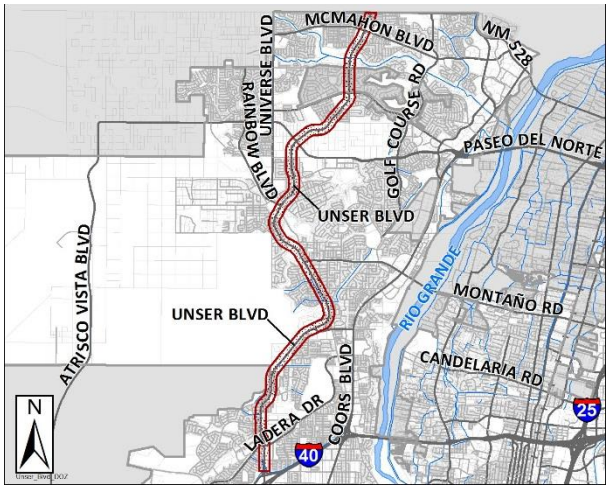
The following provisions apply in any Mixed-use or Non-residential zone district in the following mapped area.



1. Only wall and freestanding signs are allowed.
2. Wall signs shall have a maximum size of 15 percent of the façade area, inclusive of door and window openings.
3. Freestanding signs shall have a maximum size of 75 square feet and a maximum height of 12 feet, except that properties over 5 acres may have 1 freestanding sign up to 26 feet in height within 200 feet of Sunport Boulevard.
4. The base of freestanding signs shall be surrounded by a landscaped area of at least 36 square feet with a minimum of 75 percent vegetative cover.
5. No sign or any part of a sign shall rotate.

5-12(F)(3)(f) Unser Boulevard Area

The following provisions apply in any Mixed-use or Non-residential zone district in the following mapped area.



1. Only wall and freestanding signs are allowed.
2. Freestanding signs shall be a maximum size of 75 square feet with a maximum height of 12 feet.
3. No sign or any part of a sign shall move or rotate.

5-12(F)(4) Standards for Specific Types of Signs

5-12(F)(4)(a) Neon Signs along Central Avenue

The provisions of this Subsection 14-16-5-12(F)(4)(a) provide size and height bonuses for qualifying neon on-premises signs, allow animation, and provide incentives and flexibility from otherwise applicable sign regulations in specific areas of the city. In case of conflict between these standards and other sign standards applicable to the same property, these standards shall prevail.

1. Applicability
   The following additional regulations apply to:
   a. Signs on all lots that abut or have direct frontage to Central Avenue.
   b. Signs on all lots located within 300 feet of the edge of the public right-of-way of Central Avenue.
   c. Signs located on lots located within 300 feet of an intersection of Central Avenue and the following streets: Tramway Boulevard, Juan Tabo Boulevard, Eubank Boulevard, Wyoming Boulevard, Louisiana Boulevard, San Pedro Boulevard, San Mateo Boulevard, Yale Boulevard, University Boulevard, I-25, Broadway Boulevard, Atrisco Drive, Old Coors Drive, Coors Boulevard, Unser Boulevard north of Central Avenue, and 98th Street north of Central Avenue.
2. Eligibility for Incentives
   In order to qualify for incentives in Subsection 3 below, the applicant must comply with all of the following criteria:
   a. Amount of Neon
      Luminous neon shall comprise at least 50 percent of the sign face area and include text and/or images.
   b. Location
      The sign shall not obscure portions of a building that contribute to architectural character, including but not limited to doors and windows.
   c. Lighting Technology
      Signage that uses LED tubing or a similar alternative and has the appearance of neon is allowed if it produces a continuous lit appearance similar to neon lighting technology, and does not create darker and/or shadowy spaces between individual LEDs that make the linear, illuminated image appear non-continuous. Incandescent bulbs, another historic sign illumination type, or compact fluorescent bulbs that appear to be incandescent bulbs shall comprise no more than 50 percent of the sign face area.
   d. Design Elements

Consistency with at least 1 of the following design elements:

i. Sign Restoration
Restoration of a historic sign that includes neon and/or incandescent light bulbs qualifies the applicant for the neon sign incentives in Subsection 3 below.

ii. Neon Design
The neon portion of the sign shall be intricate, creative, and expressive. There shall be added text and/or imagery, preferably both, highlighted with neon.

iii. Sign Design
If the sign is a rectangle or a square, the mounting structure shall have a unique design that integrates with the sign.

iv. Illumination
One hundred (100) percent of the sign illumination shall consist of neon or other historic forms of illumination, such as incandescent bulbs. Illumination calculations exclude any portion of the sign that is backlit plastic panels where sign content is painted or printed on the panel, instead of originating from luminous tubing.

e. Compliance with National Electric Safety Code
All signs must be in compliance with the latest enforced clearance section of the National Electric Safety Code, which governs minimum required clearance distances for electric utilities. Electric overhead transmission lines are located perpendicular and parallel to Central Ave. Electric overhead distribution lines are frequently located in or overhanging the public ROW, generally crossing or paralleling Central Avenue. All proposed neon installations at these locations must be approved by PNM through the Sign Permit process in Subsection 14-16-6-5(C) to ensure vertical and horizontal safety clearances.

3. Incentives and Flexibility
The following incentives and flexibility apply to signs that meet the requirements of Subsections 1 and 2 above:

a. Sign area for a freestanding or projecting sign may be up to 50 percent larger than the sign area allowed in the underlying zone district, up to a maximum of 250 square feet after the bonus is applied. Lettering is allowed a proportionate size bonus.

b. Sign area for a building-mounted sign, except projecting signs, may be up to 25 percent larger than the sign area

allowed in the underlying zone district. Lettering is allowed a proportionate size bonus.

c. The height of a freestanding sign shall not exceed 30 feet, except that the height of a sign within 200 feet of a through lane of an interstate highway shall not exceed 26 feet, as measured from the highway road grade at the closest point from the premises.

d. The height of a building-mounted sign shall not exceed 110 percent of the building height or 35 feet, whichever is less. Building-mounted signs shall be located below the top edge of any non-residential portion of the building to which it is attached, or shall otherwise be located so that the illumination from the sign is shielded from any residential portion of the building.

4. Animation

a. Flashing and physical movement of a sign and/or its elements are not allowed and do not qualify as an animated sign.

b. Signs that meet the other standards of this Section 14-16-5-12(F)(4)(a) may be animated by changing the neon illumination in a sequential or radial manner to produce apparent motion of the visual image.

5-12(F)(4)(b) Portable Signs

1. Portable signs are only allowed for land uses in the Food, Beverage, and Indoor Entertainment or Retail Sales categories in Table 4-2-1, provided that they comply with the standards in Table 5-12-3.

Table 5-12-3: Portable Sign Standards

Topic	Standard
Number, maximum	1 / establishment
Number of sides, maximum	2
Size, maximum	6 sq. ft. / side
Width, maximum	2.5 ft.
Height, maximum	3 ft.
Location	Must be located in front of the premises owned or occupied by the person or entity placing the sign. May be located in the public right-of-way, on a private way, or on a walkway but not within 2 feet of the curb, and not in areas that are required to be clear for pedestrian movement next to any street furniture.
Construction	Must be constructed of wood, metal, or other durable materials in such a manner as to resist movement by high winds. May consist of a changeable writing board, chalkboard, or surface that accommodates changeable letters. Paper signs, balloons, banners, and wind-activated devices shall not be used or attached to a sign. Must be constructed in a manner that incorporates a base from which no supports or feet that may cause pedestrians to trip extend. No external

Table 5-12-3: Portable Sign Standards	
Topic	**Standard**
	cables, brackets, wires, or props shall be allowed. No sign that requires electricity or any other power source shall be allowed.
Pedestrian clear passage	
Sidewalk <8 ft. wide	≥3 ft. wide shall be maintained at all times
Sidewalk ≥8 ft. wide	≥6 ft. wide shall be maintained at all times
Removal of signs	Sign shall be removed outside of business hours and stored inside the business and away from public view and shall be removed when weather conditions create potentially hazardous conditions.[525]

2. Portable signs and signs that are mounted on wheels or a movable vehicle, or made easily movable in any manner, are prohibited in the following small areas.[526]
   a. Coors Boulevard – CPO-2
   b. North I-25 – CPO-10, in the Alameda Boulevard Sub-area

5-12(F)(5) Alternative Signage Plan

An Alternative Signage Plan is allowed pursuant to all of the provisions in this Subsection 14-16-5-12(F)(5) and shall be reviewed and decided pursuant to Subsection 14-16-6-5(C)(2)(c) (Alternative Signage Plan).

5-12(F)(5)(a) The subject property must be a minimum of 5 acres and located in an Urban Center and in an MX-M, MX-H, MX-FB, NR-C, or NR-BP zone district.[527]

5-12(F)(5)(b) An Alternative Signage Plan may allow different sign types, materials, location, means of projecting images, or forms of sign illumination or motion, as well as greater individual sign area or height, than allowed by other provisions in Subsection 14-16-5-12(F) (On-premises Signs) or 14-16-5-12(H) (Electronic Signs), subject to all of the following limitations:

1. No Alternative Signage Plan may allow a sign area greater than the combined sign area that would be allowed by Subsection 14-16-5-12(F) (On-premises Signs) for all lots within the subject property.[528]
2. No Alternative Signage Plan may allow a taller sign on a lot than would otherwise be allowed by any Overlay zone regulating that lot.[529]
3. No Alternative Signage Plan may allow an electronic sign in an area where electronic signs are prohibited by Subsection 14-16-5-12(H) (Electronic Signs).
4. No Alternative Signage Plan may allow a change in sign illumination or motion beyond that allowed by any part of Section 14-16-5-12 (Signs) for a property that is within 50 feet

[525] Revised per City Council Amendment B20.
[526] Deleted prohibition of portable signs in Old Town – HPO 5 per O-19-52.
[527] Revised to use the appropriate defined term per EPC Condition #1 (Tech Edits).
[528] Revised to use the appropriate defined term per EPC Condition #1 (Tech Edits).
[529] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

in any direction of any Residential zone district or for a sign that is visible from any Residential zone district.[530]

5-12(G) OFF-PREMISES SIGNS

5-12(G)(1) Locations

5-12(G)(1)(a) Off-premises signs are prohibited in any Residential zone district.

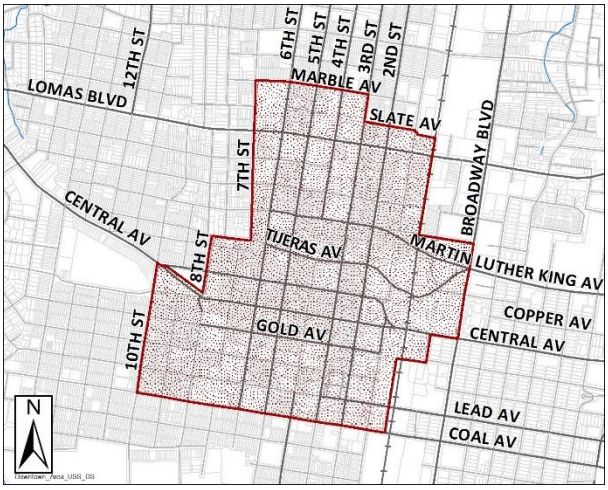
5-12(G)(1)(b) Off-premises signs are prohibited in the MX-T, MX-FB, and NR-PO zone districts.

5-12(G)(1)(c) Off-premises signs are only allowed in the NR-BP, NR-SU, PD, or PC zone districts if the maximum number, size, height, and location of such sign(s) are specifically authorized in the EPC or City Council decision approving such zone district, including an associated Master Development Plan or Site Plan.

5-12(G)(1)(d) Off-premises signs are prohibited within 660 feet of Interstate Highway 25 or Interstate Highway 40.

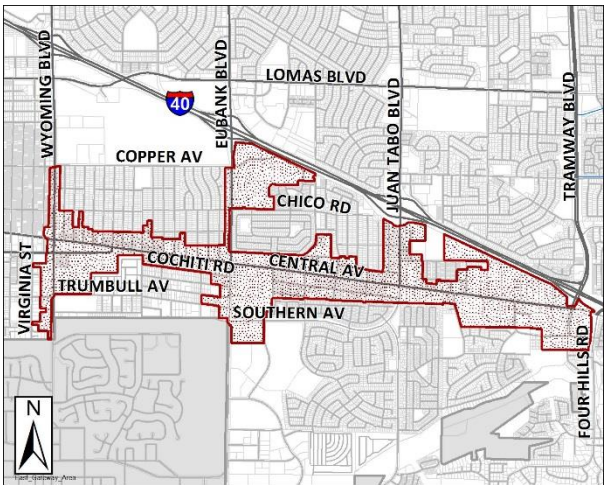
5-12(G)(1)(e) Off-premises signs are prohibited in the following small areas:

1. Coors Boulevard – CPO-2
2. Downtown Area

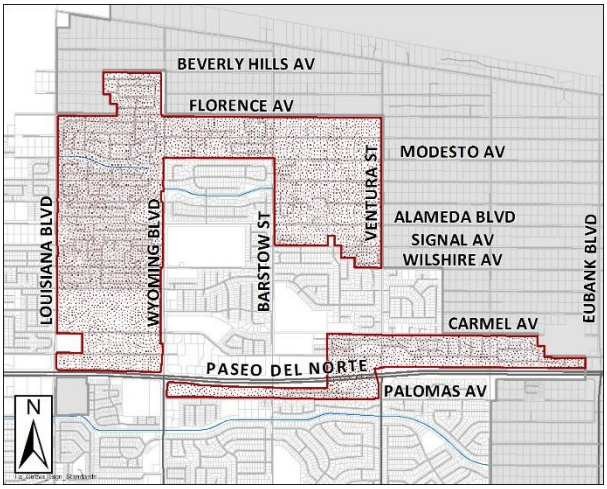


3. East Downtown – CPO-4
4. East Downtown – HPO-1
5. East Gateway Area

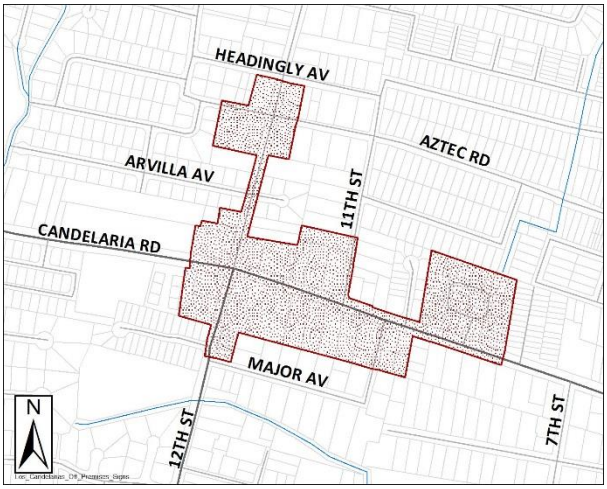
[530] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.



6. La Cueva Area
   Off-premises signs are prohibited in any Mixed-use zone district in the following mapped area.

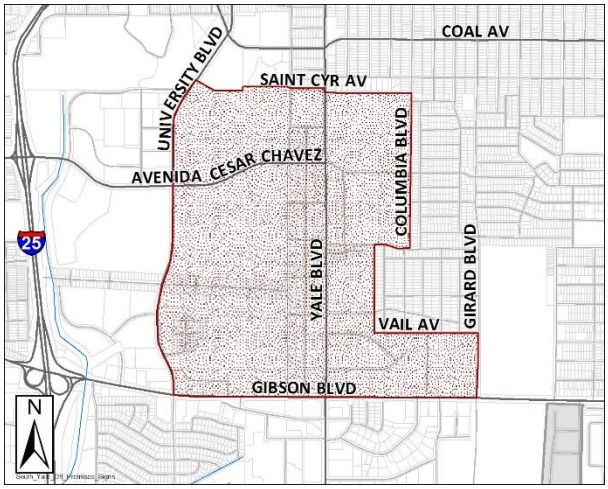


7. Los Candelarias Area

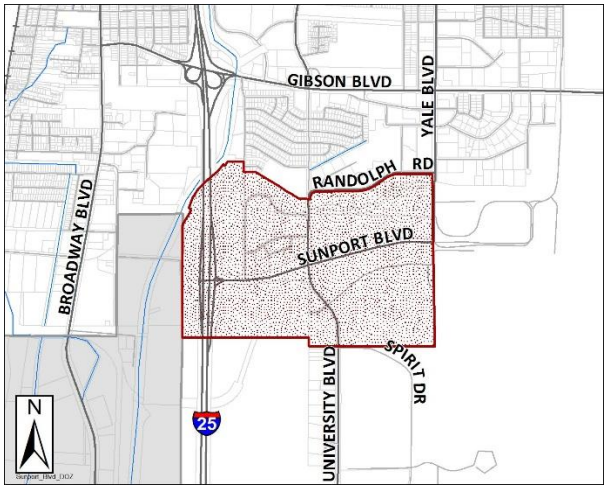


8. Los Duranes – CPO-6
9. Nob Hill/Highland – CPO-8

10. North 4th Corridor – CPO-9[531]
11. North I-25 – CPO-10, in the Alameda Boulevard Sub-area
12. Rio Grande Boulevard – CPO-11
13. South Yale Area
    Off-premises signs are prohibited in any Mixed-use zone district in the following mapped area.

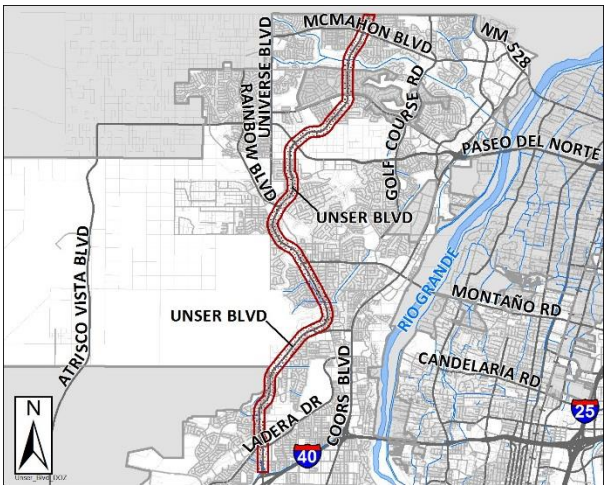


14. Sunport Boulevard Area

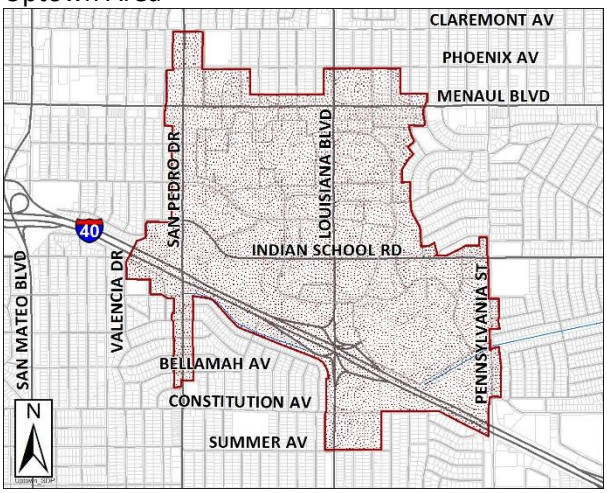


15. Unser Boulevard Area

[531] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.



16. Uptown Area



17. Volcano Mesa – CPO-13

5-12(G)(2) Standards

5-12(G)(2)(a) Off-premises electronic signs must follow the regulations in Section 14-16-5-12(H) (Electronic Signs).

5-12(G)(2)(b) A new off-premises sign will be approved only upon removal of an existing off-premises sign and support structure of equal or greater sign area. The removed signs must be located on property of equivalent or less intense zoning than the location of the proposed off-premises sign, as determined by the Planning Director based on the maximum height and size of development allowed in each zone district.

5-12(G)(2)(c) Where allowed, off-premises signs shall comply with the standards in Table 5-12-4.

Table 5-12-4: Off-premises Signs in Mixed-use and Non-residential Zone Districts			
Topic	**Zone District**		
	MX-L	**MX-M, NR-C**	**MX-H, NR-LM, NR-GM**
Type allowed			
Area of Change	Freestanding or Wall		
Area of Consistency	Wall		
Number, maximum	New sign with removal of existing sign, pursuant to Subsections 14-16-5-12(G)(2)(b) and 14-16-5-12(H)(3)(b)		
Separation, minimum[1]			
From residential use	150 ft.		
From another off-premises sign	300 ft.		
From an existing on-premises sign of any type (for freestanding signs only)	100 ft.		
Setback, minimum			
From public right-of-way	12 ft.	7 ft.	
Size, maximum	72 sq. ft. plus 6 sq. ft. for add-on sign	Freestanding: 300 sq. ft. + 18 sq. ft. for add-on sign Wall: Same as allowable on-premises sign	Freestanding: 672 sq. ft. + 34 sq. ft. for add-on sign Wall: Same as allowable on-premises sign
Height, maximum	15 ft. plus 3 ft. for add-on sign	26 ft. plus 5 ft. for add-on sign	29 ft. plus 5 ft. for add-on sign
Illumination	Prohibited	Same as allowable on-premises sign	
Motion of sign or sign parts	Prohibited	Same as allowable on-premises sign	
[1] Separation distances do not apply to 2 sign faces of a "V" sign where only 1 sign face may be viewed at one time from any given lane of traffic, or signs separated by a building or other obstruction so that only one sign is visible at one time from the street.			

5-12(H) ELECTRONIC SIGNS

5-12(H)(1) Applicability

5-12(H)(1)(a) The standards in this Subsection 14-16-5-12(H), in addition to any other applicable standards in this Section 14-16-5-12 (Signs), apply to electronic signs, a specific type of illuminated sign. In addition to a sign that is all electronic, the following also constitute an electronic sign:

1. An existing sign that is modified to be partly or wholly electronic.
2. Any expansion of the electronic area of an electronic sign.

5-12(H)(1)(b) Unless specified otherwise in this IDO, the standards in this Subsection 14-16-5-12(H) apply to both on-premises and off-premises electronic signs.

5-12(H)(2) Prohibited Areas

Electronic signs are prohibited in the following areas, as noted.

5-12(H)(2)(a) Within any HPO zone or State or nationally registered historic district.

5-12(H)(2)(b) In residential development in any Residential zone district. For other types of development in any Residential zone district, electronic signs are limited to 25 percent of the total sign area.

5-12(H)(2)(c) Within 660 feet of the outer edge of the public right-of-way of the following streets:

1. Alameda Boulevard.
2. Griegos Road.
3. Rio Grande Boulevard.
4. Tramway Boulevard.
5. Unser Boulevard.

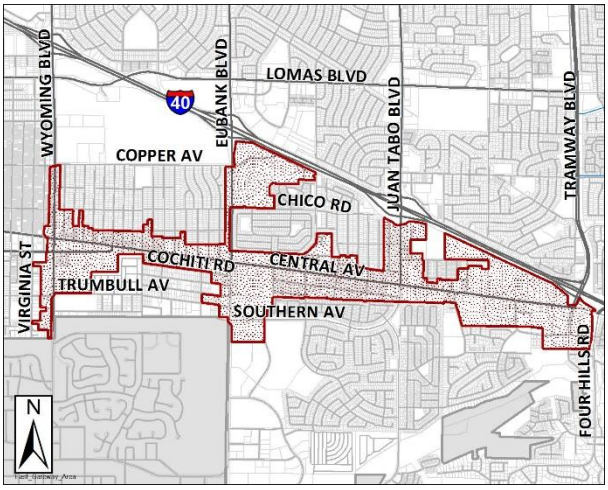
5-12(H)(2)(d) Within 660 feet of the outer edge of the public right-of-way of Coors Boulevard along the following 2 segments:

1. Between Calabacillas Arroyo and Saint Joseph Drive.
2. Between Central Avenue and the southern City limit.

5-12(H)(2)(e) Within 1,320 feet (¼ mile) in any direction of Major Public Open Space.[532]

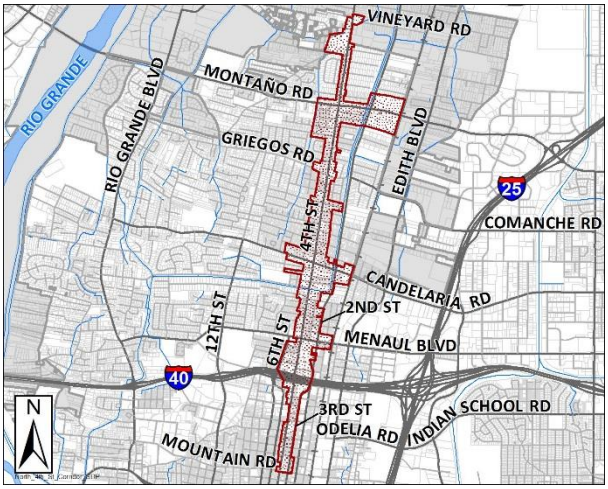
5-12(H)(2)(f) In the following small areas as noted:

1. Downtown Neighborhood Area – CPO-3
   Electronic signs are prohibited in the R-ML, MX-T, MX-L, and MX-M zone districts in the Downtown Neighborhood Area – CPO-3.
2. East Gateway Area
   Electronic signs are prohibited in Mixed-use zone districts in the following mapped area.



3. North 4th Corridor – CPO-9[533]
   Electronic wall signs are prohibited in the following mapped area.

[532] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[533] Name revised related to City Council Ordinance (O-20-09), adopting a new Character Protection Area for the same small area.



4. Sawmill/Wells Park – CPO-12
   Electronic signs are prohibited on any lot abutting Mountain Road in the Sawmill/Wells Park – CPO-12.

5-12(H)(3) Type and Maximum Number of Electronic Signs

5-12(H)(3)(a) On-premises Signs

1. If a premises meets the requirements for an electronic sign in this Subsection 14-16-5-12(H), the premises shall not have more than 1 electronic sign.
2. The type of electronic sign is limited to a freestanding, wall, or canopy sign and is also subject to provisions in Table 5-12-1, Table 5-12-2, and Table 5-12-4.

5-12(H)(3)(b) Off-premises Signs

1. The modification of an existing off-premises sign that makes the sign an electronic sign shall constitute a new electronic sign. However, such modification shall not cause an existing off-premises sign located in one of the following areas to forfeit its status as a nonconforming sign only with respect to its location along an interstate highway:
   a. Within 660 feet of Interstate Highway 25.
   b. Within 660 feet of Interstate Highway 40.
2. A new off-premises electronic sign may be allowed if the applicant can demonstrate that existing off-premises signs and support structures containing at least 3 times the advertising area of the proposed electronic sign will be permanently removed.
3. The removed signs must be located on a property of equivalent or less intense zoning than the location of the proposed off-premises electronic sign, as determined by the Planning Director based on the maximum height and size of development allowed in each zone district.

4. Off-premises signs that have been removed and not replaced may count as removed advertising space for the purposes of permitting a new electronic off-premises sign.
5. Subsections 2, 3, and 4 above shall not apply to the improvement, upgrade, or replacement of an existing electronic sign so long as the advertising space is not increased by such improvement, upgrade, or replacement.

5-12(H)(4) Illumination, Brightness, and Images

Electronic signs shall comply with all the following requirements, in addition to any applicable and more restrictive requirements in Subsection 14-16-5-12(E)(5) (Illumination and Motion).

5-12(H)(4)(a) Electronic signs shall have automatic dimming controls, with either photocell (hardwired) or software settings.

5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance indicated in Table 5-12-5 based on sign area.

Table 5-12-5: Illumination Measurement Distance

Area of Sign (sq. ft.)[1]	Measurement Distance (ft.)	Area of Sign (cont.)[1]	Measurement Distance (cont.)
10	32	65	81
15	39	70	84
20	45	75	87
25	50	80	89
30	55	85	92
35	59	90	95
40	63	95	97
45	67	100	100
50	71	300	150
55	74	378	200
60	77	672	250

[1] For signs with an area other than those specifically listed in this table, the measurement distance may be calculated with the following formula: Measurement Distance (ft.) = square root of [Area of Electronic Sign (sq. ft.) x 100].

5-12(H)(4)(c) The luminance level shall also comply with any regulations for illumination of on-premises or off-premises signs in Section 14-16-5-12 (Signs) as applicable.

5-12(H)(4)(d) Electronic signs shall have only static messages and images.

5-12(H)(4)(e) The message or image on an electronic sign shall not change more often than once each 8 seconds.

5-12(H)(4)(f) Transition between messages or images on an electronic sign shall not exceed 1 second and shall not include any visual effects during that time.

5-12(I) TEMPORARY SIGNS

5-12(I)(1) Standards

Temporary signs may be erected without obtaining a sign permit, provided that they comply with the standards in Table 5-12-6. They shall not count toward any maximum number of signs or sign area allowed on a property.

Table 5-12-6: Temporary Sign Standards

Topic	Standard
Number, maximum	4 / premises
Size, maximum[1]	16 sq. ft.
Height, maximum[1]	4 ft. above the top of the highest wall on the lot where the sign is placed. 8 ft. if no walls exist on the lot where the sign is placed.
Illumination	Prohibited.
Location	Prohibited on the wall of any building in a low-density residential development.[534] Prohibited in common areas, such as homeowners association areas and easements, unless approved by the owner of the common area, or in the public right-of-way.

[1] Maximum size and height apply to the total sign area that may be used for up to 4 signs.

5-12(I)(2) Time Period

Temporary signs may be in place no longer than 15 calendar days, with the following exceptions:

5-12(I)(2)(a) One (1) temporary sign per street frontage may be displayed during any time period that the property is actively listed for sale or for rent.

5-12(I)(2)(b) One (1) temporary sign per street frontage may be displayed during any time period when the property is under construction allowed by a valid building permit.

5-12(I)(2)(c) One (1) temporary sign may be displayed for up to 60 calendar days prior to and 10 calendar days after an election.

5-12(I)(2)(d) Temporary signs associated with a Temporary Use must comply with the standards in Table 5-12-6 and may be displayed during the time period allowed pursuant to any Use-specific Standards in Subsection 14-16-4-3(G).

5-12(J) CONSTRUCTION PERIOD SIGN

Signs during construction are allowable, provided that they comply with Table 5-12-7 and the other provisions of this Subsection 14-16-5-12(J).

5-12(J)(1) Requests to erect such a sign shall require approval from the Planning Director.

5-12(J)(2) Remediation or removal of substandard or improperly maintained signs shall be in accordance with Subsection 14-16-5-13(B)(10).

[534] Revised per EPC Condition #1 (Tech Edits).

Table 5-12-7: Construction Period Sign Standards	
Topic	**Standard**
Number, maximum	4
Size, maximum[1]	20 sq. ft.
Height, maximum[1]	5 ft.
Height, individual sign	Between 9.5 in. and 11 in.
Width, maximum[1]	5 ft.
Illumination	Prohibited
Allowed locations	On private property or in the public right-of-way at a location approved by the City Department of Municipal Development, but not within a median or at an intersection.
Prohibited locations[535]	Facing any low-density residential development. On a local street. Within 100 ft. of any Residential zone district on a collector street. Within 50 ft. of any residential use on an arterial street.
[1] Unless referring to individual signs, maximum size, height, and width apply to the total sign area that may be used for up to 4 signs.	

5-12(K) TRANSIT SHELTER SIGNS

Signs that are attached to or part of the structure of a transit shelter as allowed in Section 6-5-5-18 of ROA 1994 (Sidewalks, Drive Pads, and Curb Ramp Repair and Maintenance; Permitting Commercial Advertising on Transit Shelters) shall comply with the provisions in Table 5-12-8.

Table 5-12-8: Transit Shelter Sign Table	
Topic	**Standard**
Number, maximum	1 / transit shelter
Size, maximum	24 sq. ft.
Height, Maximum	7 ft.
Illumination	Shall comply with all standards for a sign of that type established in this IDO.
Allowed locations	In the public right-of-way or on private property abutting the public right-of-way, with permission from the City Transit Department.
Prohibited locations[536]	Facing any low-density residential development. On a local street. Within 100 ft. of any Residential zone district on a collector street. Within 50 ft. of any residential use on an arterial street.

[535] Revised per EPC Condition #1 (Tech Edits).
[536] Revised per EPC Condition #1 (Tech Edits).

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5-13 OPERATION AND MAINTENANCE

All properties in the city shall comply with the following standards for operation and maintenance, as well as any standards for operations and maintenance in the DPM, unless this IDO or another section of ROA 1994 provides an exception or a different standard for operation or maintenance.

5-13(A) OPERATING STANDARDS

All structures, uses, and activities in any zone district shall be used or occupied to avoid creating any dangerous, injurious, noxious, or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable State or federal statutes or this IDO are violations of this Section 14-16-5-13 and shall be subject to the penalties of Section 14-16-6-9 (Violations, Enforcement, and Penalties). Property owner responsibilities under this Section include, but are not limited to, compliance with the following standards.

5-13(A)(1) Air Quality

All uses and activities shall be conducted in compliance with the requirements of the Albuquerque-Bernalillo County Air Quality Control Board as set forth in Chapter 20.11 of the New Mexico Administrative Code (NMAC) (Albuquerque-Bernalillo County Air Quality Control Board).

5-13(A)(2) Burning

5-13(A)(2)(a) The burning of wood shall comply with Part 9-5-4 of ROA 1994 (Woodburning) and the standards and regulations established by the Albuquerque-Bernalillo County Air Quality Control Board.

5-13(A)(2)(b) No use or activity shall burn solid waste except as allowed under Section 9-10-1-12 of ROA 1994 (Burning of Solid Waste) and in compliance with the regulations established by the Albuquerque-Bernalillo County Air Quality Control Board.

5-13(A)(3) Electromagnetic Interference

Every Wireless Telecommunications Facility (WTF) shall meet health and safety standards and electromagnetic interference regulations as established by the Federal Communications Commission and any other federal or State agency with authority to regulate electromagnetic emissions and interference.

5-13(A)(4) Glare

In addition to complying with the requirements of Section 14-16-5-8 (Outdoor and Site Lighting), all uses and activities shall be conducted so that direct or reflected glare, including glare from exterior lighting or high-temperature processes (such as combustion or welding), shall not be visible at the property line.

5-13(A)(5) Hazardous Materials

All uses and activities shall comply with all State statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

5-13(A)(6) Noise

All uses and activities shall comply with Article 9-9 of ROA 1994 (Noise Control), as enforced by the City Environmental Health Department. Uses and activities shall be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties.

5-13(A)(7) Vibration

All uses and activities shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any property line of the site on which the use is located.[537]

5-13(A)(8) Waste and Recycled Materials

All waste and materials for recycling shall be managed to prevent fumes, dust, fire hazard, leakage, drainage onto the ground, or rodent or insect infestation, shall comply with Article 9-10 of ROA 1994 (Solid Waste Management and Recycling), and shall be screened in accordance with Section 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas) of this IDO.

5-13(A)(9) Weeds, Litter, and Snow

All properties shall be maintained free of waste, litter, and debris in accordance with Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

5-13(B) MAINTENANCE STANDARDS

All property, buildings, and structures shall be maintained in a clean and safe condition and shall not create any public or private nuisance. When the standards and procedures of this IDO or the conditions attached to any permit, approval, or Variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those buildings or site features in good repair as approved and for replacing required site features if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. Property owner obligations include, but are not limited to, the following.

5-13(B)(1) Alleys

All alleys shall be maintained by the abutting property owner.

5-13(B)(2) Buildings and Structures

All primary and accessory buildings, structures, and site features shall be maintained in good repair, whether occupied or vacant, and any damage or destruction to any building or feature shall be repaired, replaced, or removed within 90 calendar days after the City notifies the property owner of a violation. In addition, all properties shall comply with the Articles of ROA 1994, as follows:

5-13(B)(2)(a) All buildings shall be maintained to comply with Article 14-2 of ROA 1994 (Fire Code).

5-13(B)(2)(b) All residential buildings, as defined by the Uniform Housing Code, shall be maintained to comply with Article 14-3 of ROA 1994 (Uniform Housing Code).[538]

[537] Revised per Condition #1 (Tech Edits).
[538] Revised per Condition #1 (Tech Edits).

5-13(B)(2)(c) All commercial and industrial buildings, as defined by the Uniform Administrative Code and Technical Codes, shall be maintained to comply with all building and technical codes as adopted under Article 14-1 of ROA 1994 (Uniform Administrative Code and Technical Codes).[539]

5-13(B)(3) City Landmarks

5-13(B)(3)(a) All landmarked structures shall receive reasonable maintenance and security for the purposes of preserving those structures and carrying out the intent of this Section 14-16-5-13(B)(3).

5-13(B)(3)(b) Any occupied residential landmarked structure shall be maintained to comply with Article 14-3 of ROA 1994 (Uniform Housing Code).

5-13(B)(3)(c) The owner or any other person having legal custody or control of a landmarked structure shall repair or stabilize the structure if it is found to have any of the following defects:

1. A deteriorated or inadequate foundation.
2. Deteriorated, loose, or ineffective waterproofing and weatherproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
3. Any fault in the building or structure that renders it structurally unsafe or not properly watertight.
4. Parts that are inadequately attached that may fall and injure people or damage property.
5. Significant architectural features, as described in the ordinance designating the landmark, that are deteriorating or in need of stabilization to insure their preservation.
6. Any other condition determined by appropriate City officials to cause an immediate threat to public health, safety, or welfare.

5-13(B)(3)(d) Any landmarked archeological site or vacant landmarked structure shall be adequately secured against unauthorized entry.

5-13(B)(4) Drainage and Stormwater Management Facilities

Maintenance shall be performed on a regular basis and follow the general standards as established in the DPM.

5-13(B)(5) Walls and Fences

Walls and fences shall be maintained in good repair.

5-13(B)(6) Landscaping, Buffering, and Screening

5-13(B)(6)(a) Landscaping, screening and buffering areas shall be maintained in compliance with Articles 6-6 and 9-8 of ROA 1994 (Trees, Vegetation, and Landscaping and Weeds, Litter, and Snow) and Section 4 of the Albuquerque Bernalillo County Water Authority

[539] Revised per Condition #1 (Tech Edits).

(ABCWUA) Legislation and Ordinances (Water Waste Reduction Ordinance).[540]

5-13(B)(6)(b) All landscaped areas shall be maintained with a neat and orderly appearance, which includes pruning, removal and replacement of dead or diseased plants and trees, disposal of litter, repair of damaged walls and hard surface areas, and upkeep of irrigation systems.

5-13(B)(6)(c) Landscaped areas that become bare shall be re-vegetated to avoid erosion.

5-13(B)(6)(d) Where landscaping was installed pursuant to a Site Plan or development approval, the landscaping shall be replaced according to any landscaping and maintenance plan under that approval.

5-13(B)(6)(e) Trees or plants that die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 calendar days after notice from the City. The replacement of dead vegetation is the responsibility of the property owner.

5-13(B)(6)(f) Street trees shall be maintained alive and healthy. Maintaining and replacing street trees or other trees planted in the public right-of-way are the responsibility of abutting property owners.

5-13(B)(7) Parking, Circulation, and Loading Areas

5-13(B)(7)(a) All drive-through lanes, loading areas, parking lots, and structures, except driveways for single- and two-family dwellings, shall be kept clean and maintained in good repair. These areas are subject to Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

5-13(B)(7)(b) Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis.

5-13(B)(7)(c) Within 24 hours of the end of a snowfall, the owner or operator of each parking lot shall clear snow and ice from the parking area and the sidewalks in front of such property.

5-13(B)(8) Parks and Open Space

All City-owned or managed parks, trails, and Major Public Open Space shall be maintained per City Parks and Recreation standards. Privately-owned parks, trails, and/or open spaces shall be maintained by the property owner (often a homeowners association) to minimize safety hazards. These areas are subject to Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

5-13(B)(9) Sidewalks

All sidewalks shall be maintained by the abutting property owners, even if separated by a rear wall.

[540] Revised per Condition #1 (Tech Edits).

5-13(B)(10) Signs

All signs, including those that do not require a sign permit and those that do not conform to the requirements of this IDO, shall comply with the following standards. Any sign that is removed to comply with these standards shall be replaced only if the replacement sign complies with the standards of Section 14-16-5-12 (Signs).

5-13(B)(10)(a) All signs shall be maintained in good structural condition.

5-13(B)(10)(b) Any sign, including any support structures, that is damaged, inoperative, dilapidated, or dangerous shall be repaired or removed within 30 calendar days after notice from the City.

5-13(B)(10)(c) Any sign that is chipped, peeled, or flaked to the extent that it cannot be read in whole or in part shall be repainted or removed within 30 calendar days after notice from the City.

5-13(B)(10)(d) Signs with missing letters, including signs with movable letters, shall have missing letters replaced or be otherwise repaired in order to be readable, within 30 calendar days after notice from the City.

5-13(B)(10)(e) On-premises signs shall have content removed or be securely covered within 60 calendar days of the termination of the use or business.

5-13(B)(10)(f) Historic signs may be removed for restoration, repairs, and maintenance if they are to be restored to original character as determined by the Historic Preservation Planner through an approved Historic Certificate of Appropriateness – Minor pursuant to Subsection 14-16-6-5(B). Historic signs shall be reinstalled in the same location within 1 year. After that period, a new sign permit shall be required, unless an extension is granted by the Historic Preservation Planner.[541]

5-13(B)(11) Vacant Property

All vacant property shall be maintained in a clean condition, free of nuisances, and in compliance with Articles 9-8 and 9-10 of ROA 1994 (Weeds, Litter and Snow and Solid Waste Management and Recycling).

[541] Added per EPC Condition #1 (Tech Edits).

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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 meeting or 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.

Table 6-1-1: Summary of Development Review Procedures
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend
AD = Appeal Review and Decision [ ] = Public Meeting < > = Public Hearing

Section / Application Type	Public Notice[542] 6-4(K)					Mtgs 6-4(B)	Mtgs 6-4(C)	Review and Decision-making Bodies 6-2							Specific Procedures
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff[1]	ZHE	DRB	LC	EPC	LUHO	City Council[2]	
Administrative Decisions[543]															
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[544]		X						D					<AR>	<AD>	6-5(E)
Permit – Wall or Fence – Minor				X	X			D					<AR>	<AD>	6-5(F)
Site Plan – Administrative[3][545]			X	X	X			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[4]	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)

[542] EPC Condition #1 (Tech Edits) recommended removing email requirement from Sign Permit, Site Plan – Admin, and Wall or Fence Permit. EPC Condition #34.a removed this recommendation from the Tech Edits.
[543] Grading, Drainage, or Paving Approval; Impact Fee Assessment; and Surface Disturbance Permit deleted as specific procedures and added to a new Building and Construction Permits and Related Decisions section in 14-16-6-4 (General Procedures) per EPC Condition #1 (Tech Edits). Declaratory ruling and Landfill Gas Mitigation Approval moved to Building and Construction Permits and Related Decisions section in 14-16-6-4 (General Procedures) per City Council Amendment B20.
[544] Added per City Council Amendment B19.
[545] Web posting requirement added per EPC Condition #1 (Tech Edits).

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	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff[1]	ZHE	DRB	LC	EPC	LUHO	City Council[2]	
Historic Certificate of Appropriateness – Major	X	X	X	X	X	X		R			<D>		<AR>	<AD>	6-6(D)
Historic Design Standards and Guidelines[546]	X	X	X	X	X	X	X	R			<D>		<AR>	<AD>	6-6(E)
Master Development Plan	X	X	X	X	X	X	X	R				<D>	<AR>	<AD>	6-6(F)
Permit – Carport[547]		X	X	X	X				<D>				<AR>	<AD>	6-6(G)
Permit – Wall or Fence – Major[548]		X	X	X	X				<D>				<AR>	<AD>	6-6(H)
Site Plan – DRB	X	X	X	X	X	X	X	R		[D]			<AR>	<AD>	6-6(I)
Site Plan – EPC	X	X	X	X	X	X	X	R				<D>	<AR>	<AD>	6-6(J)
Subdivision of Land – Minor				X	X			R		[D]			<AR>	<AD>	6-6(K)
Subdivision of Land – Major															
Bulk Land Subdivision[549]	X	X	X	X	X	X		R		[D]			<AR>	<AD>	6-6(L)
Preliminary Plat[550]	X	X	X	X	X	X		R		[D]			<AR>	<AD>	6-6(L)
Final Plat[551]					X			R		[D]			<AR>	<AD>	6-6(L)
Vacation of Easement, Private Way, or Public Right-of-way[552]															
Vacation of Public or Private Easement or Private Way[5]						X		R		[D]			<AR>	<AD>	6-6(M)
Vacation of Public Right-of-way – City Council[553]	X	X	X	X	X		X	R		[D]				<D>	6-6(M)
Vacation of Public Right-of-way – DRB[554]	X	X	X	X	X		X	R		[D]			<AR>	<AD>	6-6(M)
Variance – EPC	X	X	X	X	X	X	X	R				<D>	<AR>	<AD>	6-6(N)
Variance – ZHE	X	X	X	X	X		X	R	<D>				<AR>	<AD>	6-6(O)
Waiver – DRB[555]				X	X		X	R		[D]			<AR>	<AD>	6-6(P)
Waiver – Wireless Telecommunications Facility[556]	X	X	X	X	X			R				<D>	<AR>	<AD>	6-6(Q)
Policy Decisions															
Adoption or Amendment of Comprehensive Plan[557]	X	X		X	X	X		R				<R>		<D>	6-7(A)

[546] Requirement for Neighborhood Meeting added per EPC Condition #1 (Tech Edits).
[547] Added per EPC Condition #1 (Tech Edits) and R-19-150.
[548] Added per EPC Condition #1 (Tech Edits) and R-19-150.
[549] New procedure per EPC Condition #35.a.
[550] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[551] Published notice removed per EPC Condition #1 (Tech Edits).
[552] Procedure names and requirements revised per EPC Condition #1 (Tech Edits).
[553] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[554] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[555] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[556] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[557] Email notice added per EPC Condition #1 (Tech Edits).

Table 6-1-1: Summary of Development Review Procedures
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend
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Section / Application Type	Public Notice[542] 6-4(K)					Mtgs 6-4(B)	Mtgs 6-4(C)	Review and Decision-making Bodies 6-2							Specific Procedures
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff[1]	ZHE	DRB	LC	EPC	LUHO	City Council[2]	
Adoption or Amendment of Facility Plan	X	X		X	X	X		R				<R>		<D>	6-7(B)
Adoption or Amendment of Historic Designation	X	X	X	X	X	X	X	R			<R>			<D>	6-7(C)
Amendment to IDO Text – Citywide[558]	X	X		X	X	X		R				<R>		<D>	6-7(D)
Amendment to IDO Text – Small Area[559]	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[6]	X	X	X	X	X	X	X	R				<R>		<D>	6-7(H)

[1] May include Planning Department staff, Historic Preservation Planner, Impact Fee Administrator, Floodplain Administrator, City Engineer, Parks and Recreation Department, or others, depending on the type of application involved and delegation of responsibilities granted.
[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.
[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.[560]
[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.
[5] This procedure is for easements on a plat only.[561]
[6] Includes creation or amendment of text or map for APO, CPO, or VPO Zones.

[558] Email notice added per EPC Condition #1 (Tech Edits).
[559] New application type per EPC Condition #1 (Tech Edits).
[560] Added per EPC Condition #34.b. Content about email notice moved editorially to Subsection 6-4(K)(4)(a) for consistency.
[561] Added per EPC Condition #1 (Tech Edits).

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6-2 REVIEW AND DECISION-MAKING BODIES

6-2(A) CITY COUNCIL

The City Council is the zoning authority for the City of Albuquerque and has authority to make decisions on those types of applications shown as City Council responsibilities in Table 6-1-1. The City Council has delegated some of its broad planning and zoning authority to the Environmental Planning Commission (EPC) and Zoning Hearing Examiner (ZHE) as authorized by law, and the effect of those delegations is shown in this IDO. As the ultimate land use authority for the City, appeals of decisions by any lower authority listed in this Section are referred to the Land Use Hearing Officer (LUHO) for a hearing and recommendation, and then reviewed or heard by the City Council for a final determination.

6-2(B) CITY STAFF

6-2(B)(1) City Planning Department

The City Planning Department staff is responsible for day-to-day administration of this IDO, unless this IDO states that another individual, department, or body has a specific responsibility.

6-2(B)(1)(a) City Archaeologist

1. The City Archaeologist is an employee or consultant of the City Planning Department and has authority to approve or deny applications for a Certificate of No Effect or for a Certificate of Approval of a proposed treatment plan per Subsection 14-16-6-5(A) (Archaeological Certificate).
2. The City Archaeologist shall be a qualified archaeologist.
3. The City Archaeologist shall have the following responsibilities:
    a. Consult the New Mexico Cultural Resources Information System and other information sources to compile and maintain a digital database of surveyed areas, site locations, site types, cultural time periods, and site conditions that is compatible with the Albuquerque Geographic Information System.
    b. Determine whether an archaeological resource is of historic or pre-historic significance.
    c. Inspect ground-disturbing activities and/or archaeological resources, as needed.
    d. Coordinate with other departments and divisions as necessary to ensure compliance with treatment plans.
    e. Such other activities that will promote the public's understanding and appreciation for the City of Albuquerque's archeology.

6-2(B)(1)(b) Planning Director

The Planning Director has overall responsibility for the decisions of City Planning Department staff and may delegate authority as necessary to any staff member.

6-2(B)(1)(c) Zoning Enforcement Officer

1. The Zoning Enforcement Officer (ZEO) is a member of the City Planning Department staff and has authority to interpret this IDO pursuant to Subsection 14-16-6-4(A) (Interpretation).
2. The ZEO has responsibility for making formal determinations as to how this IDO applies to specific situations, proposed development projects, and lots.[562]
3. The ZEO is the formal issuing authority for those permits, approvals, licenses, or certificates that may be issued by the City Planning Department without review or approval by a higher authority.
4. The ZEO has the authority determine whether violations of this IDO have occurred and to determine which of the enforcement tools in Section 14-16-6-9 (Violations, Enforcement, and Penalties) will be used to enforce this IDO, and in what order those tools will be used.

6-2(B)(1)(d) Other City Planning Department Staff

The City Planning Department staff makes recommendations and decisions as indicated in Table 6-1-1. Relevant City Planning Department staff members include the City Engineer and his/her designee for hydrology and transportation, Historic Preservation Planner, Impact Fee Administrator, Floodplain Administrator, and others, depending on the type of application involved and delegation of responsibilities granted.

6-2(B)(2) Other City Department Staff

Other relevant City staff may include those from the Parks and Recreation Department, Environmental Health Department, Department of Municipal Development, or others, depending on the type of application involved and delegation of responsibilities granted.

6-2(C) DEVELOPMENT PROCESS MANUAL EXECUTIVE COMMITTEE

The Development Process Manual (DPM) Executive Committee is a group of 11 individuals appointed by the City to review and approve changes to the DPM.

6-2(C)(1) Membership

The DPM Executive Committee membership includes:

6-2(C)(1)(a) City Planning Department Director (Co-chair).

6-2(C)(1)(b) City Department of Municipal Development Director or designated representative (Co-chair).

6-2(C)(1)(c) Manager or designated representative of Urban Design and Development Division of the City Planning Department.

6-2(C)(1)(d) City Engineer.

6-2(C)(1)(e) City Attorney or designated representative.

6-2(C)(1)(f) ABCWUA representative.

[562] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

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 REVIEW BOARD

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)(1) Membership

The DRB membership includes:

6-2(D)(1)(a) City Planning Department Director (Chair).

6-2(D)(1)(b) City Engineer designee for hydrology (who may also function as a designee for AMAFCA).

6-2(D)(1)(c) City Engineer designee for transportation.

6-2(D)(1)(d) Zoning Enforcement Officer.

6-2(D)(1)(e) Parks and Recreation Department representative.

6-2(D)(1)(f) ABCWUA representative.

6-2(D)(2) 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 Commission" or the "Planning Commission" for the purposes of any other law or policy that refers to such body.

6-2(E)(1) Membership and Qualifications

The EPC shall include a resident of each City Council District, with experience in community planning, architecture, landscape architecture, urban design, real estate development, transportation, civil engineering, and/or real estate finance, and shall be subject to additional provisions, including terms of office, in Article 2-6 of ROA 1994 (Public Boards, Commissions, and Committees).

6-2(E)(2) Appointments

6-2(E)(2)(a) If an EPC member's term of office is ending, that member is eligible for reappointment to the EPC, and the City Councilor in whose District that member resides desires to reappoint the member, the City Councilor shall so notify the City Council and the member shall be reappointed subject to the advice and consent of the City Council.

6-2(E)(2)(b) When a vacancy on the EPC occurs:

1. The Mayor shall notify a Councilor in writing that his/her District member's term of office has expired or the position is otherwise vacant, and that the City Councilor shall have 60 calendar days to submit 2 recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.
2. The Mayor shall then recommend 1 of the 2 individuals recommended by the City Councilor for appointment with the advice and consent of the City Council.
3. The Mayor shall deliver to the City Council the Mayor's recommendation from the 2 names submitted within 30 calendar days of delivery of the 2 names to the Mayor. If the Mayor fails to timely make a recommendation from the 2 names submitted, the City Councilor who submitted the names may appoint one of the 2 recommended members, subject to the advice and consent of the City Council.

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) 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)(c) 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)(d) 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)(e) Review any recommendations, concerns, or comments provided by commenting agencies, departments, stakeholders, and the public prior to final decisions.

6-2(E)(3)(f) 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)(g) 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

The Floodplain Administrator is the public official(s) designated by the City 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.[563]

6-2(G) IMPACT FEE ADMINISTRATOR

The Impact Fee Administrator 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.

[563] Revised to use the term defnied per EPC Condition #1 (Tech Edits).

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 Section 14-16-3-5 (Historic Protection Overlay Zones) and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

6-2(H)(1) Membership

The LC membership includes all of the following:

6-2(H)(1)(a) Two (2) members who own property in an HPO zone.

6-2(H)(1)(b) One (1) professional architect.

6-2(H)(1)(c) One (1) licensed real estate agent.

6-2(H)(1)(d) One (1) person knowledgeable in the area of historic preservation.

6-2(H)(1)(e) Two (2) additional members with demonstrated expertise in at least 1 of the following areas: architecture, law, graphic arts, planning, real estate, history, construction, or archeology.

6-2(H)(2) Qualifications, Terms, and Conduct

6-2(H)(2)(a) Qualifications

All of the members shall have demonstrated, through previous experience or training, an ability and interest relating to preservation of the historic and architectural character of Albuquerque. Members may reside outside of the boundaries of the City if they have special expertise.

6-2(H)(2)(b) Terms of Office

The term of office for each member shall be 3 years, staggered so that approximately one-third of the members' terms of office expire each year.

6-2(H)(2)(c) Public Boards and Commissions

Except as provided in this Section 14-16-6-2(H), the qualifications, appointment, and conduct of the members of the LC and its organizational structure shall be governed by Part 2-6-1 of ROA 1994 (Public Boards, Commissions, and Committees).

6-2(H)(3) Responsibilities

The LC shall have the following powers:

6-2(H)(3)(a) Conduct studies and programs designed to identify and evaluate structures and areas worthy of historic conservation and to review the status of structures and zones already designated.

6-2(H)(3)(b) Recommend to the Mayor and City Council landmarks to be designated by the City Council in accordance with the procedures established in this article.

6-2(H)(3)(c) Conduct public hearings on applications for Historic Protection Overlay (HPO) zones or landmark structures or sites and make recommendations on those applications to City Council.

6-2(H)(3)(d) Prepare and adopt specific development guidelines for any designated landmark or HPO zone.

6-2(H)(3)(e) Make decisions on applications for Certificates of Appropriateness – Major for alteration, new construction, or demolition in HPO zones, in accordance with the procedures established in this IDO. The LC delegates authority to make decisions on Certificates of Appropriateness – Minor to the Historic Preservation Planner.

6-2(H)(3)(f) Disseminate information to the public concerning historic preservation and seek input from groups and individuals about these matters.

6-2(H)(3)(g) Consider methods for encouraging and achieving historic preservation and make recommendations to the Mayor and City Council.

6-2(H)(3)(h) Advise the Mayor and City Council on any proposed public improvements that impact the exterior appearance of historic landmarks or significant structures in HPO zones.

6-2(H)(3)(i) Review applications sent to the LC by the Historic Preservation Planner for demolition of buildings 50 years or older in areas specified in Subsection 14-16-6-6(B) (Demolition Outside of an HPO) that are outside of HPO zones to determine whether there is a feasible alternative to demolition.

6-2(I) LAND USE HEARING OFFICER

The Land Use Hearing Officer (LUHO) is an attorney designated by the City Council to review and conduct hearings on land use appeals and to recommend findings and determinations to the City Council on those matters shown as LUHO responsibilities in Table 6-1-1.

6-2(J) ZONING HEARING EXAMINER

The ZHE conducts hearings and makes findings and final decisions on those types of applications shown as ZHE decision responsibilities in Table 6-1-1. The ZHE shall have professional experience in both land use and law.[564]

[564] Added per EPC Condition #1 (Tech Edits).

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6-3 THE PLANNING SYSTEM

The City of Albuquerque prepares and adopts Ranked City Plans to guide the development and management of public facilities, as well as private development within municipal boundaries. The City also analyzes development patterns and makes recommendations through Community Planning Area Assessments to align future private and public investments, policies, and regulations.

6-3(A) RANK 1 COMPREHENSIVE PLAN

The Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan) establishes a community vision for future development in the City of Albuquerque and unincorporated areas of Bernalillo County to take place primarily in Centers and Corridors and identifies long-range goals and policies for community identity, land use, transportation, urban design, economic development, housing, parks and open space, heritage conservation, infrastructure, community facilities, services, and resilience and sustainability, to realize that vision.

6-3(B) RANK 2 FACILITY PLANS

Facility Plans provide policy guidance on a particular topic citywide to relevant implementing departments. They normally cover only one type of natural resource (such as Major Public Open Space) or one type of public facility or utility (such as electricity transmission). These plans are required to be consistent with the ABC Comp Plan, as amended, and to identify how they relate to its vision, goals, and policies. In case of conflict, policies in the ABC Comp Plan, as amended, shall prevail.[565]

6-3(C) RANK 3 PLANS

Rank 3 Plans provide policy guidance for a particular geographic area to relevant implementing departments. Rank 3 Plans include Metropolitan Redevelopment Area Plans, Master Plans, and Resource Management Plans. Rank 3 Metropolitan Redevelopment Area plans, adopted pursuant to Part 14-8-4 of ROA 1994 (Metropolitan Redevelopment Agency), contain strategies for catalytic public investment and economic development. Rank 3 Master Plans or Resource Management Plans developed and adopted by relevant implementing departments may specify development standards, management policies, or multi-year programs of capital improvements for particular public facilities or City-owned or managed resources. Rank 3 Plans are not subject to the review and decision processes in the IDO, but relevant implementing City departments may choose to have Rank 3 Plans reviewed by the EPC and/or accepted by the City Council when additional input is desired.

6-3(D) ANNUAL UPDATES TO THE IDO

The Planning Department shall prepare amendments to the text of this IDO to be submitted once every calendar year for an EPC hearing in December.[566] These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text – Citywide) or Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area), as applicable.[567]

6-3(D)(1) Anyone may submit recommended changes to the Planning Department throughout the year, particularly during the CPA assessment process, as set out in Subsection 14-16-6-3(E) (Community Planning Area Assessments).

[565] Revised per City Council Amendment B20.
[566] Revised per City Council Amendment B20.
[567] Revised per EPC Condition #1 (Tech Edits).

6-3(D)(2) The Planning Department shall compile these recommendations, perform analyses, revise recommendations as necessary, and submit proposed amendments that further applicable goals and policies of the ABC Comp Plan, as amended, as well as other City plans, and that protect the public health, safety, and welfare.

6-3(D)(3) Changes recommended by a Community Planning Area (CPA) assessment that has been accepted by City Council pursuant to Subsection 14-16-6-3(E)(7) shall be submitted for consideration at this time.

6-3(D)(4) Notwithstanding the schedule for annual updates to the IDO in this Subsection 14-16-6-3(D), the Planning Director may determine that an interim amendment to the text of this IDO shall be submitted for review and decision to prevent a significant threat to public health or safety.

6-3(D)(5) Within 90 days of the effective date of each annual update, the Planning Department shall provide presentations and/or trainings for relevant City boards and commissions.[568]

6-3(E) COMMUNITY PLANNING AREA ASSESSMENTS

The City conducts analysis and long-range planning within each Community Planning Area (CPA) established by the ABC Comp Plan. CPA assessments shall inform updates and amendments to planning policies, zoning regulations, technical standards for infrastructure, and capital improvement priorities. These assessments are intended to recommend changes to Ranked City Plans on an ongoing basis. Assessments are not part of the system of Ranked City Plans but recommend changes to those plans on an ongoing basis.

6-3(E)(1) The Planning Director shall create a regular, rotating schedule to research, study, and analyze each CPA at least once every 5 years.

6-3(E)(2) The assessments shall analyze each CPA based on performance measures established by the ABC Comp Plan, as amended, to reflect evolving conditions, trends, and desired outcomes to reflect the unique status of each CPA while also allowing comparison of objective data across the city.

6-3(E)(3) The City Office of Neighborhood Coordination (ONC) shall be involved in each assessment to ensure adequate notification, representation, and participation of Neighborhood Associations.

6-3(E)(4) Each assessment shall include visits and interactions with residents, property owners, businesses, neighborhood associations, business associations, and other stakeholders in each CPA.

6-3(E)(5) Each assessment shall reflect the history, special places, character, and capital needs of each CPA.

6-3(E)(6) At least every 5 years, based on the data, analyses, and findings of the assessments, the Planning Director shall recommend updates and amendments as relevant and necessary to the Rank 1 ABC Comp Plan, as amended; Rank 2 Facility Plans; Rank 3 Plans; the IDO; or the DPM. See also Subsection 14-16-6-4(D)(4) for the annual IDO update process.

[568] Added per EPC Condition #1 (Tech Edits).

6-3(E)(7) The Planning Director shall report the findings and recommendations from each assessment to the EPC for review and recommendation to the City Council. Assessments shall be forwarded to the City Council for review and acceptance. Staff shall prepare resolutions and/or ordinances to accompany the assessment that will implement the findings and recommendations of the assessment for 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.

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).

6-4 GENERAL PROCEDURES[569]

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. A sketch plat review by the DRB meets the requirement of a pre-application meeting

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[570]

6-4(C)(1) For those types of applications 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 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)(2) If the project is not located within or adjacent to the boundaries of any Neighborhood Association, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include land within 1,320 feet (¼ mile) of the subject property. If no Neighborhood Association has land within that distance of the subject property, no pre-submittal neighborhood meeting shall be required.[571]

6-4(C)(3) A meeting request shall be sent to the 2 representatives on file at the ONC for all applicable Neighborhood Associations via Certified Mail, return receipt requested, or via email. Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of

[569] Council Amendment Q clarifies requirements for notice and communication for required meetings. EPC Conditions #69 and #70 introduce exhibits to revise Notice and Neighborhood Meeting sections, which are reflected in this Redline Draft.
[570] Meeting name revised per EPC Condition #1 (Tech Edits) – edit made throughout this Subsection 6-4(C).
[571] Revised per EPC Condition #1 (Tech Edits).

Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.[572]

6-4(C)(3)(a) Each meeting request shall include all information required by the City for that type of application, as set forth in the DPM, applicable Facility Plan, or on the City's website.

6-4(C)(3)(b) At a minimum, the meeting request shall include required items in Subsection 14-16-6-4(K)(1) (Content of the Notice), with the exception that information provided in the meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

6-4(C)(4) If the Neighborhood Association chooses to meet, the Neighborhood Association must respond within 15 calendar days of the request (Certified Mail or email) being sent. The meeting must be scheduled for a date within 30 calendar days but no fewer than 15 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon. If the Neighborhood Association declines the meeting, the applicant may proceed pursuant to Subsection (9) below.[573]

6-4(C)(5) The pre-submittal neighborhood meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in this Subsection 14-16-6-4(C) shall be met.[574]

6-4(C)(6) At the pre-submittal neighborhood meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.

6-4(C)(7) A summary of the meeting shall be prepared and emailed to the representatives of the Neighborhood Association(s) that requested the meeting and any other meeting participants who signed in and provided an email address.[575]

6-4(C)(8) Where Table 6-1-1 requires that a pre-submittal neighborhood meeting be offered, and a meeting was held, the applicant shall provide, as part of the project application, proof that a meeting was offered; proof that the meeting occurred, including a sign-in sheet of attendance; meeting location, date, and time; summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any; and identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant

[572] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #69 to remove read receipt requirement for email. Subsections added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #69 and associated Exhibit. Proposed (c) deleted here and the content was incorporated in to 6-4(K)(6) for consistency given 6-4(C)(3)(b) referring to that list.
[573] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #36.
[574] Added per EPC Condition #1 (Tech Edits).
[575] Added per EPC Condition #1 (Tech Edits).

must identify the site or project constraints that limit the ability to address those concerns.[576]

6-4(C)(9) Where Table 6-1-1 requires that a pre-submittal neighborhood meeting be held, and a meeting was not held, the requirement for a pre-submittal neighborhood meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify a Neighborhood Association as required by Subsections (1) through (4) above, and either no response was received within 15 calendar days of the notice being sent, or the notified Neighborhood Association declined the meeting.

6-4(D) WHO CAN SUBMIT AN APPLICATION

6-4(D)(1) Unless specified otherwise in this IDO, an application under this IDO related to a specific property or multiple properties may be submitted by:

6-4(D)(1)(a) The owner of that property or an agent of the property owner with the written consent of the property owner.
Where a property has more than one owner, all owners must consent in writing to the filing of the application or show proof of legal authority to act on behalf of the other owners. When the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.[577]

6-4(D)(1)(b) The City.
When the City initiates action, it does so without predetermining the approval or denial of the application.

6-4(D)(1)(c) An entity with the authority to exercise the power of eminent domain, provided that the approval of the application shall not be effective until the entity has acquired an interest in the real property that is the subject of the application.

6-4(D)(1)(d) At least 51 percent of the property owners in a proposed small area who agree in writing to the request to create a new small area with area-specific regulation(s). This process does not apply to a new APO or HPO zone.[578]

6-4(D)(1)(e) The property owners in a proposed HPO zone.

6-4(D)(2) An application to adopt or amend the ABC Comp Plan may be submitted by the City or by any resident or property owner in the city.

6-4(D)(3) An application to amend the text of this IDO may be submitted by the City or any resident or property owner in the city.[579]

[576] Revised per EPC Condition #1 (Tech Edits).
[577] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".
[578] Revised per City Council Amendment B20.
[579] Revised per City Council Amendment B20.

6-4(D)(4) The Planning Department shall submit amendments to the text of this IDO pursuant to Subsection 14-16-6-3(D) (Annual Updates to the IDO).

6-4(D)(5) Annexation to the City may be accomplished by petition from 1 or more property owners.

6-4(D)(5)(a) A petition to annex land into the City must be signed by the owners of a majority of the number of acres proposed to be annexed.

6-4(D)(5)(b) If the land is located in the Middle Rio Grande Conservancy District, the application must be signed by a majority of the owners of all lands that are included in the territory to be annexed.

6-4(D)(5)(c) Annexation may also be accomplished in any other manner provided by New Mexico State law. If the provisions of this Subsection (5) conflict with State law, the provisions of State law shall prevail.

6-4(E) APPLICATION MATERIALS[580]

6-4(E)(1) Unless specified otherwise in this IDO, all applications shall be submitted to the City Planning Department.

6-4(E)(2) Each application shall include all forms and related information required by the City for that type of application, as set forth in this IDO, the DPM, any applicable Facility Plan, or on the City's website.

6-4(E)(3) The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence.

6-4(E)(4) The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary.[581]

6-4(F) APPLICATION FEES[582]

Each applicant shall pay any required application fee(s) established by the City for the type of application(s) being submitted.

6-4(F)(1) The City Planning Department shall maintain a fee schedule on the City Planning Department website.

6-4(F)(2) The Planning Director establishes application fees for all applications listed in this IDO, as well as additional fees for research, investigation, analysis, public notice, facilitated meetings, inspection, enforcement, and issuance of official documents.

6-4(F)(3) All fees shall be based on the estimated City time required to review and process the application, as well as any other relevant costs, including but not limited to required public notice.

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

[580] EPC Condition #1 (Tech Edits) recommended adding a provision that would allow Planning to request additional materials needed for application reviw. EPC Condition #37 removed this recommendation from the Tech Edits.
[581] Added per EPC Condition #1 (Tech Edits).
[582] Revised to remove the Fee Schedule from the IDO per EPC Condition #1 (Tech Edits). Text was revised to accommodate this change.

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.

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[583]

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 Area that meets the criteria in Subsection 14-16-5-2(E)(1). The cumulative impacts analysis 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(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(E)(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(E)(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.

6-4(H)(2)(e) A Letter of Availability from the ABCWUA, including estimate of volume of water to be used annually for operations.

[583] Added per City Council Floor Amendment C2.

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 14-16-5-2(E)(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(E)(2)(c).[584] 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

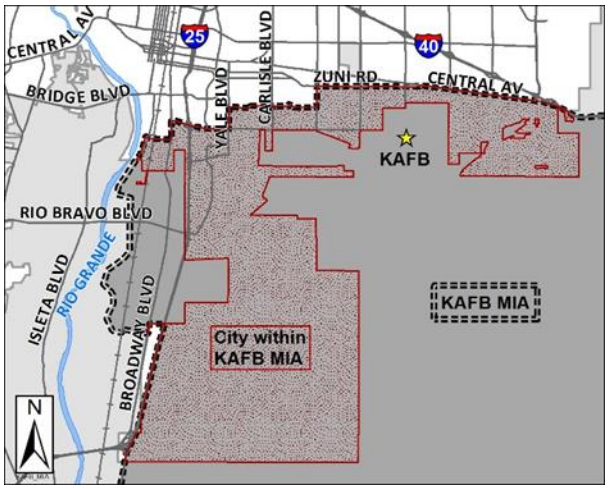
Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after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

6-4(J)(1) 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) Albuquerque Public Schools (APS) for applications that include residential development. The City shall not approve any Subdivision application that contains any residential component without providing APS an opportunity to review and comment.

6-4(J)(3) Kirtland Air Force Base and City Aviation Department staff for applications that include development in the Kirtland Air Force Base Military Influence Area shown in the following mapped area.

[584] Added per City Council Floor Amendment C2.



6-4(J)(4) City Aviation Department for applications that include development in the Airport Protection Overlay Zone.

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[585]

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).
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 – DRB 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.
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.[586] Information included as an attachment or as a link to a website where such information is available is acceptable.

[585] Subsections added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #69 and associated Exhibit.
[586] Revised per City Council Floor Amendment C6. Text about location on the City website not included to be consistent with other subsections in the IDO.

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:[587]
   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.

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.[588]
   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

[587] Revised to include relevant content from proposed 6-4(C)(3)(c) (added per EPC Condition #69 and associated Exhibit) for consistency.
[588] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

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.

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.[589]
3. For all other applications: any Neighborhood Association whose boundaries include or are adjacent to the subject property or small area.[590]
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.[591]

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

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

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.[592]

6-4(K)(3)(d) Notice for Amendment to IDO Text – Small Area[593]

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.

[589] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[590] Revised editorially related to removing duplication from Subsection 6-4(K)(3)(d).
[591] Added per EPC Condition #1 (Tech Edits).
[592] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #38.a. Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[593] Added per EPC Condition #1 (Tech Edits) and associated Exhibit. Revised editorially to removing duplication of Subsection 6-4(K)(3)(b)3.

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.[594]

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 Change of Use of a Manufactured Home Community
For changes of use or rezoning of manufactured home communities that will result in expiration or termination of resident occupancy, see Subsection 14-16-2-3(C)(3)(g) (R-MC Zone District Standards).

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 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.[595]

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.[596]

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.

[594] Revised per EPC Condition #1 (Tech Edits) for consistency with changes to 6-4(K(2)(c) above made per EPC Condition #38.a.
[595] Revised per EPC Condition #1 (Tech Edits). Deleted provision requiring that sign be posted for Sign – Admin as covered by new language requiring that posted sign stay up for 15-day appeal period.
[596] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #39. Deleted Subsection 4 about charging a sign fee for each lot under construction as the IDO doesn't have other provisions about when application fees are/aren't charged. This will be handled as an administrative procedure.

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.[597]

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.[598]

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.

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

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.

[597] Added per EPC Condition # 1 (ech Edits).
[598] Added per EPC Condition # 1 (ech Edits) and EPC Condition #34.b.

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[599]

6-4(L)(1) Requesting a Post-submittal Facilitated Meeting

6-4(L)(1)(a) Once an application for any decision listed in Table 6-1-1 is accepted as complete by the City Planning Department, property owners within 330 feet and Neighborhood Associations within 660 feet in any direction of the subject property may request a post-submittal facilitated meeting.[600]

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[601]

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.

[599] Revised per EPC Condition #1 (Tech Edits) and revised per EPC Condition #70 and associated Exhibit.
[600] Revised per City Council Floor Amendment C6.
[601] Revised per City Council Floor Amendment C6.

2. A facilitated meeting shall be requested no more than 15 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[602]

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 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

[602] Revised per City Council Floor Amendment C6.

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

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.[603]

6-4(N) PUBLIC HEARINGS

6-4(N)(1) Requirement[604]

The ZHE, LC, EPC, LUHO, 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-

[603] Revised per EPC Condition #1 (Tech Edits).
[604] Removed DRB from the list of decision-making bodies that require public hearings per EPC Condition #1 (Tech Edits) and R-19-150.

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.[605]
6. A summary of actions taken shall be kept of all ZHE hearings, and they shall be kept available for public inspection.

6-4(N)(3)(c) Ex Parte Communications

Prior to making a decision at a quasi-judicial public hearing and until the expiration of any applicable appeal period, the decision-making body shall not do any of the following:

1. Communicate, directly or indirectly, with any party or party representative in connection with the merits of any issue involved, except upon advanced prior notice and opportunity for all parties to participate.
2. Use nor rely upon any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record.
3. Inspect the site with any party or his/her representative unless all parties are given opportunity to be present.

6-4(N)(4) Decisions

6-4(N)(4)(a) The decision-making body, other than the City Council or the LUHO, shall take any 1 of the following actions:

1. Approve or recommend approval of the application as presented.
2. Approve or recommend approval of the application with conditions.
3. Deny or recommend denial of the application.

[605] Revised per City Council Amendment B20.

4. Defer the matter to a date no more than 60 calendar days following its first appearance on the agenda, unless a longer deferral is accepted by the applicant.
5. Continue the matter to a date no more than 60 calendar days following the opening of the public hearing, unless a longer continuance is requested by the applicant.

6-4(N)(4)(b) The City Council or LUHO shall affirm the decision on appeal, reverse the lower decision-making body, or remand the application for additional review by an entity (see Subsection 14-16-6-4(V) for additional information on LUHO actions on appeals).

6-4(N)(5) Written Decisions

6-4(N)(5)(a) For decisions to continue or defer a public hearing, written findings in support of the decision are not required.

6-4(N)(5)(b) For final decisions, the decision-making body identified in Table 6-1-1 shall provide a written decision with findings based on the review criteria for that type of application that shall be made part of the record.

6-4(N)(5)(c) Each finding shall be supported by substantial evidence.

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.[606]

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 (per 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.

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.

[606] Removed DRB form the list of decision-making bodies hat require public hearings per EPC Condition #1 (Tech Edits) and R-19-150.

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.

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.

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 Development Standards in the IDO, 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%	

Table 6-4-1: Allowable Deviations		
	Maximum Allowable Deviation (Cumulative of Earlier Approved Deviations)	
Standard	General	Lot ≤10,000 sq. ft. in any Mixed-use or Non-residential zone district in an Area of Change
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:[607]

6-4(P)(1)(a) Subsection 14-16-6-6(P) (Waiver – DRB) 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)7, 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).

6-4(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:[608]

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(O) (Variance – ZHE) for exceptions to all other IDO standards associated with a Site Plan – Administrative or Site Plan – DRB.

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

[607] Added per EPC Condition #1 (Tech Edits) and R-19-150.
[608] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

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.

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 associated with a Site Plan shall be noted on the approved Site Plan.

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.[609]

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, 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:[610]

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

[609] Revised per EPC Condition #1 (Tech Edits).
[610] Revised per EPC Condition #1 (Tech Edits) for consistency with addition made above, as amendments may be reviewed by staff or sent back to the original decision-making body.

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 approval is void. The Planning Director may extend the time limit up to an additional 1 year.[611]

6-4(R) REQUIRED IMPROVEMENTS AND FINANCIAL ASSURANCE

6-4(R)(1) Unless specified otherwise in this IDO, the DPM, or an IIA approved by the City, or otherwise approved by the City, all applicants for permits and approvals under this IDO are required to pay for and install all public and private improvements necessary to address the impacts of their proposed development or land use on surrounding neighborhoods and on the City's infrastructure, transportation, drainage, or other systems and services, as provided in the DPM.

6-4(R)(2) Notwithstanding Subsection A above, the City shall not require an applicant to pay for or install that portion (if any) of a public or private improvement that is being funded through the City's impact fee requirements and for which the applicant has or will be required to pay an impact fee.

6-4(R)(3) Unless specified otherwise in this IDO or the DPM, if the applicant has not completed the installation of those public and private improvements required by this IDO, the DPM, or any City-approved IIA or Development Agreement by the time the first certificate of occupancy for the property is issued, or by the time the first use of the property for a new approved land use begins, the applicant may be required to provide financial security to the City to ensure that the City will have adequate funds on hand to complete the required public or private improvements prior to initial occupancy or use of the property pursuant to an approval under this IDO. Financial security will only be used by the City to complete required public and private improvements if the applicant fails to provide those improvements in a timely manner as required by this IDO, the DPM, or any City-approved IIA or Development Agreement.

6-4(R)(4) The DPM contains specific requirements for the types of public and private improvements required for different types of development applications; the timing and phasing of those improvements; documents required to be submitted for approval of those improvements; inspection of improvements; financial security for completion of the improvements; required warranties on the performance of the improvements; dedication and City acceptance of improvements; provisions for release of financial security or performance warranties; and other matters related to required public and private improvements.

[611] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #40.

6-4(S) BUILDING AND CONSTRUCTION AND RELATED APPROVALS[612]

6-4(S)(1) Declaratory Ruling[613]

6-4(S)(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(S)(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.[614]

6-4(S)(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(S)(2) Impact Fees

6-4(S)(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(S)(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(S)(3) Fugitive Dust Control Construction Permit

6-4(S)(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(S)(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 determine the need for a fugitive dust control construction permit and appropriate site-specific dust control measures.
2. Obtain required signatures from the permittee, owner, operator, and/or responsible person. For surface disturbance equal to or less than 25 acres, allow up to 10 business days for

[612] Moved the sections below from being Specific Procedures to be General Procedures as they are generally approvals required by processes that are outside of the IDO. These sections are intended to summarize those requirements and reference the specific locations where those procedures are described. Text from the Specific Procedures has been revised to more accurately reflect existing practice and to avoid conflict with other City requirements.
[613] Moved from Specific Procedures per City Council Amendment B20.
[614] Revised per EPC Condition #1 (Tech Edits).

application review. For surface disturbance greater than 25 acres, allow up to 20 business days for application review.

6-4(S)(4) Grading, Drainage, and Paving Approvals

6-4(S)(4)(a) All development that will involve site grading or paving shall comply with Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and any other relevant provisions of this IDO in order to address potential soil erosion, storm drainage, and air quality impacts that may occur from those activities. In case of a conflict with any standard in this IDO, the standards and procedures in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control) or the DPM shall prevail.

6-4(S)(4)(b) The type of permit required for these activities depends on the thresholds in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control) related to size, extent, and location, summarized below.

1. Grading activities that involve disturbance of less than 1 acre of land and/or relocation of less than 500 cubic yards and are not located adjacent to a watercourse or within a Special Flood Hazard Area do not require a permit, but may be reviewed by the City Engineer.
2. Grading activities that involve disturbance of one acre or more, relocation of 500 cubic yards or more, and/or are located adjacent to a watercourse or within a Special Flood Hazard Area require a sediment control permit and a grading permit.
3. Paving of 10,000 square feet or more require a paving permit.
4. Resurfacing of previously paved areas that does not involve land disturbance does not require a paving permit or review.

6-4(S)(4)(c) Regardless of the size of a project, grading, paving, or staging activities within a Special Flood Hazard Area requires a floodplain development permit.

6-4(S)(4)(d) Any building over 1,000 square feet requires a grading plan as part of the application for building permit.

6-4(S)(5) Landfill Gas Mitigation Approval[615]

6-4(S)(5)(a) Standards and procedures for obtaining a landfill gas mitigation approval are generally governed by the City Environmental Health Department, whose applicable standards and procedures, including any applicable federal, State, and local laws, regulations, and policies, including but not limited to Subsection 20.6.2.4103.A of the New Mexico Administrative Code (NMAC), prevail over the 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.

[615] Moved from Specific Procedures per City Council Amendment B20.

6-4(S)(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(S)(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(H) (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.
8. Site Plan – EPC.
9. Subdivision of Land – Minor.
10. Subdivision of Land – Major.

6-4(S)(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 application(s) listed in Subsection 14-16-6-4(S)(5)(c) related to the property.
   b. The applicant shall commit in writing to the landfill gas mitigation plan as a condition of approval on all official documents, including but not limited to plats, plans, and

permits, filed at the City Planning Department in relation to development of the property. In the case of a large corporation, this letter of commitment shall be signed by a representative with the authority to commit the corporation to implementing the landfill gas mitigation plan.

c. The City Environmental Health Department shall acknowledge receipt of the letter of commitment to the applicant and provide a copy to the City Planning Department for filing.

d. The applicant shall include the following disclosure statement on any official documents filed at the Planning Department in relation to development of the property such as plats, plans, or permits:

"The subject property is located (near / on) a (closed / operating) landfill. Due to the subject property being (near / on) a (closed / operating) landfill, certain precautionary measures may need to be taken to ensure the health and safety of the public. Recommendations made by a professional engineer with expertise in landfills and landfill gas issues (as required by the most current version of the Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department) shall be consulted prior to development of the site."

e. The City Environmental Health Department shall refer any development that appears to require regulation by the State due to removal of landfill materials, such as for grading or required off-site infrastructure, to the New Mexico Environment Department – Solid Waste Bureau.

3. If the assessment and report indicate that there is no landfill gas at the property and there is no future risk from the migration of landfill gases, the assessment and report shall state how such a determination was made and the applicant shall do all of the following:

a. Submit copies of the assessment and report approved by the Environmental Health Department with any application(s) listed in Subsection 14-16-6-4(S)(5)(c) related to the property.

b. Include the disclosure statement in Subsection 2.d above on any official documents filed at the Planning Department in relation to the development such as plats, plans, or permits.

4. The Environmental Services Division of the City Environmental Health Department or its consultant shall review the

assessment and report, and landfill gas mitigation plan if applicable, and shall approve or reject them in writing within 20 business days of its submission. If the documents are not acceptable, the City Environment Health Department shall advise the applicant of the changes needed and the applicant shall submit revised documents for review and approval.

6-4(S)(5)(e) Landfill gas mitigation approvals are on file at the City Planning Department.

6-4(T) TIMING OF DECISIONS[616]

6-4(T)(1) The City shall review and make decisions on applications under this IDO as promptly as reasonably possible while complying with the requirements of this IDO, any other requirements that may be provided by law, and as set forth in more detail in the DPM.

6-4(T)(2) In the case of an application for a permit or approval or an amendment to a permit or approval for any land use involving rights protected by the First Amendment to the U.S. Constitution or similar provisions in the New Mexico Constitution, the City will make a final decision on a complete application (and if the decision is subject to an appeal to the City Council, will make a decision on the appeal) within any specific timeframes established in this IDO or as necessary to avoid a chilling effect on the exercise of those constitutional rights, as interpreted by applicable federal or State court decisions.

6-4(T)(3) In the case of an application where the City Council is the decision-making body, except for Annexations, once the relevant decision-making body has made a recommendation on the application, the Planning Director shall prepare and transmit the full record of the application to the Clerk of the City Council within 60 calendar days of the recommendation. The Clerk of the City Council shall place the application on the Letter of Introduction for the next regularly scheduled City Council meeting, provided that there is a sponsoring City Councilor and provided that there are at least 3 business days between when it was received and the next regular meeting.[617]

6-4(T)(4) In the case of an application for an approval or an amendment to an approval for a WTF, the City shall make a decision on a complete application (and if the decision is subject to appeal to the City Council, will make a decision on the appeal) in accordance with timing established by federal regulations.

6-4(T)(5) In the case of an application for demolition of a City landmark, the City shall make a decision within the timeframe established in Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

6-4(T)(6) If a case is not heard by the relevant decision-making body within 6 months after the application is accepted as complete because of continued requests for deferral by the applicant or because the applicant fails to appear at the

[616] Revised per EPC Condition #1 (Tech Edits).
[617] Added per EPC Condition #1 (Tech Edits).

scheduled hearing date, the application is considered withdrawn, and a new application that meets all requirements of this IDO must be submitted.[618]

6-4(T)(7) If any application has not been reviewed and decided within 3 years after the application is accepted as complete, a new application must be submitted and processed in compliance with all requirements of this IDO, unless an extension is granted by the relevant decision-making body.[619]

6-4(U) FINALITY OF DECISIONS

6-4(U)(1) A decision on any application type other than Preliminary Plat by any decision-making body shown in Table 6-1-1 is final unless appealed, in which case it is not final until the appeal has been decided by the last appeal body. As a preliminary approval, a Preliminary Plat is not considered a final decision that can be appealed.

6-4(U)(2) A recommendation, deferral, continuance, or remand by any entity shown in Table 6-1-1 is not a final decision and cannot be appealed.

6-4(U)(3) City Council decisions on quasi-judicial matters are final decisions not subject to veto by the Mayor and are appealable only to a court of competent jurisdiction as provided by law.

6-4(U)(4) Any actions taken by an applicant or property owner after a final decision has been made by the relevant decision-making body in Table 6-1-1, but before the time for appeal of that decision has expired or before any appeal has been decided by the last appeal body, are at the risk of the applicant or property owner, and the City shall not be liable for any damages incurred for actions taken during those times.

6-4(V) APPEALS

6-4(V)(1) Appeal Bodies

6-4(V)(1)(a) Any decision by the Historic Preservation Planner on a Historic Certificate of Appropriateness – Minor may be appealed to the LC.

6-4(V)(1)(b) Any decision by City Planning Department staff on an Impact Fee Assessment may be appealed to the EPC.

6-4(V)(1)(c) The following approvals and decisions may be appealed to the City Council through the LUHO:[620]

1. All decisions for which the City Council has final decision-making authority for appeals pursuant to Table 6-1-1, including the LC's decision on an appeal of a Historic Certificate of Appropriateness – Minor pursuant to Subsection (a) above.
2. The EPC's decision on an appeal of an impact fee assessment, pursuant to Subsection (b) above.
3. The ZEO's decision on a declaratory ruling.

[618] Added per EPC Condition #1 (Tech Edits).
[619] Added per EPC Condition #1 (Tech Edits).
[620] Revised to address declaratory rulings, which were moved from Specific Procedures per City Council Amendment B20.

4. In an appeal to the City Council through the LUHO, the LUHO shall do 1 of the following:
   a. Recommend a proposed disposition of the appeal to the City Council with supporting analysis and findings. The LUHO may recommend that an appeal be affirmed in whole or in part, reversed in whole or in part, and/or remanded in whole or in part.
   b. Directly remand an appeal for reconsideration or further review by the lower decision-making body if a remand is necessary to clarify or supplement the record or if remand would more expeditiously dispose of the matter.

6-4(V)(1)(d) Any decision related to compliance with Articles 14-1, 14-3, and 14-5 of ROA 1994 (Uniform Administrative Code and Technical Codes, Uniform Housing Code, and Flood Hazard and Drainage Control) by City Planning Department staff for a building permit or other construction approval may be appealed pursuant to the applicable sections of those codes.[621]

6-4(V)(2) Who May Appeal

6-4(V)(2)(a) Standing

Standing to appeal a final decision may be granted to any of the following parties.

1. The owner of the property listed in the application.
2. A representative of any City department, City agency, or other governmental or quasi-governmental agency whose services, properties, facilities, interest, or operations may be affected by the application.
3. Any party appealing the following decisions:
   a. Declaratory Ruling
   b. Adoption or Amendment of Albuquerque/Bernalillo County Comprehensive Plan
4. Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision.
   a. Such showing must be presented by the appellant as part of the appeal, and the LUHO or City Council shall enter a finding or findings as to whether this requirement has been met.
   b. If it is found that the appellant cannot satisfy this standard, the appeal shall be denied.
5. Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.

[621] Added per EPC Condition #45, moved from Subsection 6-5(G) (Site Plan – Administrative), and revised for consistency with IDO structure and to provide more accurate references.

a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included.[622]

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[623]

Application Type	Property Owners within Distance Specified	Neighborhood Associations within Distance Specified
Administrative Decisions		
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		
Permit	100 ft.	Includes or Is Adjacent
Alternative Signage Plan	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
Wireless Telecommunications Facility Approval	330 ft.	660 ft.
Decisions Requiring a Public Meeting or Hearing		
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[624]	100 ft.	Includes or Is Adjacent
Permit – Wall or Fence – Major[625]	100 ft.	Includes or Is Adjacent
Site Plan – DRB	330 ft.	660 ft.

[622] Revised per EPC Condition #38.b.
[623] Table revised to reflect changes to Application Types per EPC Condition #1 (Tech Edits) and any other relevant EPC Conditions. Removed fugitive dust control permit as there is no process to appeal such a permit.
[624] New procedure per EPC Condition #1 (Tech Edits) and R-19-150. Used distances associated with Variance – ZHE (pevious approval type).
[625] New procedure per EPC Condition #1 (Tech Edits) and R-19-150. Used distances associated with Variance – ZHE (pevious approval type).

Table 6-4-2: Standing for Appeals Based on Proximity to Subject Property[623]		
Application Type	**Property Owners within Distance Specified**	**Neighborhood Associations within Distance Specified**
Site Plan – EPC	330 ft.	660 ft.
Subdivision of Land – Minor	100 ft.	Includes or Is Adjacent
Subdivision of Land – Major		
Preliminary Plat[1]	N/A	N/A
Bulk Land Subdivision[626]	100 ft.	Includes or Is Adjacent
Final Plat	330 ft.	660 ft.
Vacation of Easement, Private Way, or Public Right-of-way[627]		
Vacation of Public or Private Easement	100 ft.	Includes or Is Adjacent
Vacation of Public Right-of-way – City Council	330 ft.	660 ft.
Vacation of Public Right-of-way – DRB	100 ft.	Includes or Is Adjacent
Variance – EPC	330 ft.	660 ft.
Variance – ZHE	100 ft.	Includes or Is Adjacent
Waiver – DRB[628]	100 ft.	Includes or Is Adjacent
Waiver – Wireless Telecommunications Facility	330 ft.	660 ft.
Policy Decisions		
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[629]	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(V)(2)(b) Appearance of Record Required

1. For Decisions Requiring a Public Meeting or Hearing and Policy Decisions (per 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.
2. An appearance of record can be made through any of the following:
   a. The initial submittal of an application for a decision listed in 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-

[626] New procedure per EPC Condition #35.a. Appeal distances based on current practice.
[627] Procedure names and requirements revised per EPC Condition #1 (Tech Edits). Used distances associated with DRB decision as the most similar approval type.
[628] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[629] New application type per EPC Condition #1 (Tech Edits). Used distances associated with ZMA as the most similar approval type.

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.

6-4(V)(3) Procedure

6-4(V)(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(V)(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.
3. The LC may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.

4. The LC shall make findings exclusively on the record of the decision appealed, supplemented by any evidence allowed at the hearing.
5. The LC may affirm, reverse, or otherwise modify the lower decision to bring it into compliance with the standards and criteria of this IDO, applicable City regulations, and any prior approvals related to the subject property.
6. If the LC determines that the matter should be remanded, the LC shall set forth the reason(s) for the remand and the matters to be reconsidered and may order such remand. The matter must be heard and decided by the original decision-making body prior to any further appeal of the matter.

6-4(V)(3)(c) Environmental Planning Commission – Appeal of an Impact Fee Assessment

1. Once an appeal has been accepted by the Planning Director, the City Planning Department staff shall prepare and transmit a record of the appeal together with all appeal material received from the appellant to the property owner and appellant(s) and to the EPC. The EPC shall schedule a hearing on the matter within 45 calendar days of receipt. City Planning Department staff shall notify the parties. Appellants and parties to the appeal may submit written arguments to the EPC so long as the written argument is received by EPC staff at least 10 calendar days prior to the hearing.
2. The EPC 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.
3. The EPC may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.
4. The EPC shall make findings exclusively on the record of the decision appealed, supplemented by any evidence allowed at the hearing.
5. The EPC may affirm, reverse, or otherwise modify the lower decision to bring it into compliance with the standards and criteria of this IDO, applicable City regulations, and any prior approvals related to the subject property.
6. If the EPC determines that the matter should be remanded, the EPC shall set forth the reason(s) for the remand and the matters to be reconsidered and may order such remand. The matter must be heard and decided by the original decision-making body prior to any further appeal of the matter.

6-4(V)(3)(d) Land Use Hearing Officer (LUHO)

1. Once an appeal has been accepted by the Planning Director, the Planning Director shall prepare and transmit a record of the appeal together with all appeal material received from the appellant to impacted parties and to the LUHO through the Clerk of the City Council. The LUHO shall schedule a hearing on the matter within 30 calendar days of receipt and notify the parties. Appellants and parties to the appeal may submit written arguments to the LUHO through the Clerk of the City Council so long as the written argument is received by the Clerk of the City Council at least 10 calendar days prior to the hearing.
2. The LUHO 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.
3. The LUHO may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.
4. The LUHO shall make findings exclusively on the record of the decision appealed, supplemented by any evidence allowed at the hearing.
5. The LUHO may recommend that the City Council affirm, reverse, or otherwise modify the lower decision to bring it into compliance with the standards and criteria of this IDO, applicable City regulations, and any prior approvals related to the subject property.
6. If the LUHO determines that the matter should be remanded, the LUHO shall set forth the reason(s) for the remand and the matters to be reconsidered and may order such remand without approval by the City Council.

6-4(V)(3)(e) City Council

1. If the appeal is not directly remanded, the LUHO shall forward the recommendation and findings and a transcription of the LUHO's public hearing to City Council within 15 calendar days after the close of the hearing.
2. The City Council shall place the matter on the agenda of the next regular City Council meeting at which land use, planning, and zoning matters are heard following its receipt of the LUHO's recommendation, provided that there is a period of at least 10 calendar days between the receipt of the recommendation and the City Council meeting. The parties

may submit written comments to the City Council regarding the LUHO's recommendation and findings provided that such comments are received by the Clerk of the City Council and all other parties of record no later than 4 calendar days prior to the City Council meeting.

3. At that meeting, the City Council shall vote whether to accept or reject LUHO's recommendation and findings. A motion to accept or reject the LUHO's recommendation and findings must be approved by a majority vote of the entire membership of the City Council.
4. The City Council may accept a portion of the LUHO's recommendation and findings and reject the remainder. If the LUHO's recommendation is rejected in whole or in part, or if the City Council fails to either accept or reject the recommendation, the City Council may take 1 of the following actions:
    a. Remand the matter for reconsideration or further review by a lower decision-making body if necessary to clarify or supplement the record, or if remand would more expeditiously dispose of the matter.
    b. Make a final determination on the appeal and adopt findings in support of its determination based only on the record without any additional hearings.
    c. If the City Council determines that it cannot properly dispose of the appeal without additional hearings on the matter, schedule a full hearing on the matter no earlier than the next regular meeting at which land use matters are heard.
5. If the City Council fails to accept or reject the LUHO's recommendation and no other motions are made or approved, the appeal will be scheduled for a full hearing on the matter at the next regular meeting of the City Council.[630]
6. If the matter is scheduled for a hearing before the City Council, the Clerk of the City Council shall notify the parties to the appeal. The parties may present oral argument at the hearing pursuant to hearing procedures as established by rule of the City Council. However, the City Council shall not accept new evidence and shall make its final decision based solely on the evidence in the record at the close of the LUHO's hearing and the oral arguments of the parties. A vote of the City Council to reverse a lower decision must be approved by a majority of the entire membership of the City Council.[631]
7. If the City Council conducts a public hearing on the appeal, the City Council shall adopt written findings at the conclusion of

[630] Added per City Council Floor Amendment C8.
[631] Revised per EPC Condition #1 (Tech Edits).

that hearing or at the next scheduled meeting of the City Council; however, a City Councilor who did not participate in the action taken on the appeal may not participate in the action to adopt the findings at a subsequent meeting.

6-4(V)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes:

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(V)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

6-4(W) JUDICIAL REVIEW

A decision of the City Council is final but is subject to judicial review pursuant to New Mexico law.

6-4(X) EXPIRATION OF APPROVALS

6-4(X)(1) Permits and Approvals Run with the Land

Unless specified otherwise on the permit or approval document for a specific type of development approval, permits and approvals run with the land and are not affected by changes in ownership or the form of ownership of the property.

6-4(X)(2) Period of Validity

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

6-4(X)(2)(b) The applicant, property owner, or an agent of the applicant or property owner has begun construction, use, or occupancy of the property within the time shown in Table 6-4-3 for the relevant type of permit or approval. For the purposes of this Subsection 14-16-6-4(X)(2), construction does not include site grading, but does include the installation of required infrastructure. For additional provisions specific to Site Plans and Master Development Plans, see Subsection 14-16-6-4(X)(3)(a).

6-4(X)(2)(c) On properties that have not been developed pursuant to thresholds established in Subsection 14-16-6-4(X)(3)(a), the applicant, property owner, or an agent of the applicant or

property owner has applied to the decision-making body that originally approved the site plan to accelerate the expiration and the decision-making body has agreed to set an accelerated expiration date.[632]

Table 6-4-3: Permit and Approval Expirations[633]

Type of Approval	Period of Validity
Administrative Decisions	
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[634]	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
Decisions Requiring a Public Meeting or Hearing	
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[635]	1 year
Permit – Wall or Fence – Minor[636]	1 year
Site Plan – DRB	7 years[637]
Site Plan – EPC	7 years
Subdivision of Land – Minor	Does not expire once timely recorded
Subdivision of Land – Major[638]	
Preliminary Plat	1 year
Bulk Land Subdivision[639]	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

[632] Added per EPC Condition #1 (Tech Edits).
[633] Table revised to reflect changes to Application Types per EPC Condition #1 (Tech Edits) and any other relevant EPC Conditions. Removed fugitive dust control permit as covered in Environmental Health regulations. Left Impact Fee Assessments and Grading, Drainage, or Paving Permit as expiration needs to be addressed, although these permits were removed from Table 6-1-1.
[634] Added per City Council Amendment B19.
[635] New procedure per EPC Condition #1 (Tech Edits) and R-19-150. Used period associated with Variance – ZHE (pevious approval type).
[636] New procedure per EPC Condition #1 (Tech Edits) and R-19-150. Used period associated with Variance – ZHE (pevious approval type).
[637] Revised per EPC Condition #1 (Tech Edits).
[638] Deleted Infrastructure Improvements Agreement per EPC Condition #1 (Tech Edits).
[639] New procedure per EPC Condition #35.a. Used expiration based on current practice.

Table 6-4-3: Permit and Approval Expirations[633]	
Type of Approval	**Period of Validity**
Variance – EPC	Expires with associated Site Plan
Variance – ZHE	1 year
Waiver – DRB[640]	1 year, if not platted / Expires with associated Site Plan
Waiver – Wireless Telecommunications Facility	Does not expire
Policy Decisions	
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[641]	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(X)(3) Exceptions to Period of Validity

6-4(X)(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.
   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.

[640] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[641] New application type per EPC Condition #1 (Tech Edits). Used distances associated with ZMA as the most similar approval type.

6-4(X)(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.
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(X)(4) Extensions of Period of Validity

6-4(X)(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.[642]
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(X)(4)(b) Additional Provisions for Extensions of Approved Site Plans

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

[642] Revised per EPC Condition #1 (Tech Edits) and EPC Condtion #41.

owner intends to fully develop the site according to the Site Plan.

b. There is little flexibility in how the site can be developed.

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 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(X)(4)(c) Additional Provisions for Extensions of Preliminary Plats[643]

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the 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(Y) 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(Y)(1) Applicability

6-4(Y)(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:[644]

[643] Added per EPC Condition #1 (Tech Edits).
[644] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

1. Subsection 14-16-6-6(P) (Waiver – DRB) for exceptions to any standards in Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-5 (Parking and Loading), except the following:
   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).
   b. Standards related to front yard parking in Subsection 14-16-5-5(F)(1)(a)7, 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).
2. Subsection 14-16-6-6(Q) (Waiver – Wireless Telecommunications Facility) for deviations from IDO standards applicable to the erection or installation of a WTF.
3. Subsection 14-16-6-6(N) (Variance – EPC) for exceptions to any IDO standard other than those listed in Subsections 1 and 2 above for approvals associated with a Site Plan – EPC.
4. Subsection 14-16 6-6(O) (Variance – ZHE) for exceptions to any IDO standard other than those listed in Subsection 1 and 2 above for any approval other than a Site Plan – EPC.

6-4(Y)(1)(b) Amendments to Policy Decisions (as listed in Table 6-1-1) shall be reviewed pursuant to the relevant requirements in Section 14-16-6-7.

6-4(Y)(1)(c) Approvals granted prior to this IDO may be amended by the procedures in Subsection 14-16-6-4(Z).

6-4(Y)(2) Minor Amendments

6-4(Y)(2)(a) A minor amendment must meet all of the following criteria:[645]

1. The amendment is necessary because of site conditions or user requirements that were not known, and could not reasonably have been known, at the time the City approved the approval that is proposed to be amended, and that were not created by the actions of the owner of the property.
2. The amendment does not increase or decrease the dimension of any standard beyond the thresholds allowed as minor amendments pursuant to Table 6-4-4 (cumulative of any earlier deviations or amendments).
3. The amendment does not decrease the total amount of open space in the development and does not reduce the size of any open space abutting a lot containing a residential use.
4. The amendment does not reduce any building setback adjacent to development containing residential uses by any amount.

[645] Deleted per City Council Amendment B20.

5. The amendment does not increase the maximum number of residential dwelling units in the development from that shown in the existing permit, approval, or plan. If the property is located in a DT-UC-MS-PT area, the amendment does not decrease the required number of residential dwelling units in the development from that shown in the existing permit, approval, or plan.
6. The amendment does not adjust a building design standard unless doing so improves the perception of building quality, variety, durability, and articulation when viewed from adjacent streets and abutting properties.
7. The amendment does not reduce the amount of total landscaping installed on the subject property or the amount of screening or buffering required on portions of the site abutting any property containing residential dwelling units and does not waive or weaken any other landscaping or buffering requirement unless the ZEO determines that alternative building design elements included in the amendment improve the visual quality and screening and buffering effect of landscaping as viewed from adjacent streets and public areas.
8. The amendment does not increase the traffic accessing the subject property from local streets and does not increase or decrease the number of through streets, sidewalks, trails, or trail connections passing through the property or connecting to or designed to connect to abutting properties.
9. The amendment does not require major public infrastructure or significant changes to access or circulation patterns on the subject property.[646]
10. The amendment does not change a specific condition attached by a decision-making body listed in Table 6-1-1 to a prior development permit, approval, or plan for or including the subject property. For example, a specific condition attached to a prior approval requiring additional buffering to mitigate development impacts shall not be removed through a minor amendment process.
11. The amendment does not affect a property in an Overlay zone as regulated per Part 14-16-3, in which case amendments may be granted per the original approval process for the Site Plan governing the site.
12. The amendment does not approve any land use that was not authorized by the permit or approval or that is not allowed by right on the subject property.

[646] Added per EPC Condition #1 (Tech Edits).

13. The amendment does not expand a nonconformity as regulated per Section 14-16-6-8 (Nonconformities).

6-4(Y)(2)(b) If the Planning Director determines that an amendment warrants review by the decision-making body that issued the permit or approval being amended, the amendment shall be reviewed and approved pursuant to Subsection 14-16-6-4(Y)(3) (Major Amendments).[647]

6-4(Y)(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 or 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.

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[648]	10%	
Front setback, minimum	15%	
Side setback, minimum	15%	50%
Rear setback, minimum	10%	50%
Building height, maximum	Increase: 10% Decrease: any amount[649]	
Wall and fence height	6 in.	
Any other numerical standard	10%	
Any other addition or revision that would otherwise be decided as a Permit – Sign, Permit – Wall or Fence – Minor, or Site Plan – Administrative[650]	Any amount that meets requirements specified in the approved Permit or Site Plan or, if the Permit or 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	

[647] Added per EPC Condition #1 (Tech Edits).
[648] Revised per EPC Condition #1 (Tech Edits).
[649] Revised per EPC Condition #1 (Tech Edits).
[650] Added per EPC Condition #1 (Tech Edits).

6-4(Y)(3) Major Amendments

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.

6-4(Z) 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(Z)(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(Z)(1)(a) Minor Amendments

The Planning Director may grant minor amendments that meet the following requirements:[651]

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.[652]
4. No deviations, Variances, or Waivers shall be granted for minor amendments.[653]

6-4(Z)(1)(b) Major Amendments

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.

[651] Revised per EPC Condition #1 (Tech Edits).
[652] Added per EPC Condition #1 (Tech Edits).
[653] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #43 to apply to minor amendments only.

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.
    b. Any change affecting an easement.
    c. Any expansion of a nonconforming use or structure.

6-4(Z)(2) Facility Plans

Facility Plans may be amended per the procedure described in Subsection 14-16-6-7(B) (Adoption or Amendment of Facility Plan).

6-4(Z)(3) Master Plans or Resource Management Plans

6-4(Z)(3)(a) Master Plans or Resource Management Plans for City facilities may be amended per the procedures specified in the relevant plan or by the relevant implementing City department. The implementing departments may request review by the EPC and/or City Council where more input is desired.

6-4(Z)(3)(b) Master Plans for private property shall be amended as site development plans pursuant to Subsection 14-16-6-4(Z)(1) above.

6-5 ADMINISTRATIVE DECISIONS

6-5(A) ARCHAEOLOGICAL CERTIFICATE

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(A).

6-5(A)(1) Applicability

This Subsection 14-16-6-5(A) requires an Archaeological Certificate of No Effect or Certificate of Approval to be duly approved prior to approval of any preliminary plat, Site Plan, or Master Development Plan for projects over 5 acres.



6-5(A)(2) Procedure

6-5(A)(2)(a) An application for an Archaeological Certificate shall be reviewed by the City Archaeologist to determine whether the proposed development will have an adverse impact on any significant archaeological site.

6-5(A)(2)(b) The City Archaeologist shall issue a Certificate of No Effect if there is no adverse impact.

6-5(A)(2)(c) If the application does not qualify for a Certificate of No Effect, an application for a Certificate of Approval shall be required. The applicant must submit a treatment plan prepared by a qualified archaeologist that adequately mitigates any archaeological impacts of the development.

6-5(A)(2)(d) The City Archaeologist shall review the treatment plan and shall approve or deny the proposed plan within 15 calendar days of its submission. If the plan is approved, a Certificate of Approval shall be issued by the City Archaeologist. If the plan is not approved as submitted, the City Archaeologist shall advise the applicant of the changes needed in the plan for its approval.

6-5(A)(2)(e) The Planning Department shall maintain records of project areas that received a Certificate of No Effect or Certificate of Approval.

6-5(A)(2)(f) The Planning Director shall require that the treatment plan is included on the applicable infrastructure lists of Preliminary Plats and Site Plans.

6-5(A)(2)(g) The Planning Director shall require that any necessary treatment plan is referenced on the first sheet of the Site Plan or Master Development Plan. Implementation of the necessary treatment plan shall be made a condition of approval.

6-5(A)(3) Review and Decision Criteria

6-5(A)(3)(a) Certificate of No Effect

An application for a Certificate of No Effect shall be approved if it meets any of the following criteria:

1. An archaeological investigation has been conducted on the property, and based on a report prepared by a qualified archaeologist, it has been determined that no significant archaeological site exists on the property. The factual basis necessary to support this determination shall be met through the presentation of an archaeological investigation report prepared in compliance with federal or New Mexico State historic preservation laws and regulations that used a comparable definition for a significant archaeological site. Documentation indicating that the report was accepted by the relevant agency shall accompany the report.
2. The property has been disturbed through previous land use or development to such an extent that there is a substantial reduction in the probability of the continuing existence of any significant archaeological site. It shall be adequate evidence that the property was previously disturbed to such an extent so as to meet this requirement if the property has been graded, demolition has occurred on the property, or the project involves redevelopment or rehabilitation of existing improvements.
3. The informational value of any significant archaeological sites located on the property has been satisfactorily documented through previous archaeological investigation.

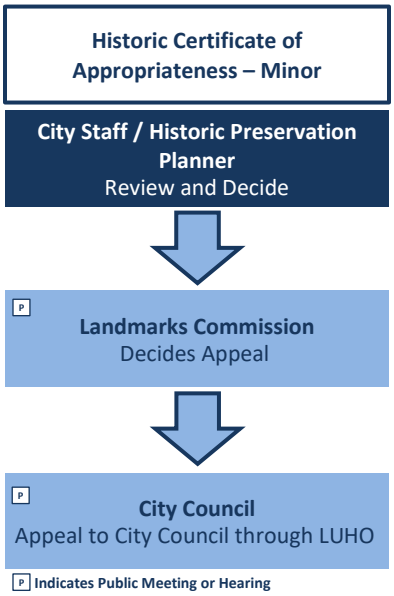
6-5(A)(3)(b) Certificate of Approval

1. A Certificate of Approval shall be issued if the proposed site-specific treatment plan accomplishes all of the following:
   a. Details strategies for the management of the affected archaeological sites.
   b. Includes standards for further testing, sampling, documentation, data recovery, preservation and protection, analysis, and report preparation.
   c. Outlines an effective preservation plan or data recovery and documentation plan for those resources that the City Archaeologist has determined to have significant research or other value.
   d. Provides a schedule for the implementation of the treatment plan.
   e. Provides a cost estimate for mitigation strategies, including testing, data recovery, curation, and report preparation.
2. In making a decision on the plan, the City Archaeologist shall consider methods to avoid, reduce, or mitigate effects on archaeological resources, including the use of conservation easements, while taking into consideration the needs of the property owner.

6-5(B) HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR

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(B).

6-5(B)(1) Applicability



6-5(B)(1)(a) This Subsection 14-16-6-5(B) applies to any of the following activities within an HPO zone or a City landmark site:

1. All alterations to the exterior appearance of any structure, including any wall.
2. All alterations to any character-defining interior feature within a City landmark.
3. All construction of new accessory structures, including walls.
4. All demolition of existing non-contributing accessory structures, including walls.
5. Any alteration, construction, or demolition of a sign.

6-5(B)(1)(b) This Subsection 14-16-6-5(B) does not apply to any of the following activities within an HPO zone or a City landmark site:

1. Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure and restore it to its condition prior to deterioration.
2. Any construction, alteration, or demolition that only affects the interior of the structure unless the interior features which will be affected were listed as worthy of preservation in the landmark's general preservation guidelines or specific development guidelines.
3. Any construction, alteration, or demolition that is exempted from this requirement by approved specific development guidelines.
4. Any alteration or demolition that is necessary to correct or abate a condition which has been declared unsafe or requiring an emergency measure by the appropriate City official after notification of the LC and consultation with the LC Chairperson.

6-5(B)(1)(c) This Subsection 14-16-6-5(B) requires a Historic Certificate of Appropriateness – Minor prior to a historic sign anywhere in the city being taken down and then reinstalled in the same location

after being restored on-site or taken off-site for restoration, repair, or maintenance.[654]

6-5(B)(1)(d) Any application deemed minor by the Historic Preservation Planner shall be reviewed and decided pursuant to this Subsection 14-16-6-5(B). Those applications that include major changes that warrant additional review by the LC at a public hearing shall be reviewed and decided per Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

6-5(B)(2) Procedure

The Historic Preservation Planner shall review the application and make a decision on the Historic Certificate of Appropriateness – Minor.

6-5(B)(3) Review and Decision Criteria

An application for a Historic Certificate of Appropriateness – Minor shall be approved if it complies with all of the following criteria:

6-5(B)(3)(a) The change is consistent with the designation ordinance and specific development guidelines for the landmark or HPO zone.

6-5(B)(3)(b) The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.

6-5(B)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

6-5(B)(3)(d) The structure or site's distinguished original qualities or character will not be altered, where “original” means both those included at the time of initial construction and those developed over the history of the structure.

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

[654] Added per EPC Condition #1 (Tech Edits).

6-5(C) PERMIT – SIGN

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(C).

6-5(C)(1) Applicability



6-5(C)(1)(a) This Subsection 14-16-6-5(C) applies to any sign that requires a Sign Permit pursuant to Subsection 14-16-5-12(D)(1).

6-5(C)(1)(b) This Subsection 14-16-6-5(C) applies to an application for an Alternative Signage Plan pursuant to the provisions in Subsection 14-16-5-12(F)(5) (Alternative Signage Plan).

6-5(C)(1)(c) This Subsection 14-16-6-5(C) applies to approving a sign for compliance with standards in the IDO as part of an application for a Master Development Plan or Site Plan.

6-5(C)(2) Procedure

6-5(C)(2)(a) General

1. The ZEO shall review the application and make a decision on the Permit – Sign.
2. All applications on properties in an HPO zone shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and a recommendation sent to the ZEO.
3. All applications in an area with a City-approved architectural or design review body shall first be reviewed by that body and a recommendation sent to the ZEO.
4. Where owners of abutting premises create a Joint Sign Premises to apply for a sign that would not otherwise be allowed, the owners' signed agreement shall be included in the application for the Sign Permit.

6-5(C)(2)(b) Electronic Signs

In addition to the general requirements in this Subsection 14-16-6-5(C), all of the following requirements must be met for electronic signs:

1. A Permit – Sign for an electronic sign is required annually. A permit for a new electronic sign or the annual renewal of a permit for an existing electronic sign shall expire 1 year after the date of issuance.
2. In an application to renew a Permit – Sign for an electronic sign, the applicant shall state whether or not there have been

changes to the sign in the preceding year and shall specify any changes.

3. The ZEO shall review and make a decision on each annual application for a Permit – Sign for an electronic sign.

6-5(C)(2)(c) Alternative Signage Plan

1. The ZEO shall review the application and make a decision on the Alternative Signage Plan.
2. If approved, the Alternative Signage Plan shall be binding on the property for which the plan is approved until the Alternative Signage Plan is amended or rescinded.
3. An approved Alternative Signage Plan may be amended or rescinded through the same procedure used to approve the plan.

6-5(C)(3) Review and Decision Criteria

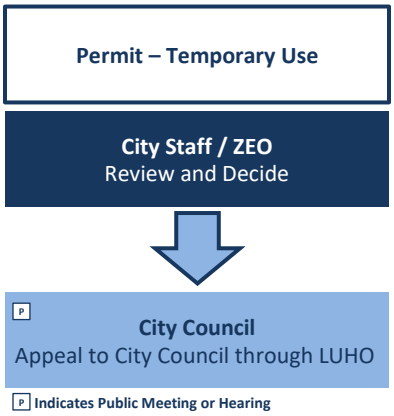
6-5(C)(3)(a) An application for a Permit – Sign shall be approved if it complies with all applicable standards in this IDO, in particular Section 14-16-5-12 (Signs); the DPM; other adopted City regulations; and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

6-5(C)(3)(b) An application for an Alternative Sign Plan shall be approved if it meets all of the requirements in Subsection 14-16-5-12(F)(5) (Alternative Signage Plan) and all of the following criteria:

1. It reflects a distribution of available sign area on the site that will promote equal or greater public safety both on-site and when viewed from any adjacent public rights-of-way, when compared to the location and distribution of signs and sign area allowed under Section 14-16-5-12 (Signs).
2. It does not create levels of glare or adverse impacts on surrounding properties greater than those that would occur from the location and distribution of signs and sign area allowed under Section 14-16-5-12 (Signs).

6-5(D) PERMIT – TEMPORARY USE

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(D).



6-5(D)(1) Applicability

This Subsection 14-16-6-5(D) applies to uses that require a Permit – Temporary Use per Table 4-2-1 and associated Use-specific Standards in Subsection 14-16-4-3(G) (Temporary Uses).

6-5(D)(2) Procedure

The applicant shall have the following responsibilities:

6-5(D)(2)(a) Discuss the temporary use with the ZEO to determine the location, duration, and potential impacts of the temporary use. A sketch plan or Site Plan may be required for the purposes of understanding access, location of temporary lavatories or other temporary provisions, and the location of any structures or signage.

6-5(D)(2)(b) Provide written permission from the owner of the subject property (if different from the applicant) for the temporary use for the requested duration of the use (e.g. number of days and/or operating hours).[655]

6-5(D)(2)(c) Supply proof of notification of abutting property owners of the use and intended duration of the use (e.g. number of days and/or operating hours).[656]

6-5(D)(2)(d) Keep documentation of the Permit – Temporary Use available on-site for the duration of the temporary use.

6-5(D)(3) Review and Decision Criteria

An application for a Permit – Temporary Use shall be approved for a specified duration if it complies with all applicable Use-specific Standards in Subsection 14-16-4-3(G) (Temporary Uses) and adequately mitigates negative impacts on surrounding properties for the duration of the use.

[655] Added per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.
[656] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.

6-5(E) PERMIT – TEMPORARY WINDOW WRAP[657]

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(E).

6-5(E)(1) Applicability

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

6-5(E)(1)(a) Any MX-FB zone district in the Downtown Center (DT), pursuant to Subsection 14-16-2-4(E)(3)(f)3.a.v.

6-5(E)(1)(b) Any Mixed-use or Non-residential zone district in any UC-AC-MS-PT area pursuant to Subsection 14-16-5-11(E)(2)(b)2.c.

6-5(E)(2) Procedure

The applicant shall have the following responsibilities:

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

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

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

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

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

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

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

[657] Added per City Council Amendment B19.

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

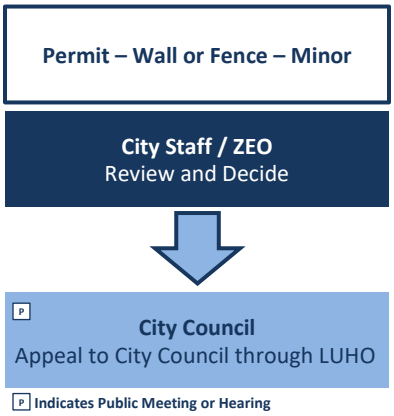
6-5(E)(2)(h) Remove the temporary window wrap within 5 business days after the ground floor becomes at least 50 percent occupied or the permit expires, whichever occurs first.

6-5(E)(3) Review and Decision Criteria

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

6-5(F) PERMIT – WALL OR FENCE – MINOR

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(F).



6-5(F)(1) Applicability

This Subsection 14-16-6-5(F) applies to all applications to build a wall or fence that meets the standards in Section 14-16-5-7 (Walls and Fences), except for the following:

6-5(F)(1)(a) Any wall that requires a Permit – Wall or Fence – Major pursuant to Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height).

6-5(F)(1)(b) Any wall that is taller than allowed by Subsection 14-16-5-7(D) and that does not require a Permit – Wall or Fence – Major pursuant to Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) requires a Variance, pursuant to Subsection 14-16-6-6(N) (Variance – EPC) for walls or fences associated with a Site Plan – EPC or Subsection 14-16-6-6(O) (Variance – ZHE) for walls or fences associated with any other request.

6-5(F)(2) Procedure

6-5(F)(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 a recommendation sent to the ZEO.

6-5(F)(2)(b) The ZEO shall review the application and make a decision on the Permit – Wall or Fence – Minor.

6-5(F)(3) Review and Approval Criteria

An application for a Wall or Fence Permit shall be approved if it 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(F)(3)(a) The ZEO may approve a wall or fence that is taller than allowed by Subsection 14-16-5-7(D) if necessary for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site.

6-5(F)(3)(b) A wall or fence shall not be approved unless the City Engineer finds that the wall or fence would not be a hazard to traffic visibility (i.e. if the wall or fence is in a clear sight triangle).

6-5(F)(3)(c) A wall or fence shall not be approved unless the City Engineer finds that the wall or fence does not block drainage and/or adversely affect adjoining, upstream or downstream properties.

6-5(F)(3)(d) 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.[658]

[658] Added per City Council Amendment B20.

6-5(G) SITE PLAN – ADMINISTRATIVE

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(F).

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 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).[659]

6-5(G)(1)(c) 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).[660]

6-5(G)(1)(d) In the Railroad and Spur Area, a Site Plan – Administrative may only be approved for development that does not require a cumulative impact analysis pursuant to Subsections 14-16-5-2(E) and 14-16-6-4(H), which requires a Site Plan – EPC pursuant to Subsection 14-16-6-6(J).[661]

6-5(G)(1)(e) This Subsection 14-16-6-5(F) applies to any development that meets any of the thresholds in Subsections 1 or 2 below:

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:
   a. All new low-density residential development.
   b. All new multi-family residential development containing no more than 50 dwelling units.
   c. All conversions of existing non-residential development to a residential use containing no more than 100 dwelling units.
   d. 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.[662]

[659] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #44.a.
[660] Added editorially related to City Coucil Amendment A10.
[661] Added per City Council Floor Amendment C2.
[662] Revised per EPC Condition #1 (Tech Edits).

e. 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.

f. 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.

2. Any of the following:[663]

a. All development in the MX-FB zone district that is already mapped.

b. More than 5 mobile food trucks on 1 lot, pursuant to Subsection 14-16-4-3(F)(11)(d) (Mobile Food Truck).

c. A Permit – Temporary Use when a Site Plan is required pursuant to a Use-specific Standard in Section 14-16-4-3.

d. All electric utilities with administrative approval, according to the approved Facility Plan.

e. All major utility facilities with administrative approval according to an approved Facility Plan.

f. 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:

i. Only allowable uses as specified in Table 4-2-1, except for any collocated City facility, are proposed.

ii. The project does not include lighting over 45 feet, illuminated signs, amplified outdoor sound, or over 150 parking spaces.

g. Any City-owned or managed Major Public Open Space facility that is not designated as an Extraordinary Facility per the Major Public Open Space Facility Plan or that is a renovation of a facility previously approved as an Extraordinary Facility.

h. 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.[664]

i. All City BioPark facilities, which are regulated by the BioPark Master Plan and managed by City Cultural Services.

6-5(G)(1)(f) 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).

[663] Did not include provision about development in NR-BP and PC proposed in EPC Condition #1 (Tech Edits) as covered by additions in Subsections 2-5(B) and 2-6(B) explaining what types of applications allow development in those zone districts with approved plans in place.
[664] Added per EPC Condition #1 (Tech Edits).

6-5(G)(1)(g) 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)(2) Procedure

6-5(G)(2)(a) An application for a Site Plan – Administrative is typically submitted with an application for a building permit. [665] 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. An initial review with comments shall be completed within 10 business days of the receipt of a complete application.[666]

6-5(G)(2)(b) 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)(c) 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)(d) 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 DRB pursuant to Subsection 14-16-6-6(P) (Waiver – DRB).[667]

6-5(G)(2)(e) 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)(f) 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 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.

[665] Revised per City Council Amendment B20.
[666] Revised per EPC Condition #1 (Tech Edits).
[667] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

6-5(H) WIRELESS TELECOMMUNICATIONS FACILITY APPROVAL

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(H) or the DPM.

6-5(H)(1) Applicability



A Wireless Telecommunications Facility (WTF) Approval must be obtained for all new WTFs located within the City limits, whether on private or public lands and whether it is a primary or accessory use.

6-5(H)(1)(a) This Subsection 14-16-6-5(K) applies to any of the following:

1. All new WTFs.
2. All collocations on public utilities.
3. All collocations on concealed WTFs.
4. All antenna collocations on unconcealed WTFs, which became nonconforming upon adoption of the concealment requirement in 2008 (City Council Bill No. O-06-40).
5. Like-for-like antenna swap outs, back-up generators, and other minor site modifications to existing WTFs.
6. Upgrades to existing WTFs that would not result in a substantial change (a term defined by federal law) to an existing WTF.

6-5(H)(1)(b) Any unconcealed WTF erected prior to January 15, 1999 (City Council Bill O- 54; Enactment O-9-1999), provided that a building permit was issued for that antenna or tower, collocations of antennas on existing unconcealed towers and public utility collocation are exempted from the concealment provisions of Subsection 14-16-4-3(E)(12)(a) (Wireless Telecommunications Facility).

6-5(H)(2) Procedure

6-5(H)(2)(a) The Planning Director shall review the application and make a decision on the WTF Approval. An administrative review shall be completed within 60 calendar days of the receipt of a complete application. An incomplete application shall be deemed withdrawn if the deficiencies are not corrected within 60 calendar days of notice of the deficiencies.

6-5(H)(2)(b) Variances to the standards in Section 14-16-4-3(E)(12) (Wireless Telecommunications Facility) are not allowed. Any facility that cannot comply with these standards requires review and approval of a Waiver by the EPC under Subsection 14-16-6-6(Q) (Waiver – Wireless Telecommunications Facility) before a WTF Approval may be granted.

6-5(H)(2)(c) Applications for upgrades to an existing WTF that that would result in a substantial change (a term defined by federal law) to an existing WTF requires review and approval of a Waiver by the EPC under Subsection 14-16-6-6(Q) (Waiver – Wireless Telecommunications Facility), before a WTF approval may be granted.

6-5(H)(3) Review and Decision Criteria

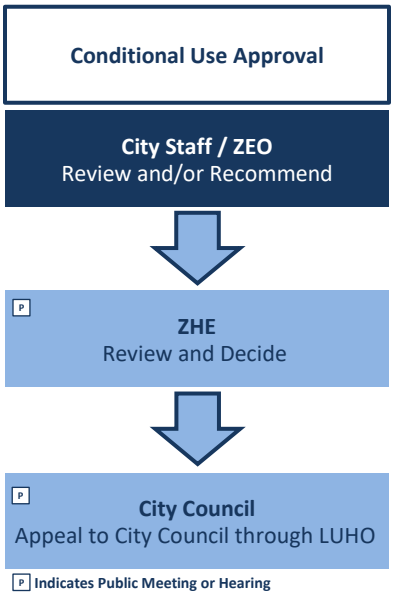
An application for a WTF Approval shall be approved if it meets the standards of Subsection 14-16-4-3(E)(12) (Wireless Telecommunications Facility) and all applicable standards in this IDO, the DPM, and federal law and regulations.

6-6 DECISIONS REQUIRING A PUBLIC MEETING OR HEARING

6-6(A) CONDITIONAL USE APPROVAL

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(A) or the DPM.

6-6(A)(1) Applicability



6-6(A)(1)(a) This Subsection 14-16-6-6(A) applies to all applications for a use listed as conditional (i.e. Conditional Primary, Conditional Accessory, or Conditional Vacant if the application is submitted after the primary building on the property has been vacant for 5 years or more) in Table 4-2-1. Conditional uses are only allowed if approved pursuant to this Subsection 14-16-6-6(A).

6-6(A)(1)(b) A Conditional Use Approval is only valid for the location stated in the application and cannot be transferred to a new location.

6-6(A)(1)(c) If an approved conditional use is discontinued for a period of 1 year, it may not be reestablished without a new Conditional Use Approval.

6-6(A)(2) Procedure

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

6-6(A)(2)(b) The ZHE shall conduct a public hearing on the application and make a written decision on the application.

6-6(A)(2)(c) Applications for a Variance or Waiver may be submitted concurrently with an application for a Conditional Use Approval. An application for a Conditional Use Approval must be decided before any Variance or Waiver for the subject property may be decided.[668]

1. If a Variance or Waiver is needed to comply with this IDO, the DPM, or other adopted City regulations, the decision on the Conditional Use Approval shall be conditioned on approval of any such necessary Variances or Waivers. If the Conditional Use Approval is denied, any necessary Variances or Waivers shall also be denied.

[668] Added per EPC Condition #1 (Tech Edits) and revised per EPC Condition # 46.a.

2. If any Variance or Waiver is required in order to make an approved conditional use comply with this IDO, the DPM, or other adopted City regulations and such Variance or Waiver is not approved, the Conditional Use Approval is invalidated.

6-6(A)(3) Review and Decision Criteria

An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

6-6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; 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, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.[669]

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

6-6(A)(3)(e) On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.[670]

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

[669] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #46.b. EPC Condition #1 (Tech Edits) proposed a revision that would add Neighborhood Edge and Edge Buffer requirements to the list of standards that need to be met for a Conditional Use Approval to be approved and wouldn't allow Variances to Use-specific, Neighborhood Edge, or Edge Buffer standards when associated with a conditional use, but EPC Condition #47.a struck this revision.

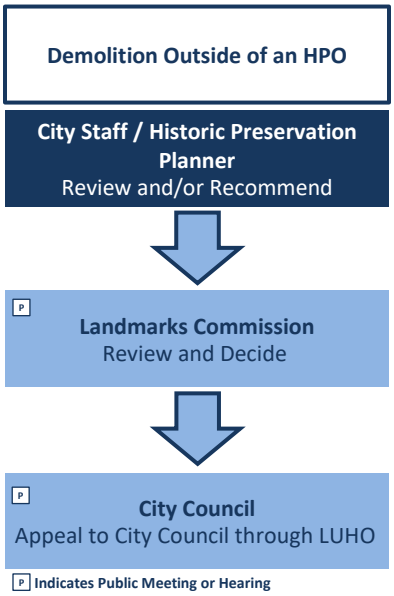
[670] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #48. Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

6-6(B) DEMOLITION OUTSIDE OF AN HPO

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(B) or the DPM.

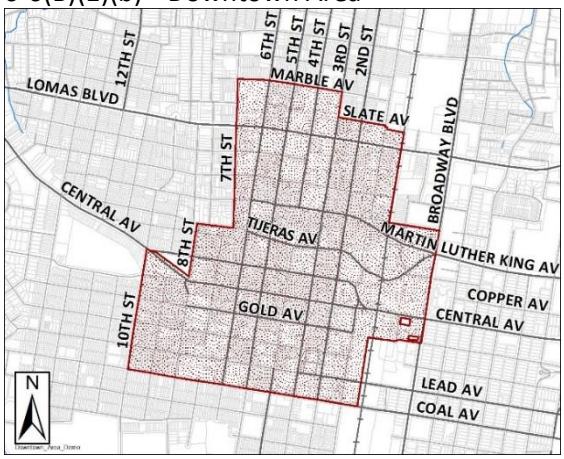
6-6(B)(1) Applicability

This Subsection 14-16-6-6(B) applies to demolition of structures that are at least 50 years old located within the following small areas, regardless of whether they are registered on a State or national historic register or are eligible for listing. If a structure is of unknown age, it shall be presumed that it is over 50 years old for the purposes of this Subsection 14-16-6-6(B).[671]



6-6(B)(1)(a) Neon signs along Central Avenue in locations pursuant to Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).[672]

6-6(B)(1)(b) Downtown Area

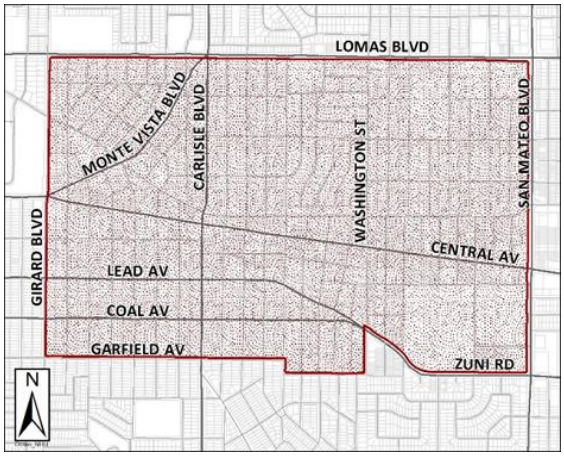


6-6(B)(1)(c) Downtown Neighborhood Area – CPO-3

6-6(B)(1)(d) East Downtown – CPO-4

6-6(B)(1)(e) Nob Hill/Highland Area

[671] Revised per EPC Condition #1 (Tech Edits).
[672] Added per EPC Condition #1 (Tech Edits).



6-6(B)(2) Procedure

6-6(B)(2)(a) The Historic Preservation Planner shall review the demolition permit application within 15 days after receipt of the application in order to determine whether to recommend review and decision by the Landmarks Commission (LC).[673]

6-6(B)(2)(b) If the Historic Preservation Planner recommends demolition review by the LC, the LC shall notify the applicant and the Chief Building Official in writing within 15 days and conduct a public hearing within 60 days of receipt of the application to decide whether a 120-day review period shall be invoked.

6-6(B)(2)(c) After receiving notice of demolition review from the LC, the applicant shall provide public notice and schedule any meetings required by Table 6-1-1.[674]

6-6(B)(2)(d) No demolition permit may be issued prior to an LC hearing following a staff determination that the structure is subject to demolition review. If the Historic Preservation Planner does not notify the Chief Building Official within 15 calendar days of receipt of the application that the structure is subject to demolition review, the City may proceed to issue the demolition permit.

6-6(B)(2)(e) The purpose of the public hearing is for the LC to decide whether a 120-day demolition review period shall be invoked. In order to foster discussion and possible resolution of issues between the City and the applicant, the LC may postpone the issuance of its decision if agreed to in writing by the applicant.

1. Upon a determination by the LC that the 120-day review period is to be invoked, the LC shall notify the Chief Building Official and applicant in writing. No permit for demolition, new construction, or alterations on the premises shall be issued during the review period. If the LC does not notify the Chief Building Official in writing within 21 calendar days of the

[673] Revised per EPC Condition #49.
[674] Added per EPC Condition #49.

public hearing that the review period is to be invoked, the Chief Building Official may issue the demolition permit.

2. A "Determination of No Feasible Alternative" may be issued during the public hearing if the LC finds that, for a structure that otherwise meets the requirements for the 120-day demolition review period, there is no feasible alternative to demolition.
3. If the LC determines that the 120-day review period is not to be invoked, the LC shall so notify the Chief Building Official and applicant in writing. The Chief Building Official may then issue the demolition permit.

6-6(B)(2)(f) The Chief Building Official may issue a demolition permit or a building permit upon expiration of the 120-day review period if a City landmark designation has not been initiated or some other means of preserving the structure intact has not been agreed to in writing by the LC and the applicant; however, no permit for demolition of a structure subject to the 120-day review period shall be granted, even after expiration of the review period, until all plans for future use and development of the site have been submitted to the Chief Building Official and have been found to comply with all laws pertaining to the issuance of a building permit, or, if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy, including but not limited to any necessary Variances, Waivers, or permits, must be granted, and all appeals from the granting of such approvals must be concluded prior to the issuance of a demolition permit under this Subsection 14-16-6-6(B).

6-6(B)(2)(g) During the demolition review period, the City may take any action that it deems necessary and consistent with this Subsection to preserve the structure. During the review period, the LC shall provide for the documentation of the structure.

6-6(B)(2)(h) If after an inspection, the Chief Building Official finds that a structure subject to the 120-day review period poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the structure, then the Chief Building Official may issue an emergency demolition permit to the owner of the structure. The Chief Building Official shall then prepare a report explaining the condition of the structure and the basis for his decision, which shall be forwarded to the LC.

6-6(B)(3) Review and Decision Criteria

6-6(B)(3)(a) The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.

2. The structure's potential to contribute to the city's economic development or tourism industry.
3. The structure's potential to enhance the city's heritage and historical identity.
4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.
5. The structure's condition.

6-6(B)(3)(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

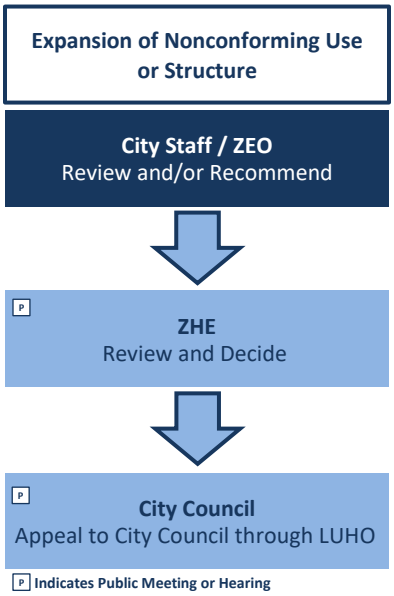
6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

6-6(C) EXPANSION OF NONCONFORMING USE OR STRUCTURE

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(C) or the DPM.

6-6(C)(1) Applicability

This Subsection 14-16-6-6(C) applies to all applications to expand a nonconforming use or structure, as defined in Sections 14-16-6-8 (Nonconformities) and 14-16-7-1 (Definitions). Nonconforming site features may not be expanded. No nonconforming use or structure may be expanded unless an approval under this Subsection 14-16-6-6(C) is obtained by the property owner or applicant.



6-6(C)(2) Procedure

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

6-6(C)(2)(b) The ZHE shall conduct a public hearing on the application and shall make a decision on the application.

6-6(C)(3) Review and Decision Criteria

An application for an Expansion of Nonconforming Use or Structure shall be approved if it meets all of the following criteria, as applicable:

6-6(C)(3)(a) The expansion will not create material negative impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

6-6(C)(3)(b) The expansion will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.[675]

6-6(C)(3)(c) The expansion will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

6-6(C)(3)(d) The expansion will not exceed 25 percent of the gross floor area of the structure occupied by the nonconforming use, or 25 percent of the area occupied by the nonconforming use at the time it became nonconforming.

6-6(C)(3)(e) The expansion will not expand the gross floor area of a nonconforming structure by more than 25 percent of the gross floor area existing at the time the structure became nonconforming.

[675] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

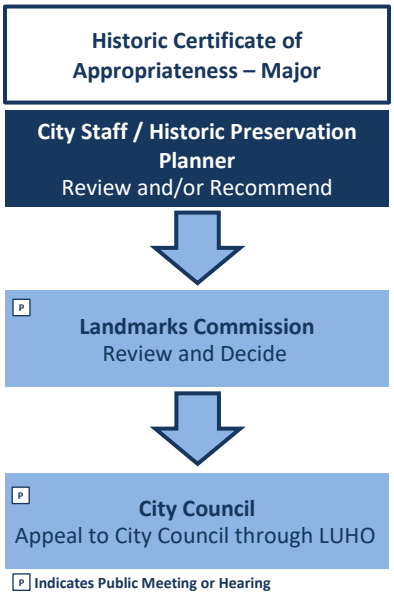
6-6(C)(3)(f) The expansion will not increase an existing nonconformity or create a new nonconformity.

6-6(D) HISTORIC CERTIFICATE OF APPROPRIATENESS – MAJOR

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

6-6(D)(1) Applicability

This Subsection 14-16-6-6(D) applies to all development and modification of structures in any HPO zone and to all development or modification of a landmark site that does not meet the applicability standards for a Historic Certificate of Appropriateness – Minor in Subsection 14-16-6-5(B).



6-6(D)(2) Procedure

6-6(D)(2)(a) Applicants shall review their proposed projects with the Historic Preservation Planner before preparing final plans and submitting an application. The purpose of this discussion is to determine the approval procedure and create a project drawing checklist for the specific request.

6-6(D)(2)(b) The Historic Preservation Planner shall review the application and forward a recommendation to the LC.

6-6(D)(2)(c) The LC shall conduct a public hearing on the application and shall make a decision on the application.

6-6(D)(2)(d) If the LC denies an application for a Historic Certificate of Appropriateness – Major for demolition, there shall be a moratorium on demolition for a period of 1 year, during which time the City shall make every effort to find a means of preserving the structure. By the end of the 1-year moratorium, if the City Council determines that the subject property is incapable of producing a reasonable economic return as presently controlled and that no means of preserving the structure has been found, pursuant to the criteria in Subsection 14-16-6-6(D)(3)(g), the City Council shall issue a demolition permit.

6-6(D)(3) Review and Decision Criteria

An application for a Historic Certificate of Appropriateness – Major shall be approved if it complies with all of the following criteria:

6-6(D)(3)(a) The change is consistent with Section 14-16-3-5 (Historic Protection Overlay Zones), the ordinance designating the specific HPO zone where the property is located, and any specific development guidelines for the landmark or the specific HPO zone where the property is located.

6-6(D)(3)(b) The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.

6-6(D)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

6-6(D)(3)(d) The structure or site's distinguished original qualities or character will not be altered. For the purposes of Section 14-16-3-5 (Historic Protection Overlay Zones) and this Subsection 14-16-6-6(D), “original” shall mean as it was at the time of initial construction or as it has developed over the course of the history of the structure.

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

6-6(D)(3)(f) Additions to existing structures and new construction may be of contemporary design if such design is compatible with its landmark status (if any) or the HPO zone in which it is to be located.

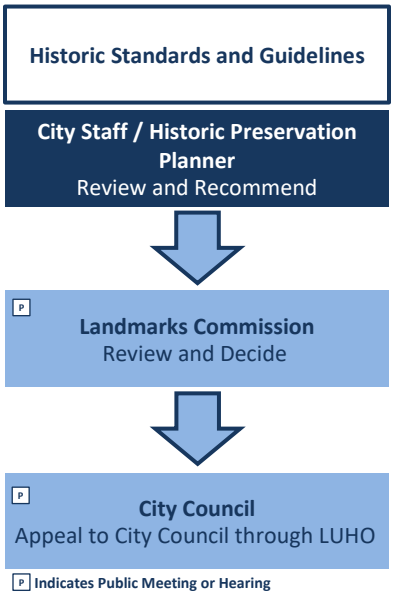
6-6(D)(3)(g) If the application is for a Historic Certificate of Appropriateness – Major for demolition of a landmark or a contributing structure in an HPO zone, demolition shall only be allowed if it is determined that the property is incapable of producing a reasonable economic return as presently controlled and that no means of preserving the structure has been found. In making a determination regarding reasonable economic return, the LC or City Council may consider the estimated market value of the building, land, and any proposed replacement structures; financial details of the property, including but not limited to income and expense statements, current mortgage balances, and appraisals; the length of time that the property has been on the market for sale or lease; potential return based on projected future market conditions; the building's structural condition; and other items determined to be relevant to the application.

6-6(E) HISTORIC DESIGN STANDARDS AND GUIDELINES

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(E).

6-6(E)(1) Applicability

This Subsection 14-16-6-6(E) applies to all applications to adopt or amend Design Standards and Guidelines for an HPO zone or a City landmark.



6-6(E)(1)(a) Applications to establish an HPO zone or to designate a City landmark shall be processed pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

6-6(E)(1)(b) Applications for alterations, construction, or demolition involving historic designations or structures shall be processed pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), 14-16-6-6(B) (Demolition Outside of an HPO), or 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

6-6(E)(2) Procedure

6-6(E)(2)(a) The Historic Preservation Planner shall review the application to adopt or amend Historic Design Standards and Guidelines and make a recommendation to the LC.

6-6(E)(2)(b) The LC shall conduct a public hearing and make a decision on the application.

6-6(E)(3) Review and Decision Criteria

An application to adopt or amend Design Standards and Guidelines shall be approved if it complies with all of the following criteria:

6-6(E)(3)(a) The Design Standards and Guidelines are consistent with the criteria and findings for establishment of the HPO zone or designation of the City landmark.

6-6(E)(3)(b) The Design Standards and Guidelines are consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.

6-6(E)(3)(c) The Design Standards and Guidelines are consistent with the relevant criteria for registration on the New Mexico Register of Cultural Properties or the National Register of Historic Places, as applicable.

6-6(E)(3)(d) The Design Standards and Guidelines help distinguish and establish the historic qualities, architectural character, or archaeological value to be protected.

6-6(E)(3)(e) The Design Standards and Guidelines will provide adequate and appropriate guidance and protections to assess applications for alterations, construction, and demolitions for the HPO zone or City landmark.

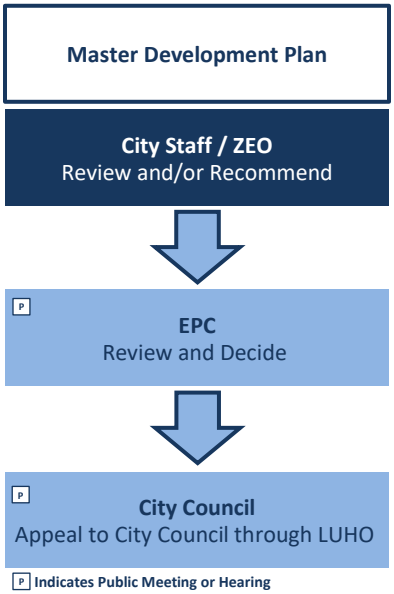
6-6(F) MASTER DEVELOPMENT PLAN

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

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 DRB to determine technical review of compliance with conditions of approval and DPM standards.

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)(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.

6-6(F)(3)(b) The Master Development Plan complies with all applicable provisions of the IDO, in particular those of the NR-BP zone district; the DPM; and other adopted City regulations.

6-6(F)(3)(c) 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(F)(3)(d) The Master Development Plan mitigates any significant adverse impacts on the surrounding area.[676]

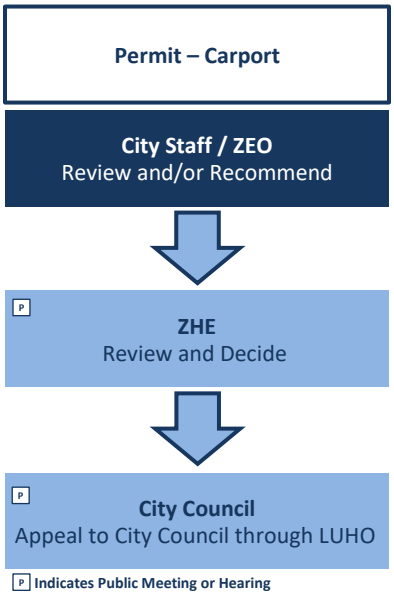
[676] Revised per City Council Amendment A10 to remove "to the maximum extent practicable".

6-6(G) PERMIT – CARPORT[677]

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(G).

6-6(G)(1) Applicability

This Subsection 14-16-6-6(G) applies to all applications for a carport in a required front or side setback.



6-6(G)(2) Procedure

6-6(G)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the ZHE pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(G)(2)(b) The ZHE shall conduct a public hearing on the application and make a written decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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

An application for a Permit – Carport shall be approved if all of the following criteria are met:

6-6(G)(3)(a) The carport would strengthen or reinforce the architectural character of the surrounding area.

6-6(G)(3)(b) The carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

6-6(G)(3)(c) The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).

6-6(G)(3)(d) No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.

6-6(G)(3)(e) The carport is not taller than the primary building on the lot.

[677] Added (review and decision criteria moved from Waiver - DRB) per EPC Condition #1 (Tech Edits) and R-19-150.

6-6(H) PERMIT – WALL OR FENCE – MAJOR[678]

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(H).

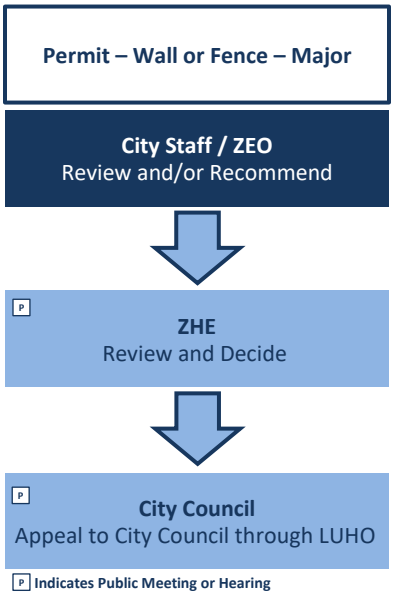
6-6(H)(1) Applicability

This Subsection 14-16-6-6(H) applies to all applications for walls or fences that that require a Permit – Wall or Fence – Major pursuant to Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height).

6-6(H)(2) Procedure

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

6-6(H)(2)(b) The ZHE shall conduct a public hearing on the application and make a written decision on the application.



6-6(H)(3) Review and Decision Criteria[679]

An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:

6-6(H)(3)(a) The wall is proposed on a lot that meets any of the following criteria:

1. The lot is at least ½ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.[680]
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)[681]

[678] Added (review and decision criteria moved from Variance – ZHE) per EPC Condition #1 (Tech Edits) and R-19-150.
[679] Revised per EPC Condition #31.d.
[680] Revised per EPC Condition #1 (Tech Edits) for consistent reference to street classification.
[681] Revised per EPC Condition #31.d.

4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)[682]



6-6(H)(3)(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area.

6-6(H)(3)(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

6-6(H)(3)(d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:

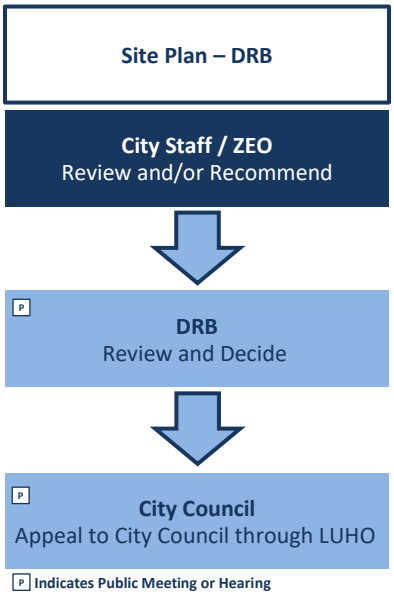
1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.
2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

[682] Added per EPC Condition #31.d.

6-6(I) SITE PLAN – DRB

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[683]



A Site Plan – DRB may only be approved for legally platted or nonconforming lots, and may not be approved for unsubdivided property. This Subsection 14-16-6-6(I) applies to:

6-6(I)(1)(a) 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:[684]

1. 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.
2. 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).
3. Any application for a project in the Railroad and Spur Area that requires a cumulative impact analysis pursuant to Subsections 14-16-5-2(E) and 14-16-6-4(H) requires a Site Plan – EPC pursuant to Subsection 14-16-6-6(J).[685]
4. 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).[686]

6-6(I)(1)(b) Any application for a cluster development for which the applicant requests DRB review, provided that the Planning Director concurs with that request.[687]

6-6(I)(1)(c) Any application for an electric utility within any zone district where approval by the DRB is required by the Facility Plan for Electric Transmission.

[683] Did not include provision about development in NR-BP and PC proposed in EPC Condition #1 (Tech Edits) as covered by additions in Subsections 2-5(B) and 2-6(B) explaining what types of applications allow development in those zone districts with approved plans in place.
[684] Exceptions added per EPC Condition #1 (Tech Edits) and revised per EPC Condition #44.b. Revised editorially related to City Council Amendment A10 and City Council Floor Amendment C2.
[685] Added per City Council Floor Amendment C2.
[686] Added editorially related to City Coucil Amendment A10.
[687] Added per EPC Condition #1 (Tech Edits). City Council Amendment B20 added conservation development, but Council Amendment B4 removed all references to conservation development.

6-6(I)(1)(d) Any application for a 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) The DRB shall conduct a public meeting on the application and shall make a decision on the application.

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 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)(e) 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).[688]

6-6(I)(2)(f) 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[689]

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.

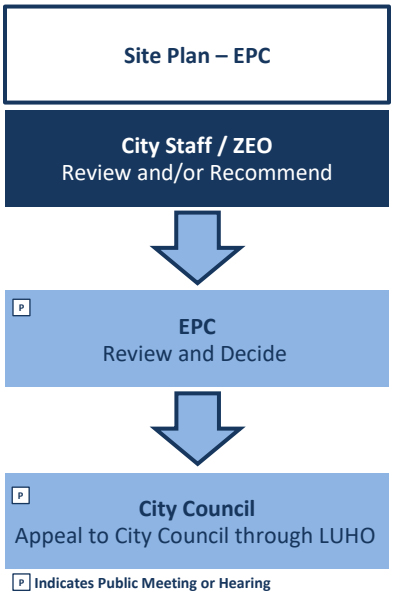
6-6(I)(3)(c) If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.[690]

[688] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[689] Revised per City Council Amendment A10 to remove "to the maximum extent practicable" in Subsection 6-6(I)(3)(c). Deleted Subsection 6-6(I)(3)(c) per City Council B23.
[690] Added per City Council Amendment B20.

6-6(J) SITE PLAN – 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(J) or the DPM.

6-6(J)(1) Applicability



6-6(J)(1)(a) A Site Plan – EPC may only be approved for legally platted or nonconforming lots, and may not be approved on unsubdivided property, except for development in the PD or NR-SU zone districts and any development on a site 5 acres or greater adjacent to Major Public Open Space, in which case a Site Plan approval is required prior to any platting action.

6-6(J)(1)(b) This Subsection 14-16-6-6(J) applies to the following:

1. Any application within an NR-PO zone district that does not qualify for consideration as a Site Plan – Administrative pursuant to Subsection 14-16-6-5(G).
2. Any application for development associated with a Zoning Map Amendment application in a zone district that requires a Site Plan – EPC to be reviewed and decided simultaneously, including but not limited to MX-FB, NR-SU, and PD.
3. Any application for development on a lot 5 acres or greater adjacent to Major Public Open Space.[691]
4. Any Subdivision or Site Plan application for development that has not avoided sensitive lands identified in the sensitive lands analysis required pursuant to Subsection 14-16-5-2(C).[692]
5. Any application for development in the Railroad and Spur Area requiring a cumulative impact analysis pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements).[693]
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.

[691] Revised per EPC Condition #1 (Tech Edits).
[692] Added per City Council Amendment A10.
[693] Added per City Council Floor Amendment C2.

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

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) The EPC shall conduct a public hearing on the application and shall make a decision on the application.

6-6(J)(2)(d) The EPC may delegate authority to the DRB to determine technical review of compliance with conditions of approval and DPM standards.

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 a Variance to IDO standards as part of this approval per Section 14-16-6-6(N) (Variance – EPC).

6-6(J)(2)(g) 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(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 development, and any burdens on those systems have been mitigated to the maximum extent practicable.

6-6(J)(3)(e) The application mitigates any significant adverse impacts on the project site and the surrounding area to the maximum extent practicable.[694]

[694] Revised per City Council Amendment A10.

6-6(J)(3)(f) If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.[695]

6-6(J)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.[696]

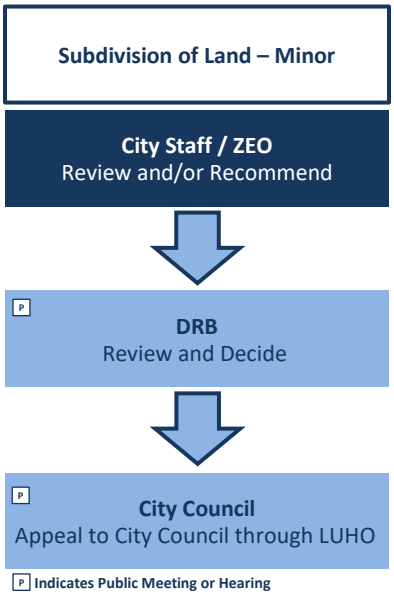
[695] Added per City Council Amendment B20.
[696] Added per City Council Floor Amendment C2.

6-6(K) SUBDIVISION OF LAND – MINOR

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

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



6-6(K)(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.[697]
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.
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(K)(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.

6-6(K)(2) Procedure

6-6(K)(2)(a) The DRB shall review the application and shall conduct a public meeting and make a decision on the application.

6-6(K)(2)(b) If the subdivision is associated with a Vacation Public Right-of-Way pursuant to Subsection 14-16-6-6(M), the zone district boundary

[697] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

shall be extended to the new property line created by platting the vacated public right-of-way into abutting properties.

6-6(K)(2)(c) The DRB may grant a Waiver to a DPM standard as part of this approval pursuant to Subsection 14-16-6-6(P) (Waiver – DRB).[698]

6-6(K)(2)(d) The 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(K)(2)(e) Final Plats shall include a list of any Variances, Waivers, and deviations granted as an exhibit or note.[699]

6-6(K)(2)(f) When all conditions of approval are satisfied, the final plat is approved; approval shall be recorded on the original drawing of the final plat and shall be dated and verified by the signatures of members of the DRB.

6-6(K)(2)(g) The applicant shall record the plat with the Bernalillo County Clerk within 6 months after DRB signatures. 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, and is subject to withdrawal of the DRB approval through the same process used to approve the Subdivision of Land – Minor.[700]

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

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

6-6(K)(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.

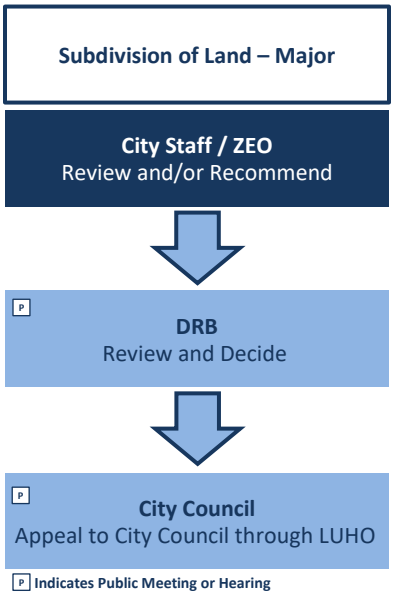
6-6(K)(3)(b) Any Waivers granted to Development Standards applicable to the subdivision in Section 14-16-5-3 (Access and Connectivity) or Section 14-16-5-4 (Subdivision of Land) and any deviations to other IDO standards granted within the thresholds established by Section 14-16-6-4(P) (Deviations) are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

[698] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[699] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[700] Revised per EPC Condition #1 (Tech Edits).

6-6(L) SUBDIVISION OF LAND – MAJOR

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(L) or the DPM.

6-6(L)(1) Applicability



6-6(L)(1)(a) This Subsection 14-16-6-6(L) 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(K).

6-6(L)(1)(b) 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.[701]

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(L)(1)(c) This Subsection 14-16-6-6(L) applies to any application for a bulk land subdivision for either of the following: [702]

1. Property that is at least 5 acres; in an R-A, R-1, R-MC, R-T, or PC zone district; and designated for residential development.
2. Property that is 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(L)(2) Procedure

6-6(L)(2)(a) Deviations and Waivers

1. The 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).

[701] Revised per EPC Condition #35.c and associated Exhibit.
[702] Added per EPC Condition #35.c and associated Exhibit.

2. 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) pursuant to Subsection 14-16-6-6(P) (Waiver – DRB).[703]

6-6(L)(2)(b) Pre-application Meeting

In addition to those provisions in Section 14-16-6-4(B) (Pre-application Meeting), 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. 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.
3. The 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.
4. 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.

6-6(L)(2)(c) Bulk Land Subdivision[704]

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.

[703] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[704] Added per EPC Condition #1 (Tech Edits) and EPC Condition #35.c and associated Exhibit.

6-6(L)(2)(d) Preliminary Plat[705]

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 – DRB), shown on the Preliminary Plat, and considered simultaneously with the review and approval of the Preliminary Plat.[706]
3. The City Planning Department staff shall review the application and forward a recommendation to the DRB.
4. The DRB shall conduct a public meeting and make a decision on the application.[707]

6-6(L)(2)(e) Construction Plans

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 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(L)(2)(f) Infrastructure Improvements Agreement

After approval of the Preliminary Plat, the applicant shall provide to the City an 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 DRB for good cause, as described in the DPM.
3. The 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.

[705] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #35.c and associated Exhibit.
[706] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[707] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

4. If a Preliminary Plat approval should expire 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(L)(2)(g) Final Plat

1. Within 1 year after DRB approval, or approval with conditions, of a Preliminary Plat, the applicant shall submit a Final Plat that meets all standards and requirements in the DPM.
2. The City Planning Department staff shall review the application and forward a recommendation to the DRB.
3. The DRB shall conduct a public meeting and make a decision on the application.
4. When all conditions of approval are satisfied, the DRB shall accept the revised Final Plat and record it with the Bernalillo County Clerk as soon as possible, but in no case more than 5 business days from date of DRB signature.

6-6(L)(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 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.
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(L)(3) Review and Decision Criteria

6-6(L)(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.[708]

[708] Added per EPC Condition #35.c and associated Exhibit.

6-6(L)(3)(b) An application for 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.[709]

6-6(L)(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.

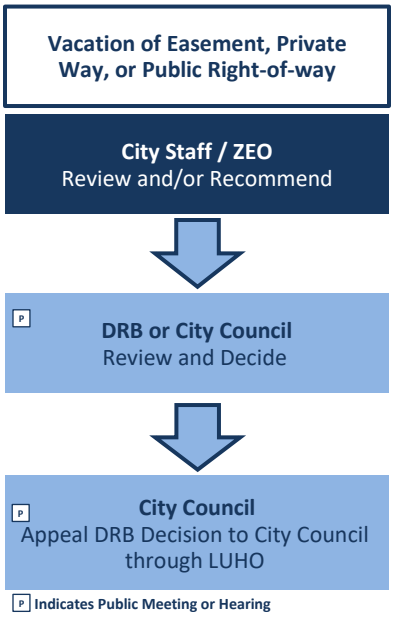
[709] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

6-6(M) VACATION OF EASEMENT, PRIVATE WAY, OR PUBLIC RIGHT-OF-WAY[710]

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 all applications for any of the following Vacations:



6-6(M)(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(M)(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(M)(1)(c) Vacation of Public Right-of-way – DRB

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

6-6(M)(2) Procedure[711]

6-6(M)(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.[712]

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

6-6(M)(2)(c) The DRB shall conduct a public meeting on the application.[713]

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

6-6(M)(2)(e) For a Vacation of Public Right-of-way – Council, the DRB shall make a recommendation and forward the application to City Council for inclusion on the consent agenda for approval without first going to any City Council committee.

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[710] Procedure names and structure throughout this Subsection revised per EPC Condition #1 (Tech Edits).
[711] Subsection (a) deleted per EPC Condition #1 (Tech Edits).
[712] Added per EPC Condition #1 (Tech Edits) and moved to be at the beginning of procedure section to indicate that this decision is generally made at the beginning of a vacation process. In general, if the City wants to maintain a vacated property, it will take the process through and if an individual goes through the process.
[713] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

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:[714]

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:[715]
   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 obtain a Subdivision of Land – Minor or a Subdivision of Land – Major, as applicable, to combine the vacated right-of-way with their property within 1 year of the approval of the Vacation or the Vacation is voided. The zone district boundary will be extended to the new lot lines established by the subdivision.[716]

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

An application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria:

6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained.

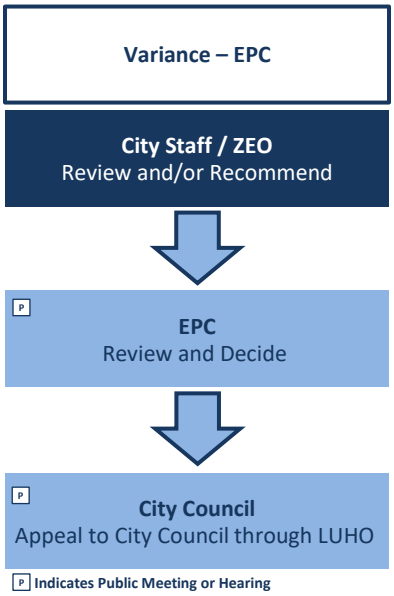
6-6(M)(3)(b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

[714] Added per EPC Condition #1 (Tech Edits) and revised for clarity and consistency.
[715] Added per EPC Condition #1 (Tech Edits).
[716] Revised per EPC Condition #1 (Tech Edits). Revised editorially to reflect current practice.

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



6-6(N)(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.[717]

6-6(N)(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) (Structure Height) in the Coors Boulevard – VPO-1.

6-6(N)(1)(c) This Subsection 14-16-6-6(N) applies to requests for Variances to standards in Subsection 14-16-3-6(E)(3) (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.[718]

6-6(N)(2) Procedure

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

6-6(N)(2)(b) The EPC shall conduct a public hearing and make a decision on the application as part of the associated Site Plan – EPC review and decision.

6-6(N)(2)(c) A Variance – EPC may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).

6-6(N)(2)(d) Any Variances granted associated with a Site Plan shall be noted on the approved Site Plan.

6-6(N)(2)(e) Requests for a Variance to structure height in Subsection 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2) shall at a minimum include all of the following:

[717] Revised for consistency with the applicability of 6-6(O), as revised per EPC Condition #1 (Tech Edits) and R-19-150.
[718] Revised per EPC Condition #1 (Tech Edits).

1. Site plans, site elevations, and site sections showing the location of the major public views (i.e. views from the site perimeter or nearest public road to the east, west, south, and north property lines and views to the escarpment),
2. View analysis that illustrate the expected impact of structure height on major public views given the relationship of slopes, building heights, setbacks, escarpment height, and view corridors.
3. Analysis and demonstration of at least 1 of the techniques required by Subsection 14-16-3-6(E)(3) (i.e. height/slope, view corridors, or height/slope/setback) to minimize the impact of additional structure height on views to and from the escarpment.
4. A Grading and Drainage Plan that has been approved by the City Engineer.

6-6(N)(3) Review and Decision Criteria

6-6(N)(3)(a) General

An application for a Variance – EPC shall be approved if it meets all of the following criteria:[719]

1. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.[720]
2. The Variance will not be materially contrary to the public safety, health, or welfare.
3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
4. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.
5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

6-6(N)(3)(b) Coors Boulevard – VPO-1

An application for a Variance from the standards for setback, structure height, or structure bulk and massing in Subsection 14-

[719] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[720] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B18 to remove "eminent domain" so that all government actions may justify for variances.

16-3-6(D) (Coors Boulevard – VPO-1) shall be approved if it meets the criteria in Subsection (a) above and all of the following criteria:[721]

1. The Variance will not materially undermine the protected views described in Subsection 14-16-3-6(D)(2).
2. The intent of the view regulations in Subsection 14-16-3-6(D)(5) is met.

6-6(N)(3)(c) Northwest Mesa Escarpment – VPO-2

An application for a Variance from the 15-foot structure height limit in the Height Restriction Sub-area in Subsection 14-16-3-6(E)(3) (Northwest Mesa Escarpment – VPO-2) shall be approved if it meets the criteria in Subsection (a) above and all of the following criteria:[722]

1. Hardship
   The intent of the view regulations in Section 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2) must be met. The burden is on the applicant to demonstrate that strict adherence to VPO-2 building height regulations would render the lot undevelopable because of physical and/or engineering constraints (e.g. rock outcroppings, street grades, ADA compliance, utility design, etc.).
2. Visual Impact
   The impact of the proposed development on views to and from the escarpment will be the same as, or less than, the impact if the 15-foot height limit were met.

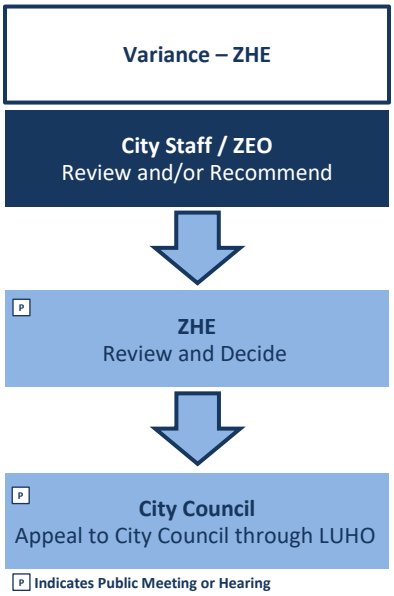
[721] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[722] Revised per EPC Condition #1 (Tech Edits) and R-19-150.

6-6(O) VARIANCE – ZHE[723]

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(O) or the DPM.

6-6(O)(1) Applicability

This Subsection 14-16-6-6(O) applies to all requests for Variances from an IDO standard except the following:[724]



6-6(O)(1)(a) Variances to IDO standards requested in applications for a Site Plan – EPC, which require a Variance – EPC pursuant to Subsection 14-16-6-6(N).

6-6(O)(1)(b) Variances to standards in Subsections 14-16-3-6(D)(4) (Setback Standards) or 14-16-3-6(D)(5) (Structure Height) in the Coors Boulevard – VPO-1, which require a Variance – EPC pursuant to Subsection 14-16-6-6(N).

6-6(O)(1)(c) Variances to standards in Subsection 14-16-3-6(E)(3) (Structure Height) in the Northwest Mesa Escarpment – VPO-2, which require a Variance – EPC pursuant to Subsection 14-16-6-6(N).

6-6(O)(2) Procedure

6-6(O)(2)(a) A Variance – ZHE may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).[725]

6-6(O)(2)(b) All applications for a wall or fence in an HPO zone or on a property or in a district 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 a recommendation sent to the ZHE.

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

6-6(O)(2)(d) The ZHE shall conduct a public hearing and make a decision on the application.

[723] Moved all provisions related to taller walls in front/side yards to a new Permit – Wall or Fence – Major per EPC Condition #1 (Tech Edits) and R-19-150.
[724] Revised per EPC Condition #1 (Tech Edits) and R-19-150 to remove reference to things that require a Waiver – DRB and to remove variances for certain walls, which are now handled through a Permit – Wall or Fence – Major..
[725] EPC Condition #1 (Tech Edits) proposed a revision that would not allow Variances to Use-specific, Neighborhood Edge, and Edge Buffer standards on properties with a Conditional-use approval, but EPC Condition #47.b struck this revision.

6-6(O)(3) Review and Decision Criteria

6-6(O)(3)(a) General

An application for a Variance – ZHE shall be approved if it meets all of the following criteria:

1. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.[726]
2. The Variance will not be materially contrary to the public safety, health, or welfare.
3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
4. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.
5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

6-6(O)(3)(b) Variance in the APO Zone

An application for a Variance – ZHE from a standard in Section 14-16-3-3 (Airport Protection Overlay Zone) shall be approved for a structure or vegetation within the Air Space Protection Sub-area, excluding the Runway Protection Sub-area, if it meets the criteria in Subsection (a) above and all of the following criteria:

a. The request meets the requirements of this Subsection 14-16-6-6(O).

b. The ZHE determines that the request will not cause an increase of minimum requirements for instrument or night flying, or will not otherwise cause or create a greater hazard to air navigation.

2. A Variance may be conditioned to require hazard marking and lighting per Subsection 14-16-3-3(F).

6-6(O)(3)(c) Variance for Front Yard Parking[727]

A Variance – ZHE to the maximum front yard parking area requirements in Subsection 14-16-5-5(F)(2)(a)2 shall be granted if it meets all of the criteria in Subsection (a) above and if each lot

[726] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B18 to remove "eminent domain" so that all government actions may justify for variances.
[727] Moved fom Variance – DRB per EPC Condition #1 (Tech Edits) and R-19-150.

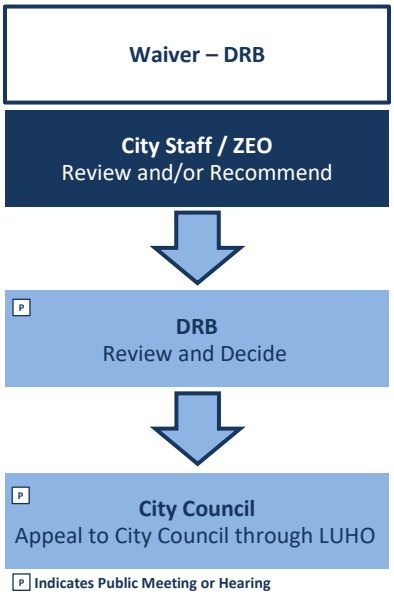
with low-density residential development within 330 feet of the subject property along the length of the street that property faces has no more than 1 on-street parking space. (See figure below for an illustration of this measurement.)[728]



[728] Revised per EPC Condition #1 (Tech Edits) to remove the term "linear" and for consistency with other provisions where distance is measured in a similar way. Revised per City Council Amendment B20.

6-6(P) WAIVER – DRB[729]

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(P)(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(P)(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(P)(1)(b) Standards related to front yard parking in Subsection 14-16-5-5(F)(1)(a)7, 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(P)(2) Procedure[730]

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

6-6(P)(2)(b) The DRB shall conduct a public meeting and make a decision on the application.[731]

6-6(P)(2)(c) A Waiver – DRB may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).

6-6(P)(2)(d) A notice of any Variances, Waivers, or deviations granted associated with a subdivision shall be placed on the final plat and on a separately recorded document, and any Variances, Waivers, or deviations granted associated with a Site Plan shall be noted on the approved Site Plan.

6-6(P)(3) Review and Decision Criteria[732]

An application for a Waiver – DRB shall be approved if it complies with the following criteria:

6-6(P)(3)(a) Any of the following applies:

[729] Revised and moved per EPC Condition #1 (Tech Edits) and R-19-150. Relevant revisions throughout this section indicated in blue. Moved all provisions related to carports to a new Permit – Carport per EPC Condition #1 (Tech Edits) and R-19-150.
[730] Content related to bulk lan subdivisions moved to Subdivision of Land – Major 6-6(L) per EPC Condition #35.b.
[731] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[732] Deleted Variance to Sidewalk Requirements subsection and moved Front Yard Parking Variance subsection per EPC Condition #1 (Tech Edits) and R-19-150.

1. 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.
2. 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.
3. 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.
4. 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.

6-6(P)(3)(b) The Waiver will not be materially contrary to the public safety, health, or welfare.

6-6(P)(3)(c) The Waiver does not cause significant material adverse impacts on surrounding properties.

6-6(P)(3)(d) The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

6-6(P)(3)(e) 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.

6-6(P)(3)(f) The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

6-6(P)(3)(g) The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.

6-6(P)(3)(h) 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 DRB as part of this approval.

6-6(P)(3)(i) The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

6-6(P)(3)(j) 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.[733]

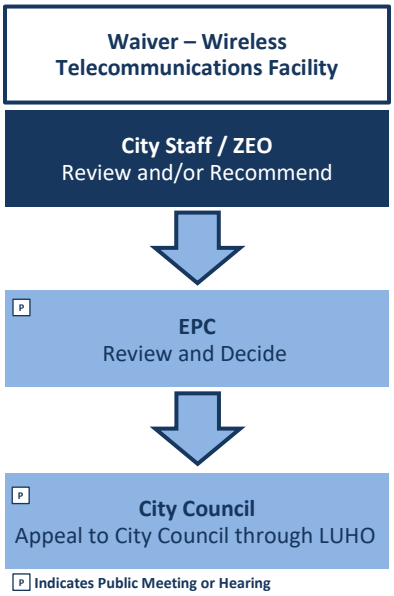
[733] Deleted per EPC Condition #1 (Tech Edits) and R-19-150 and reinstated per EPC Condition #50.

6-6(Q) WAIVER – WIRELESS TELECOMMUNICATIONS FACILITY

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 all applications to deviate from the wireless telecommunications regulations otherwise applicable to the erection or installation of a Wireless Telecommunications Facility (WTF) under this IDO.



6-6(Q)(2) Procedure

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

6-6(Q)(2)(b) The EPC shall conduct a public hearing and make a decision on the application for a Waiver and may grant a Waiver of those requirements over which the EPC has review authority except for allowed maximum height, which does not qualify for a Waiver.

6-6(Q)(3) Review and Decision Criteria

6-6(Q)(3)(a) An application for a WTF Waiver shall be approved if it meets all of the following criteria:

1. It is in the best interest of the community as a whole.
2. It will expedite the approval of an antenna, tower, or tower alternative.
3. It will not jeopardize public health, safety, and welfare.
4. It will ameliorate either the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas.
5. It will better serve the stated purposes of the City's telecommunications regulations.
6. It will not allow the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO.

6-6(Q)(3)(b) The facts to be considered by the EPC in reaching its decision include:

1. The height of the proposed tower.
2. The proximity of the tower antenna to any Residential zone district or a dwelling in any other zone district.
3. The nature of uses on adjacent and nearby properties.
4. The surrounding topography.

5. The surrounding vegetation and foliage.
6. The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness.
7. The proposed ingress and egress.
8. The availability of suitable existing towers or other structures.

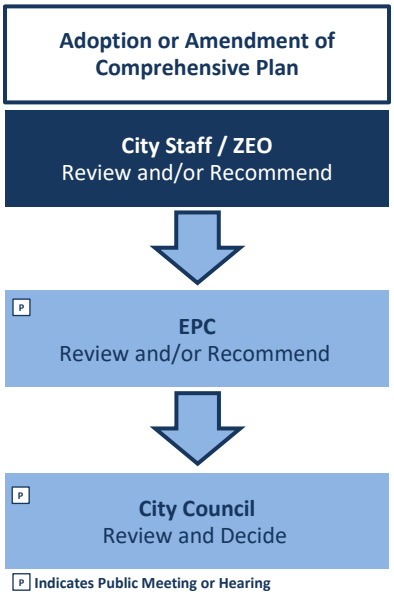
6-7 POLICY DECISIONS

6-7(A) ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(A).

6-7(A)(1) Applicability

This Subsection 14-16-6-7(A) applies to all applications to have the City adopt or amend the Albuquerque/Bernalillo County Comprehensive Plan.



6-7(A)(2) Procedure

6-7(A)(2)(a) The City Planning Department staff shall review the application, including any specific regulations applicable to a proposed adoption or amendment of the Comprehensive Plan, and forward a recommendation to the EPC.

6-7(A)(2)(b) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council.

6-7(A)(2)(c) The City Council shall conduct a public hearing and shall make a decision on the application.

6-7(A)(3) Review and Decision Criteria

An application for Adoption or Amendment of the Comprehensive Plan shall be approved if it meets all of the following criteria:

6-7(A)(3)(a) Because of changed economic, social, environmental or other conditions, the adoption or amendment is necessary to protect the public health, safety, or welfare.

6-7(A)(3)(b) The adoption or amendment will protect the public health, safety, or welfare better than retention of the continued application of the existing Comprehensive Plan.

6-7(A)(3)(c) The adoption or amendment will result in general benefits to a large portion of the residents or property owners in the city.

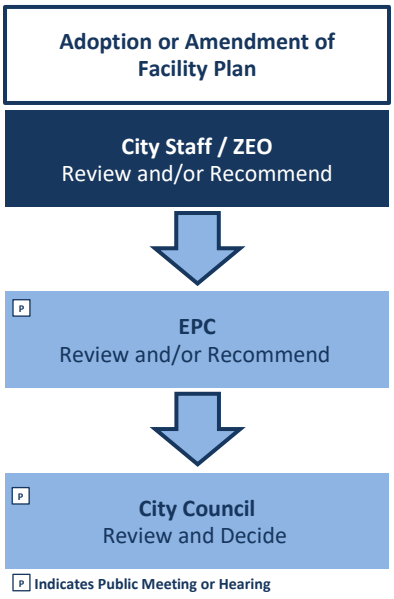
6-7(A)(3)(d) If the adoption or amendment is being proposed by a small group of residents or property owners, it would not create significant adverse impacts on the remaining residents or property owners in the city.

6-7(B) ADOPTION OR AMENDMENT OF FACILITY PLAN

Facility Plans may specify amendment procedures different from the provisions in this IDO. Where a Facility Plan is silent or requires review by the EPC and final decision by City Council, the provisions of this Subsection 14-16-6-7(B) apply. In such cases, all applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(B).

6-7(B)(1) Applicability

This Subsection 14-16-6-7(B) applies to any application for adoption or amendment of a Facility Plan.



6-7(B)(2) Procedure

6-7(B)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the EPC.

6-7(B)(2)(b) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council on the application.

6-7(B)(2)(c) The City Council shall conduct a public hearing and shall make a decision on the application.

6-7(B)(3) Review and Decision Criteria

An application for Adoption or Amendment of a Facility Plan shall be approved if it meets all of the following criteria:

6-7(B)(3)(a) The proposed plan or amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended, and with other policies and plans adopted by the City Council.

6-7(B)(3)(b) The proposed plan or amendment promotes the efficient use or administration of public or quasi-public facilities.

6-7(B)(3)(c) The plan or amendment will promote public health, safety, and general welfare.

6-7(C) ADOPTION OR AMENDMENT OF HISTORIC DESIGNATION

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(C).

6-7(C)(1) Applicability

This Subsection 14-16-6-7(C) applies to all applications to do the following.

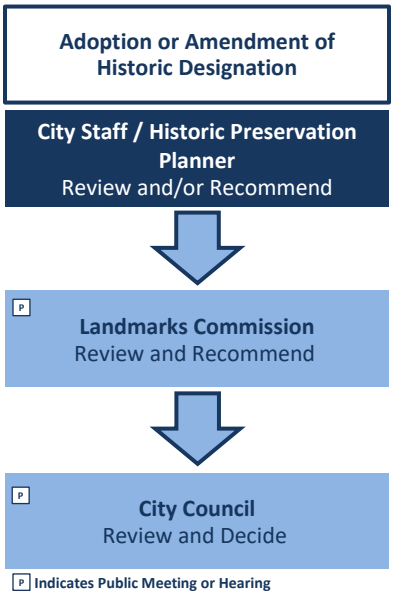
6-7(C)(1)(a) Designate an area of the City as an HPO zone.

6-7(C)(1)(b) Amend the boundaries of an existing HPO zone, including removing or adding property.

6-7(C)(1)(c) Terminate an HPO zone.

6-7(C)(1)(d) Designate a landmark site or structure.

6-7(C)(1)(e) Remove a site or an area from the City's list of designated landmarks sites.



6-7(C)(2) Procedure

6-7(C)(2)(a) The Historic Preservation Planner shall forward a recommendation to the LC.

6-7(C)(2)(b) The LC shall conduct a public hearing and shall make a recommendation to City Council.

6-7(C)(2)(c) The City Council shall conduct a public hearing and shall make a decision on the application.

6-7(C)(2)(d) The LC shall adopt specific design standards and guidelines for the HPO zone or City landmark within 60 calendar days following City Council adoption pursuant to Subsection 14-16-6-6(E) (Historic Design Standards and Guidelines). Any amendments to such standards and guidelines shall be reviewed pursuant to the same procedure.

6-7(C)(3) Review and Decision Criteria

6-7(C)(3)(a) Adoption or Amendment of an HPO Zone

An application for adoption or amendment of an HPO zone boundary shall be approved if the area contains a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or united aesthetically by plan or physical development. An HPO zone may also comprise individual elements separated geographically but linked by association or history, provided that any of the following criteria is met:

1. Embodies the distinctive characteristics of a type, period, or method of construction.
2. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural type.

3. Has yielded, or is likely to yield, information important in history or prehistory.
4. Possesses high artistic values.
5. Has a relationship to designated landmarks or HPO zone that makes the area's preservation critical.

6-7(C)(3)(b) Termination of an HPO Zone

An application to terminate an HPO zone shall be approved if the criteria used in the designation of that HPO zone are no longer met due to changing conditions in the HPO zone.

6-7(C)(3)(c) Designation of a Landmark Site or Structure

An application for designation of a landmark site or structure shall be approved if it is of particular historical, architectural, cultural, or archaeological significance and meets any of the following criteria:

1. It is the site of a significant historic event.
2. It is identified with a person who significantly contributed to the history of the city, State, or nation.
3. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.
4. It embodies the distinctive characteristics of a type, period, or method of construction.
5. It possesses high architectural value.
6. It represents the work of an architect, designer, or master builder whose individual work has influenced the development of the city.
7. It embodies elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.
8. Its preservation is critical because of its relationship to already-designated landmarks or other real property which is simultaneously proposed as a landmark.
9. It has yielded or is very likely to yield information important in history or prehistory.
10. It is included in the National Register of Historic Places or the New Mexico Cultural Properties Register.

6-7(C)(3)(d) Termination of Landmark Status

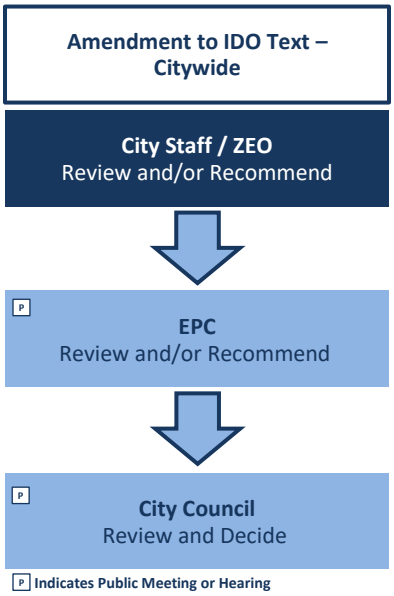
An application to terminate the landmark designation of a site or structure shall be approved if that site or structure no longer meets the criteria used in the designation.

6-7(D) AMENDMENT TO IDO TEXT – CITYWIDE[734]

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(D).

6-7(D)(1) Applicability

This Subsection 14-16-6-7(D) applies to all applications to amend the text of this IDO, except for the following:



6-7(D)(1)(a) Applications to create or amend an HPO zone, which are processed pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

6-7(D)(1)(b) Applications to create or amend any other Overlay Zone established in Part 14-16-3, which are processed pursuant to Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area).[735]

6-7(D)(1)(c) Applications to create or amend any small area established in Section 14-16-4-3 (Use-specific Standards), Part 14-16-5 Development Standards), or Part 14-16-6 (Administration and Enforcement), which are processed pursuant to Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area).[736]

6-7(D)(2) Procedure

6-7(D)(2)(a) The City Planning Department staff shall review the application, and forward a recommendation to the EPC.[737]

6-7(D)(2)(b) If the proposed amendment includes any change to the process of designating HPO zones or landmark structures or sites (as opposed to an amendment to the boundaries or standards applicable in a specific HPO zone), the Historic Preservation Planner shall review and submit staff comments to the EPC.

6-7(D)(2)(c) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council.

6-7(D)(2)(d) The City Council shall conduct a public hearing and shall make a decision on the application.

[734] Title revised per EPC Condition #1 (Tech Edits).
[735] Revised per EPC Condition #1 (Tech Edits) to reflect the addition of a new procedure for amendments for small areas.
[736] Revised per EPC Condition #1 (Tech Edits) to reflect the addition of a new procedure for amendments for small areas.
[737] Revised per EPC Condition #1 (Tech Edits) to reflect the addition of a new procedure for amendments for small areas.

6-7(D)(3) Review and Decision Criteria[738]

An application for an Amendment to IDO Text – Citywide may be approved if it meets all of the following criteria:

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

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

6-7(D)(3)(c) The proposed amendment promotes public health, safety, and welfare.

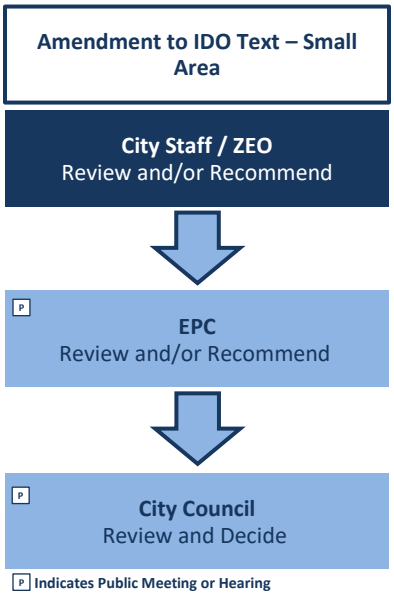
[738] Revised per City Council Amendments B9.

6-7(E) AMENDMENT TO IDO TEXT – SMALL AREA[739]

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(F).

6-7(E)(1) Applicability

This Subsection 14-16-6-7(F) applies to all applications to amend the text of this IDO to adopt or amend the boundaries of a small area, including any Overlay Zone established in Part 14-16-3 or any small area established in Section 14-16-4-3 (Use-specific Standards), Part 14-16-5 Development Standards), or Part 14-16-6 (Administration and Enforcement), and/or to adopt or amend specific regulations that will apply in a small area, except for any of the following:



6-7(E)(1)(a) Applications to create or amend a Historic Protection Overlay zone boundary, which are processed pursuant to Subsection 14-16-6-7(C).

6-7(E)(1)(b) Applications to create or amend Historic Design Standards and Guidelines, which are processed pursuant to Subsection 14-16-6-6(E).

6-7(E)(1)(c) Applications to change the zone district of any properties in a small area, which are processed pursuant to Subsection 14-16-6-7(G) (Zoning Map Amendment – EPC) or Subsection 14-16-6-7(H) (Zoning Map Amendment – Council), as applicable.

6-7(E)(2) Procedure

6-7(E)(2)(a) The City Planning Department staff shall review the application, including any specific regulations applicable to a proposed Overlay zone or small area, and forward a recommendation to the EPC.

6-7(E)(2)(b) If the proposed amendment includes any change to any IDO regulation that applies within an HPO zone boundary (as opposed to an amendment to the boundaries or Historic Design Standards and Guidelines applicable in a specific HPO zone, which would be processed pursuant to Subsection 14-16-6-6(E)), the Historic Preservation Planner shall review and submit staff comments to the EPC.

6-7(E)(2)(c) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council.

6-7(E)(2)(d) The City Council shall conduct a public hearing and shall make a decision on the application.

[739] New decision type and procedure per EPC Condition #1 (Tech Edits) and associated Exhibit.

6-7(E)(2)(e) The Official Zoning Map shall be updated to reflect any adopted or amended boundaries of a small area.

6-7(E)(3) Review and Decision Criteria

An application for an Amendment to IDO Text – Small Area shall be approved if it meets all of the following criteria:

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.

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

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).

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.

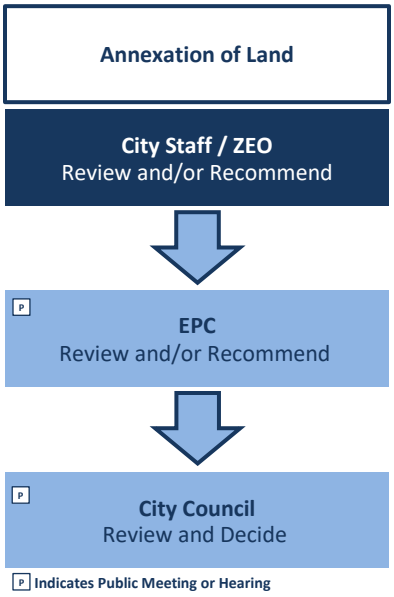
6-7(E)(3)(e) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

6-7(F) ANNEXATION OF LAND

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(F).

6-7(F)(1) Applicability

This Subsection 14-16-6-7(F) applies to all petitions to annex land into the municipal limits of the City that have received approval from Bernalillo County.



6-7(F)(2) Procedure

6-7(F)(2)(a) Review and Decision

1. The City Planning Department staff shall review the application, including any specific regulations applicable to a proposed annexation, and forward a recommendation to the EPC.
2. The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council.
3. The City Council Section 14-16-6-4 (General Procedures) shall conduct a public hearing and shall make a decision on the application.

6-7(F)(2)(b) Withdrawal of Petition

1. Persons who petition the City for annexation may withdraw their names and their land from petitioner status at any time before the full City Council votes on the annexation and simultaneous establishment of zoning, but they may not withdraw after that time.
2. Withdrawal of persons or land from annexation petitions does not prevent any person from again petitioning the City for annexation at any time and also does not prevent the City from seeking to annex such land by any legal method in subsequent proceedings.

6-7(F)(3) Review and Decision Criteria

The City Council shall consider the following criteria and may approve an application to annex land into the City at its legislative discretion.

6-7(F)(3)(a) Annexation of areas designated in the ABC Comp Plan, as amended, as Established Urban and/or Developing Urban will be approved when the following criteria are met:

1. Compliance with City policy regarding land dedication for public facilities is assured.
2. The applicant agrees in writing to at least one of the following criteria for timing of capital expenditures for necessary major streets, water, sanitary sewer, and stormwater-handling facilities:
   a. The timing to be per a written City statement of intent as to when it or another public body will be able to provide such capital facilities, such City statement to be issued prior to annexation.
   b. The timing to remain indefinite but a substantial number of years in the future, based on a written City statement, made prior to annexation, that it will provide the facilities but no timing can be assured.
   c. A commitment by the property owner that he/she or his/her successors in interest will, in a manner that satisfies City standards, install and pay for such facilities or cause them to be installed and paid.
3. The anticipated delay in provision of City services is not so far into the future as to be speculative and therefore an unreasonable basis to provide for annexation.
4. The land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by State statutes.
5. The land to be annexed shall have provision for convenient street access to the City.
6. The land to be annexed shall have reasonable boundaries so that providers of public services can easily determine where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City.
7. City boundaries shall be established along platted lines that clearly define the City limits; annexation plats need not meet all requirements of a subdivision plat as specified in the DPM.

6-7(F)(3)(b) Areas that are designated in the ABC Comp Plan, as amended, as Reserve Development Areas are appropriate for annexation if they create high-quality, mixed-use, largely self-sufficient planned communities. Annexation of such areas will be approved when the following criteria are met:

1. The criteria in Subsection (a) above.
2. Applications are accompanied or preceded by satisfactory plans for each proposed community.

6-7(F)(3)(c) Areas that are designated in the ABC Comp Plan, as amended, as Semi-Urban and as Rural Development Areas are appropriate for

annexation where the Semi-urban and Rural Development Area policies in the ABC Comp Plan are furthered or where the general public welfare clearly is better served by annexation. Zoning appropriate for low-intensity uses shall be assigned. Annexation of such areas will be approved when the following criteria are met:

1. The criteria in Subsection (a) above.
2. Since the eventual annexation of all these areas is unlikely, special care shall be taken to maintain reasonable, compact boundaries in these areas. To this end, the City will not annex such land unless it meets one of the following criteria:
    a. Has at least 10 percent of its boundary contiguous to the City boundary.
    b. Does not create an arm of the City's incorporated area that is at any point less than 1,000 feet wide.
3. Barring exceptional conditions, the City will not annex land on one side of a public street without also annexing the land on the other side of the street.
4. The City will not annex land unless appropriate City zone districts are available for regulation of development consistent with planned and appropriate land development patterns.

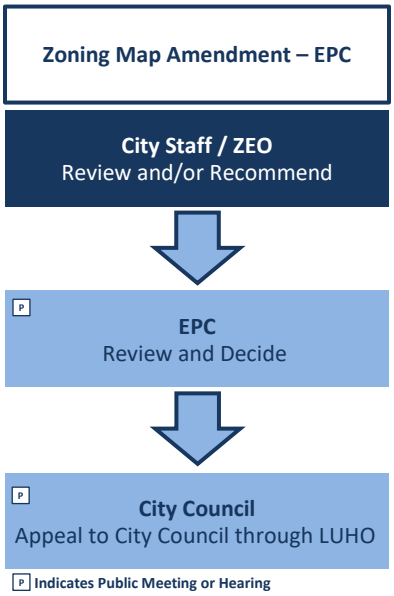
6-7(F)(3)(d) The City may annex land even though some or all of the above policies are not met where the EPC and City Council find that at least one of the following applies:

1. There is a particular hazard to the health of persons that would be removed or materially alleviated by the City upon annexation, and that no other adequate and timely remedy for the removal or material alleviation of such hazard is available.
2. City-owned land used for a public purpose is being annexed to better facilitate that use.

6-7(G) ZONING MAP AMENDMENT – EPC

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(G).

6-7(G)(1) Applicability



6-7(G)(1)(a) This Subsection 14-16-6-7(G) applies to any application:

1. That would amend the Official Zoning Map to change less than 10 gross acres of land located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended) or less than 20 gross acres of land in any zone district located entirely in an Area of Change (as shown in the ABC Comp Plan, as amended) to a different zone district.
2. That does not create or amend any text or map of any Overlay zone.

6-7(G)(1)(b) An application to amend the Official Zoning Map by any entity other than the City may not be submitted within 1 year after the date of final action by the City denying or approving (with or without conditions) a prior application to amend the Official Zoning Map with the same requested change.

6-7(G)(2) Procedure

6-7(G)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the EPC.

6-7(G)(2)(b) If the application is for a zone change to an MX-FB, NR-SU, or PD zone district, the associated Site Plan – EPC shall be reviewed and decided simultaneously pursuant to all applicable provisions of Subsection 14-16-6-6(J) (Site Plan – EPC). A denial of either requested action shall result in the denial of all associated requests.

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.[740]

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.[741]

6-7(G)(2)(f) If the Zoning Map Amendment will result in a zone boundary that does not coincide with a lot 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.[742]

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.[743]

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 Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

6-7(G)(3)(b) If the subject property 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 new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

[740] Added per EPC Condition #1 (Tech Edits).
[741] Revised per EPC Condition #1 (Tech Edits).
[742] Added per EPC Condition #1 (Tech Edits).
[743] Added per EPC Condition #1 (Tech Edits).

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is 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).

6-7(G)(3)(c) If the subject property 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 is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is 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).

6-7(G)(3)(d) The requested zoning does not include 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.

6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:

1. Have adequate capacity to serve the development made possible by the change of zone.
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.

6-7(G)(3)(f) The applicant’s justification for the Zoning Map Amendment is not completely based on the property’s location on a major street.

6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

6-7(G)(3)(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

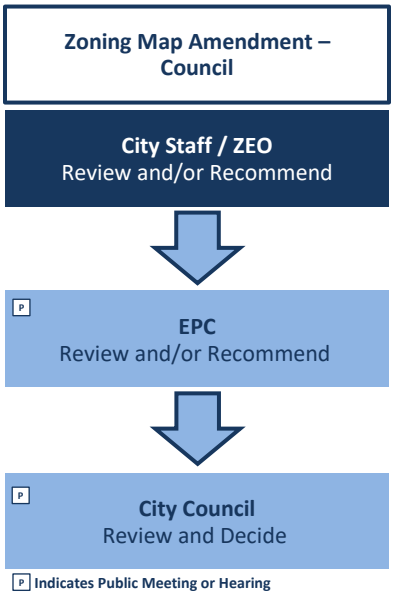
1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.

6-7(H) ZONING MAP AMENDMENT – COUNCIL

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(H).

6-7(H)(1) Applicability[744]

This Subsection 14-16-6-7(H) applies to any of the following:



6-7(H)(1)(a) An application that would amend the Official Zoning Map to change 10 gross acres of land or more located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended) or 20 gross acres of land or more in any zone district located entirely in an Area of Change (as shown in the ABC Comp Plan, as amended) to a different zone district.

6-7(H)(1)(b) Pursuant to Section 3-21-6 of NMSA, an application for a Zoning Map Amendment – EPC for which a protest of the final action has been received that meets all of the following criteria:

1. All of the equitable owners of land that comprises at least 20 percent of the area proposed for change or 20 percent of the area within 100 feet in any direction (excluding public right-of-way) of the area proposed for change have protested in writing the proposed Zoning Map Amendment.[745]
2. The persons filing the protest have shown that this Subsection 14-16-6-7(H)(1)(b) applies through clear and convincing evidence.

6-7(H)(1)(c) An application to amend the Official Zoning Map by any entity other than the City may not be submitted within 1 year after the date of final action by the City denying or approving (with or without conditions) a prior application to amend the Official Zoning Map with the same requested change.

6-7(H)(2) Procedure

6-7(H)(2)(a) City Planning Department staff shall review the application, including any specific regulations applicable to a proposed Overlay zone, and forward a recommendation to the EPC.

6-7(H)(2)(b) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council.

[744] Revised to remove reference to Overlay zone or small area, related to addition of IDO Text Amendment – Small Area as a separate decision.
[745] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.

6-7(H)(2)(c) The City Council shall conduct a public hearing and make a decision on the application.

6-7(H)(2)(d) If the application is for a zone change to an MX-FB, NR-SU, or PD zone district, the associated Site Plan – EPC shall be reviewed and decided simultaneously pursuant to all applicable provisions of Section 14-16-6-6(J) (Site Plan – EPC). A denial of either requested action shall result in the denial of all associated requests.

6-7(H)(2)(e) If the application is for a zone change to the NR-BP zone district, an associated Master Development Plan shall be reviewed and decided simultaneously, pursuant to all applicable provisions of Subsection 14-16-6-6(F) (Master Development Plan). A denial of either requested action shall result in denial of all associated requests.

6-7(H)(2)(f) If the application is for a zone change to the PC zone district, a Framework Plan shall be reviewed and decided simultaneously and the approved Framework Plan shall be binding on future development on all property within the PC zone district.

6-7(H)(2)(g) 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.[746]

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(H)(2)(h) The City shall provide a zoning certificate to the applicant that documents the new zone district designation after any conditions of approval have been met.[747]

6-7(H)(2)(i) If the Zoning Map Amendment will result in a zone boundary that does not coincide with a lot 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.[748]

6-7(H)(2)(j) If a protest has been received pursuant to Subsection 14-16-6-7(H)(1)(b), the application shall be processed as a Zoning Map Amendment – Council.

[746] Added per EPC Condition #1 (Tech Edits).
[747] Revised per EPC Condition #1 (Tech Edits). Tech Edit added similar language to ZMA – EPC but not in this section. Copied the appropriate portions here, but left out language about City-level appeal processes because appeals of a ZMA – Council go to district court.
[748] Added per EPC Condition #1 (Tech Edits).

1. The final action of the EPC becomes the recommendation to City Council.
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.[749]

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 apply:

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 requirements must be met:

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

[749] Added per EPC Condition #1 (Tech Edits) to ZMA – EPC. Carried into ZMA – Council as well for consistency.

more consistent with the ABC Comp Plan, as amended, than the accommodation of such growth that could be achieved without the PC zone district.

4. 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 resident, or the applicant has made adequate financial commitments to ensure this result.

6-8 NONCONFORMITIES

6-8(A) PURPOSE

The purpose of this Section 14-16-6-8 is to regulate land uses, buildings, lots, signs, and site features that were legally established, but that do not conform to the requirements of this IDO due to some action of the government (collectively "nonconformities"). These regulations are intended to reduce or eliminate over time any nonconformity that does not meet the regulatory standards of the IDO and/or the goals of the ABC Comp Plan, as amended, and that creates adverse impacts on the surrounding area or the city.

6-8(B) APPLICABILITY

6-8(B)(1) General Applicability

The regulations in this Section 14-16-6-8 apply to land uses, buildings, lots, signs, and site features, including:

6-8(B)(1)(a) Those that were legally established prior to the effective date of this IDO but that become nonconforming due to the adoption of this IDO.

6-8(B)(1)(b) Those that were legally established after the effective date of this IDO but that become nonconforming due to the adoption of a future amendment to this IDO.

6-8(B)(2) Authority to Continue

6-8(B)(2)(a) General Nonconformities

Nonconformities that in general do no harm to the surrounding area may be allowed to continue or expand based on the regulations and criteria of this Section 14-16-6-8 in order to preserve the integrity of a neighborhood and prevent adverse impacts resulting from unused buildings or vacant lots.

6-8(B)(2)(b) Timeframes for Compliance

Where the IDO establishes timeframes for compliance, the effective date of this IDO shall mark the beginning of the timeframe unless specified otherwise in this IDO or another adopted City Ordinance in ROA 1994.

6-8(B)(2)(c) Nonconforming Use of Land or a Structure in the APO Zone

Notwithstanding Subsections (a) and (b) above, the City shall not grant any permit or approval under this IDO that would allow a nonconforming use of a lot or structure to become a greater hazard or obstruction to air navigation than it was on the effective date of this IDO or any relevant amendments to this IDO.[750]

6-8(C) NONCONFORMING USES

6-8(C)(1) Authority to Continue

Unless specified otherwise in this Section 14-16-6-8 or elsewhere in this IDO, the nonconforming use of land or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is

[750] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

discontinued or another provision of this Section 14-16-6-8 requires the termination of the use.

6-8(C)(2) Repair and Maintenance[751]

A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Subsection 14-16-6-8(C)(4) (Expansion of Nonconforming Use).

6-8(C)(3) Discontinuance of Nonconforming Use

6-8(C)(3)(a) Except as noted in Subsection (b) below, when a nonconforming use of land or a structure is discontinued for a period of 2 years, any later use shall only be an allowable use as indicated in Table 4-2-1 for the zone district in which the property is located.

6-8(C)(3)(b) When a nonconforming residential use of a single-family detached dwelling located in any Mixed-use or Non-residential zone district is discontinued for 5 years, any later use shall only be an allowable use as indicated in Table 4-2-1 for the zone district in which the property is located.[752]

6-8(C)(3)(c) Neither the intention of the owner nor that of anybody else to use a lot or part of a lot for any nonconforming use, nor the fact that the lot or part of a lot may have been used by a makeshift nonconforming use shall prevent the ZEO from determining that the use has been discontinued for the purposes of this Subsection 14-16-6-8(C)(3).

6-8(C)(4) Expansion of Nonconforming Use

A nonconforming use of land or a structure shall not be expanded, except that the portion of a structure or land containing a nonconforming use may be expanded in size if approved by the ZHE pursuant to Subsection 14-16-6-6(C).

6-8(C)(5) Change in Nonconforming Use

A nonconforming use of land or a structure may be changed to another use equally or more restrictive than the immediately preceding nonconforming use, as determined by the ZEO.

6-8(C)(6) Helipads

A helipad shown on a Site Plan approved by the EPC prior to March 5, 2000, shall be deemed conforming.

6-8(C)(7) Mobile Home Dwellings

6-8(C)(7)(a) A single mobile home dwelling on an individual lot outside of the R-MC zone district is a nonconforming use and shall be removed within 5 years.

6-8(C)(7)(b) A nonconforming use of land and incidental structures consisting of a mobile home development may remain for the life of the structures, which shall never be more than 30 years, but only if all of the following provisions apply:

[751] Added per EPC Condition #1 (Tech Edits).
[752] Revised per EPC Condition #1 (Tech Edits).

1. This use does not cease operation for a period of 1 year.
2. Any private street system servicing the mobile home dwellings is paved at least to a standard approved by the City Engineer according to the applicable standards of this IDO and related DPM standards and criteria, even though there may be no new subdivision.
3. Mobile home dwellings are skirted with materials similar in appearance and durability to the siding of the mobile home, or the unit is situated at ground level, within 2 years of the use becoming nonconforming.

6-8(C)(7)(c) Any additional development on a lot that includes 1 or more mobile home dwellings shall conform to the regulations in this IDO.

6-8(C)(7)(d) For changes of use or rezoning of developments that include mobile homes that will result in expiration or termination of resident occupancy, the standards in Subsection 14-16-2-3(C)(3)(g) (R-MC Zone District Standards) apply, regardless of the zone district the development is in.[753]

6-8(D) NONCONFORMING STRUCTURES

6-8(D)(1) Authority to Continue

Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 2 years, or until another provision of this Section 14-16-6-8 requires the termination of the use. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings). Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs).

6-8(D)(2) Repair and Maintenance

A nonconforming structure may be maintained, repaired, or altered, but no maintenance, repair, or alteration may increase the extent of nonconformance.

6-8(D)(3) Height Nonconformance

A structure nonconforming as to height regulations cannot be added to or enlarged unless the addition or enlargement conforms to all the regulations of the zone district in which it is located.

6-8(D)(4) Setback Nonconformance

A structure nonconforming as to setback regulations cannot be added to or enlarged unless the addition conforms to all the regulations of the zone district in which the structure is located.

[753] Revised per EPC Condition #1 (Tech Edits).

6-8(D)(5) Expansion of Nonconforming Structure

A nonconforming structure may be expanded in size, provided that the expansion will not increase an existing nonconformity or create a new nonconformity, if approved by the ZHE pursuant to Subsection 14-16-6-6(C).

6-8(D)(6) Relocation of Nonconforming Structure

A nonconforming structure may be moved in whole or in part to another location on the lot, provided that the moving will make it nonconforming to a lesser extent.

6-8(D)(7) Damage

A nonconforming structure that is damaged through natural or other causes may be restored, provided that the restoration is started within 6 months of the damage and is continued diligently to completion, unless the ZEO determines that the continued use of the structure creates a significant threat to public health or safety, even after repairs that meet the requirements in Articles 14-1. 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code) are made.

6-8(D)(8) Walls and Fences

6-8(D)(8)(a) A nonconforming wall or fence may remain for the life of the structure, except that a wall or fence nonconforming because it is in a clear sight triangle may remain only if the City Engineer gives and does not withdraw a written opinion that the wall or fence is not a traffic hazard.

6-8(D)(8)(b) Walls or fences partially or completely constructed of barbed tape, barbed wire, razor wire, or similar materials where these materials are not allowed pursuant to Subsection 14-16-5-7(E)(1)(c) are considered illegal and must be removed within the following timeframes:

1. For Residential and Non-residential zone districts, as specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.
2. For Mixed-use zone districts, by January 1st, 2023.[754]

6-8(D)(9) Airport Protection Overlay (APO) Zone

6-8(D)(9)(a) Whenever the ZEO determines that a nonconforming structure located in the APO has been abandoned or that more than 80 percent of the structure has physically deteriorated, decayed, or demolished, such structure or obstruction shall be discontinued, demolished, and removed by the owner.

6-8(D)(9)(b) No permit shall be granted that would allow a permanent or temporary nonconforming structure to exceed the applicable height limit or otherwise deviate from standards in Section 14-16-3-3 (Airport Protection Overlay Zone) or any other applicable standards of this IDO.

[754] Added per City Council Floor Amendment C7.

6-8(E) NONCONFORMING LOTS

A lot that does not meet minimum lot size or width requirements for the zone district where it is located, particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency), may be used without a Variance if the lot was legally created and placed on the records of the County and the use of the property is permissive, has an approved conditional use, or is legally nonconforming. At least 1 of the following must also apply:

6-8(E)(1) The existing structure(s) on the property is allowed or legally nonconforming.

6-8(E)(2) Any new structure or outdoor use proposed for the lot meets all of the following conditions:

6-8(E)(2)(a) Complies with the dimensional standards for the zone district where the lot is located to the maximum extent practicable.

6-8(E)(2)(b) Does not exceed the maximum building height allowed in the zone district where the lot is located.

6-8(E)(2)(c) Does not include any encroachments that would not be allowed pursuant to Table 5-1-4.

6-8(E)(3) Lots legally nonconforming to minimum lot width or minimum lot size requirements in the R-MH zone district shall be developed governed by the R-ML zone district standards in all respects; no Variance is required for such development.[755]

6-8(F) NONCONFORMING SIGNS

6-8(F)(1) Authority to Continue

6-8(F)(1)(a) A nonconforming sign shall be allowed to continue in use, regardless of any change in ownership or occupancy of the structure, for the life of the physical sign structure in the size, height, lighting/illumination type, and configuration that existed at the time it became nonconforming, unless Subsection (b) below applies.

6-8(F)(1)(b) If 1 or more of the signatories to a Joint Sign Premises agreement withdraws from the agreement, the sign automatically becomes illegal and is subject to the provisions of Subsection 14-16-6-9(C) (Enforcement).

6-8(F)(2) Repair and Maintenance

A nonconforming sign may be maintained, repaired, or altered, but no maintenance, repair, or alteration may increase the extent of nonconformance.

6-8(F)(3) Modification

6-8(F)(3)(a) Any modification of size, height, lighting/illumination type, or configuration or any replacement of the sign face shall conform to all requirements of Section 14-16-5-12 (Signs) and all other applicable requirements of this IDO.

[755] Revised per EPC Condition #1 (Tech Edits).

6-8(F)(3)(b) Conversion of a non-electronic nonconforming sign to an electronic sign is prohibited unless the erection of a new electronic sign with the same size, height, and configuration as the nonconforming sign in that location would be allowed under Subsection 14-16-5-12(H) (Electronic Signs).

6-8(G) NONCONFORMING SITE FEATURES

6-8(G)(1) Authority to Continue

Except for property acquired by government entities (addressed in Subsection 14-16-6-8(H)), a lot that does not comply with the standards of this IDO in Sections 14-16-4-3 (Use-specific Standards); 14-16-5-3 (Access and Connectivity); 14-16-5-5 (Parking and Loading); 14-16-5-6 (Landscaping, Buffering, and Screening); 14-16-5-7 (Walls and Fences); 14-16-5-8 (Outdoor and Site Lighting); or 14-16-5-9 (Neighborhood Edges), except for the Building Height Stepdown provision, may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of this Section 14-16-6-8, notwithstanding those nonconformities, unless and until the gross floor area of the primary building on the lot is expanded pursuant to the criteria in Subsection 14-16-6-6(C) (Expansion of Nonconforming Use or Structure), at which time any portion of the lot affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.[756]

6-8(G)(2) Landscaping in the APO Zone

No native vegetation or landscaping in the APO zone shall be allowed to exceed the applicable height limit or otherwise deviate from standards in Section 14-16-3-3 (Airport Protection Overlay Zone) or any other applicable standards of this IDO.

6-8(G)(3) Front Yard Parking

Parking on areas other than allowed pursuant to Subsection 14-16-5-5(F)(1)(a)7 is illegal, and such parking must be discontinued within the timeframe specified by Code Enforcement in notice provided to the property owner, with the following exceptions:

6-8(G)(3)(a) Front Yard Parking Areas in Existence Prior to June 17, 2007

1. Front yard parking areas that do not satisfy the requirements of this IDO that were improved for and specifically dedicated to use as a front yard parking area prior to June 17, 2007 (when City Council adopted O-07-61, which first regulated front yard parking), and that otherwise satisfied the requirements of all applicable regulations in place at the time of their installation, may continue to be used for as a front yard parking areas pursuant to the provisions of this IDO governing nonconforming uses and structures.
    a. For the purposes of this Subsection 14-16-6-8(G)(3), "improvements" include only impervious surfaces,

[756] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

including but not limited to concrete, asphalt, or all-weather pervious services surfaces such as recycled asphalt or driveway gravel (as distinguishable from landscape gravel). In order to enjoy non-conforming status under this Section 14-16-6-8, any such improvements must have been installed for and be suitable for the specific purpose of front yard parking and maneuvering.

b. Where low-density residential development has an existing, improved front yard parking area, parking on unimproved surfaces such as dirt, grass, or landscape areas, or on surfaces that were improved for any purpose other than front yard parking, including but not limited to decorative gravel areas, patios, or pedestrian walkways, must be discontinued regardless of the year of development of the property or improvement.[757]

2. Where any existing low-density residential development lacks an improved front yard parking area, and improved front yard parking areas were not required at the time of the unit's initial development, such residential unit may continue to use a portion of the front yard for parking subject to the size and area limitations in Subsection 14-16-5-5(F)(2)(a)1.[758]

6-8(G)(3)(b) Lawful Improvements Installed between June 17, 2007 and the Effective Date of this IDO.

Front yard parking areas that do not satisfy the requirements of this IDO but that satisfied the requirements of all applicable regulations in place between June 17, 2007 and the effective date of this IDO may continue to be used for front yard parking pursuant to this Section 14-16-6-8.

6-8(H) PROPERTY ACQUISITION BY GOVERNMENT ENTITIES

No property shall be considered nonconforming solely because it fails to meet applicable lot size or dimensional standards if the reason for those failures is the acquisition of part of the property by an exercise of eminent domain or a transfer to a governmental body as an alternative to an exercise of eminent domain.

[757] Revised per EPC Condition #1 (Tech Edits).
[758] Revised per EPC Condition #1 (Tech Edits).

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6-9 VIOLATIONS, ENFORCEMENT, AND PENALTIES

6-9(A) PURPOSE

This Section 14-16-6-9 describes what is a violation of this IDO, how the standards and requirements of this IDO will be enforced, and what penalties the City may impose for different types of violations of this IDO.

6-9(B) VIOLATIONS

The following activities and actions are a violation of this IDO and are subject to the enforcement and penalty provisions of this IDO and Part 1-1-99 of ROA 1994 (General Penalty):

6-9(B)(1) A building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this IDO.

6-9(B)(2) Any building, structure, or land used in violation of this IDO.

6-9(B)(3) Providing false or misleading information in an application for any permit or approval.

6-9(B)(4) Failure to comply with the terms or conditions attached to any permit or approval issued pursuant to this IDO.

6-9(B)(5) Dividing or re-dividing land within the city into lots for sale or development without an approval required by this IDO or recording any plat that has not been approved by the City pursuant to this IDO with the County Clerk.

6-9(B)(6) Transferring or conveying a lot created by subdivision without the approval of a final plat of such subdivision and recording that plat with the County Clerk, unless the lot resulted from an exercise of eminent domain or purchase under threat of an exercise of eminent domain. Public agencies shall record plats reflecting acquisitions and transfer of property resulting from an exercise of eminent domain or purchase under threat of an exercise of eminent domain within 6 months of the decision by the court or the purchase, as applicable.[759]

6-9(B)(7) Grading or other alteration of a site without meeting the following requirements, as applicable:

- 6-9(B)(7)(a) Approval of a preliminary plat, if the grading or site alteration is related to a proposed subdivision.
- 6-9(B)(7)(b) Approval of a drainage plan or report, or a determination by the City Engineer that no such plan or report is required.
- 6-9(B)(7)(c) Compliance with the provisions of a drainage plan or drainage report or to the requirements of a preliminary or final plat, approved pursuant to this IDO.
- 6-9(B)(7)(d) Obtaining all required permits pursuant to Part 9-5-1 of ROA 1994 (Air Quality Control Board).

6-9(B)(8) Failure to immediately cease demolition, development, or land disturbance activity upon the discovery of an archaeological resource.

[759] Revised for consistent use of the term "lot" or "property" instead of "parcel" per EPC Condition #1 (Tech Edits).

6-9(B)(9) Failure to pay any required impact fees as specified by Article 14-19 of ROA 1994 (Impact Fees) and any associated procedures in the DPM.

6-9(C) ENFORCEMENT[760]

6-9(C)(1) Authority to Enforce

6-9(C)(1)(a) The ZEO has the authority and duty to enforce this IDO pursuant to Subsection 14-16-6-2(B)(1)(c) (Zoning Enforcement Officer).

6-9(C)(1)(b) A permit, license, or certificate issued in conflict with the provisions of this IDO is void.

6-9(C)(1)(c) In enforcing the requirements of this IDO the City may use any enforcement powers allowed by the State of New Mexico, in any order. The choice of one method of enforcement does not foreclose the City from pursuing others later if the violation is not remedied.

6-9(C)(1)(d) Without limiting the generality of Subsection (c) above, the City may enforce this IDO through any of the following powers:

1. To institute proceedings to prevent the unlawful action.
2. To deny, delay, or withhold permits and approvals.
3. To revoke permits and approvals after giving the property owner or applicant notice of intent to revoke the permit or approval.
4. To issue a stop work order requiring that all work on a property or structure or operation of a use that is in violation of this IDO cease, or if a violation is suspected but not known, then until the existence or absence of the violation can be confirmed.
5. To require the immediate abatement of any use or the vacation or removal of a structure that creates a threat to the public health and safety or to the health and safety of those in or around the use or structure.
6. To order the removal of any sign or violating portion of a sign that is erected or maintained in violation of this IDO.
    a. At least 10 calendar days' notice in writing shall be given to the owner of such sign, or of the structure or premises on which such sign is located, to remove the sign or to bring it into compliance with this IDO.
    b. Upon failure to remove the sign or to comply with this notice, the ZEO shall have the sign removed.
    c. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien on the property.

[760] Council Amendment C introduces Civil enforcement procedures.

7. To terminate all or part of a Site Plan where the applicant has used the property or constructed improvements in violation of the terms and conditions attached to an approved Site Plan.
   a. If an approved Site Plan has been partially developed, the termination shall only apply to the undeveloped portion of the property, and any termination of a part of the Site Plan shall not adversely affect or impose additional requirements on the developed lots.[761]
   b. Termination of all or part of a Site Plan does not preclude approval of a similar plan at a later date.
   c. If a Site Plan is terminated, the City shall review applicable Infrastructure Improvements Agreements (IIAs) or development agreements to determine necessary amendments to such agreements and/or release of any financial guarantee pursuant to Section 14-16-6-4(R) (Required Improvements and Financial Assurance).
8. To terminate all or part of a Master Development Plan where constructed improvements are in violation of the terms and conditions attached to an approved Master Development Plan, pursuant to provisions a through c in Subsection 14-16-6-9(C)(1)(d)7 for a Site Plan above.
9. To impose civil and criminal penalties as allowed by New Mexico law.

6-9(C)(2) Notice and Timing of Enforcement

6-9(C)(2)(a) The City shall attempt to give the property owner, agent, or occupant of a lot or a building that contains a violation of this IDO written notice of the violation and a reasonable amount of time to cure the violation.[762]

6-9(C)(2)(b) The property owner, agent, or occupant may request additional time (beyond that allowed by this IDO or the notice of violation) to cure a violation, and the ZEO may approve additional time to cure for good cause shown.

6-9(C)(3) Inspectorial Searches by Consent

6-9(C)(3)(a) Within the scope of his/her authority, the ZEO or authorized zoning inspectors may conduct an inspectorial search, with the voluntary consent of an occupant or custodian of the premises or vehicles to be inspected, who reasonably appears to the ZEO or the inspector to be in control of the places to be inspected or otherwise authorized to give such consent.

6-9(C)(3)(b) Before requesting consent for an inspectorial search, the ZEO or inspector shall inform the person to whom the request is directed of the authority under and purposes for which the inspection is to

[761] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[762] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

be made and shall, upon demand, exhibit an identification card or official City document evidencing their authority to make such inspections.

6-9(C)(3)(c) Inspections undertaken pursuant to this Subsection 14-16-6-9(C)(3) shall be carried out with due regard for the convenience and privacy of the occupants, and during the daytime unless, because of the nature of the premises, the convenience of the occupants, the nature of the possible violation or other circumstances, there is a reasonable basis for carrying out the inspection at night.

6-9(C)(3)(d) Unless advance notice would be likely to cause the suspected violation to be temporarily eliminated so as to frustrate enforcement, notice of the purpose and approximate time of an inspectorial search of an area not open to the general public shall be sent to the occupants or custodians of premises or vehicles.

6-9(C)(4) Inspectorial Searches without Consent

6-9(C)(4)(a) Upon sufficient showing that required consent to an inspectorial search has been refused or is otherwise unobtainable within a reasonable period of time, the ZEO may make application to the district court for an inspection order/search warrant. Such application shall be made to a district court having jurisdiction over the premises or vehicle to be searched. Such application shall set forth the following information:

1. The particular vehicle(s), premises, or portion of a vehicle or premises sought to be inspected.
2. That the owner or occupant of the premises or vehicle(s), has refused entry.
3. That inspection of the premises or vehicle(s) is necessary to determine whether they comply with the requirements of this IDO.
4. Any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the premises or vehicle(s) which constitutes a violation of this IDO.
5. That the ZEO or inspector is authorized by the City to make the inspection.

6-9(C)(4)(b) The application shall be granted and the inspection order/search warrant issued upon a sufficient showing that inspection in the area in which the premises or vehicles in question are located, or inspection of the particular premises or vehicles, is in accordance with reasonable legislative or administrative standards, and that the circumstances of the particular inspection for which application is made are otherwise reasonable. The district court shall make and keep a record of the proceedings on the application and enter thereon its finding in accordance with the requirements of this section.

6-9(C)(4)(c) The ZEO or inspector executing the inspection order/search warrant shall, if the premises or vehicle in question are unoccupied at the time of execution, be authorized to use such force as is reasonably necessary to enter and make the inspection.

6-9(C)(4)(d) After execution of the order or after unsuccessful efforts to execute the order, as the case may be, the ZEO shall return the order to the district court with a sworn report of the circumstances of execution or failure to execute the order.

6-9(C)(5) Administrative Civil Enforcement[763]

If the ZEO determines that a violation of the IDO has not been adequately cured within a reasonable time after an initial notice has been issued pursuant to Subsection 14-16-6-9(C)(2), the ZEO may pursue administrative civil enforcement pursuant to this Subsection 14-16-6-9(C)(5). Such administrative civil enforcement does not preclude any other enforcement action authorized by law.

6-9(C)(5)(a) Notice of Administrative Civil Enforcement

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

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

6-9(C)(5)(b) Notice of Hearing

1. The City Office of Administrative Hearings shall schedule a hearing on all matters for which it has received a notice of administrative civil enforcement between 15 and 45 calendar days after the office receives the notice.
2. A notice of hearing may be served by any employee or agent of the City, including the ZEO or any sworn officer of the Albuquerque Police Department.

[763] Added per City Council Amendment A3.

3. The notice of hearing shall be served to all individuals listed on the notice of administrative civil enforcement and the ZEO through any of the following means:
   a. Personal service upon the person(s) or their attorney or duly authorized agent(s).
   b. First class mail, return receipt requested.
   c. Conspicuous posting within the frontage of the property where the alleged violation has occurred for a period of at least 30 days. It is unlawful for any person to remove or otherwise tamper with this posting, and any removal or tampering of the notice is punishable pursuant to the criminal penalties of Part 1-1-99 of ROA 1994 (General Penalty).
4. The notice of hearing shall include all of the following information:
   a. The date, time, and location of the hearing; the name of the hearing officer scheduled to preside of the matter; and contact information for the City Office of Administrative Hearings where individuals may request additional information.
   b. A brief description of the nature and purpose of the hearing.
   c. Notification of the right to testify, present reasonable evidence, call and question witnesses, and have an attorney or duly authorized agent present.
   d. Notification of the right to respond to the allegations in writing before the hearing, which may include a limit on the scope, format, or length of the response, and any deadline by which the response must be filed.
   e. A statement that the alleged violator(s) or their attorney or duly authorized agent may meet with the ZEO prior to the hearing to attempt to resolve the alleged violations and avoid an enforcement hearing.
5. If a resolution is reached before a scheduled hearing, the ZEO shall request, as soon as possible, that the hearing be cancelled. The City Office of Administrative Hearings shall provide notice that the hearing has been cancelled to all individuals listed on the notice of administrative civil enforcement and any other parties to this matter by email or first class mail.
6. If the terms of the resolution are not met by the alleged violator(s) to the satisfaction of the ZEO, the ZEO may request that the City Office of Administrative Hearings reschedule and provide notice of the rescheduled hearing pursuant to the procedures above.

6-9(C)(5)(c) Response to Notice of Administrative Civil Enforcement

1. The alleged violator or their attorney or duly authorized agent may request to meet with the ZEO prior to the hearing to attempt to resolve the alleged violation(s) and avoid a hearing.
2. Once a hearing is scheduled, parties may submit a written response to the City Office of Administrative Hearings no less than 5 business days before the hearing. Any response submitted shall include proof that the response has also been provided to any other parties listed on the notice of administrative civil enforcement and the ZEO.

6-9(C)(5)(d) Hearing

1. All parties may present evidence and testimony, call witnesses, cross examine all witnesses, and be represented by and receive the advice of an attorney or duly authorized agent.
2. All individuals listed in the notice of administrative civil enforcement who are alleged to be violating or to have violated any provision of this IDO shall be present at the hearing or represented by an attorney or duly authorized agent.
3. If the hearing officer finds that a violation of the IDO occurred or is occurring, the hearing officer may issue a civil penalty against any individual(s) who was served notice of administrative civil enforcement pursuant to Subsection 14-16-6-9(D)(3)(b) above, regardless of the presence of that individual(s) at the hearing.
4. To reschedule, continue, or cancel the hearing, all of the following requirements shall be met:
    a. A written request shall be filed with the City Office of Administrative Hearings.
    b. The written request shall be served upon all parties no less than 7 business days before the scheduled date of the hearing.
    c. The hearing officer finds good cause for, or all parties unanimously consent to, the rescheduling, continuation, or cancellation.
5. The hearing officer shall notify all parties in writing as to whether the request has been granted and, if continued or rescheduled, the date of the next hearing.

6-9(C)(5)(e) Enforcement of Remedies and Penalties

1. Within 15 calendar days after the hearing, the hearing officer shall send a written order of remedy or penalty to all parties by email, first class mail, or facsimile.
2. The order of remedy or penalty shall state the determination of the hearing officer regarding the alleged violations listed in

the notice of administrative civil enforcement and shall contain findings of fact and conclusions of law.

3. If the hearing officer determines that no violation of this IDO is being or has been committed, the order of remedy or penalty shall state that the alleged violation is being dismissed
4. If the hearing officer determines that a violation of the IDO is being or has been committed, the order of remedy or penalty shall state the remedies or penalties to be imposed by the City. The remedies and penalties may include any of the following:
    a. An order to cease and desist violations of this IDO.
    b. An order to bring the property in question into compliance with the IDO.
    c. An order to pay all of the City's costs for the associated enforcement action and administrative hearing.
    d. An order to pay a civil fine not to exceed $500 per violation per day.
5. Any party aggrieved by a final decision of the hearing officer may appeal the decision to the District Court within 30 days of the final order, pursuant to the New Mexico Rules of Civil Procedure.
6. The Planning Department shall monitor compliance with the order of remedy or penalty. If the Planning Department has reason to believe that any individual subject to the order is not complying with the order, the Planning Department may take one or more of the following actions:
    a. Refer the matter to the City Attorney for the commencement of a civil action.
    b. Refer the matter to the City Attorney or the District Attorney for the commencement of criminal proceedings.
    c. Place a lien on the property in an amount equal to the outstanding fines ordered pursuant to this ordinance until the owner has fully complied with the order.
    d. Commence a supplemental enforcement action as otherwise provided by law, including but not limited to Part 1-1-99 of ROA 1994 (General Penalty).

6-9(C)(6) Disclaimer

This IDO shall not be construed to hold the City or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized by this IDO, or failure to inspect or re-inspect, or the issuance of a building permit authorized by this IDO, the DPM, or other adopted City regulations.

6-9(D) PENALTIES

6-9(D)(1) Any person, firm, or corporation violating any provision of this IDO, or any amendments to it, shall be subject to the penalty provisions set forth in Part 1-1-99 of ROA 1994 (General Penalty) or in any resolution of City Council establishing those penalties.

6-9(D)(2) Each day this IDO is violated shall be considered a separate offense.

6-9(D)(3) The City may, in its discretion, waive financial penalties for periods before violation is cured or may condition such waivers on prompt cure of the violation. Any waiver of penalties shall be accompanied by a written rationale for the waiver.

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Part 14-16-7 Definitions, Acronyms, and Abbreviations

7-1 DEFINITIONS

The following definitions are provided for terms used in this IDO. Terms that are not defined below follow common usage as defined in standard dictionaries. For the convenience of the user, "See also" notes point to definitions of related, but distinct, terms.

A

Abut
To touch or share a property line.[764]

Access
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building
A building detached from and, except in the case of agricultural support buildings like barns in the R-A zone district, smaller than the primary building on the same lot. The use of an accessory building shall be subordinate and customarily incidental to the primary use of the lot. See also *Building*.

Accessory Dwelling Unit
See *Dwelling Definitions* and *Measurement Definitions*.

Accessory Use
See *Use Definitions*.

Accessory Structure
A structure detached from and located on the same lot as a primary building, customarily used with and clearly incidental and subordinate to the primary building or use. Accessory structures include but are not limited to swimming pools and shade structures such as covered patios, gazeboes, pergolas, ramadas, or similar roofed structures. See also *Building* and *Structure*.

Acequia
An irrigation ditch operated and maintained by the MRGCD or a community acequia association. See also *Irrigation Facility*.

Activity Center
See *Center and Corridor Definitions*.

Adjacent
Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also *Alley*, *Multi-use Trail*, *Private Way*, *Right-of-way,* and *Street*.

Adult or Child Day Care Facility
A facility other than an occupied residence that provides care for more than 12 individual adults or children during the day. This use does not include overnight care. See also *Family Home Day Care*, *Family Care Facility*, *Community Residential Facility*, and *Group Home*.

[764] Revised per EPC Condition #1 (Tech Edits).

Adult Entertainment
An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment featuring 1 or more of the following:

1. A live performance, act, or escort service distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.
2. Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult entertainment is a primary use and may not be accessory to any other use. See also *Adult Retail*, *Specified Anatomical Areas*, and *Specified Sexual Activities*.

Adult Retail
Any establishment where 25 percent or more of the gross floor area is used to sell or rent adult material, including but not limited to books, magazines, newspapers, films (video tapes and/or DVDs), slides, photographic or written material, and other items or devices that are distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and may not be accessory to any other use. See also *Specified Anatomical Areas*, *Specified Sexual Activities*, and *Retail Definitions* for *General Retail*.

Agricultural Sales Stand
A structure for the retail sale of agricultural products raised on the same premises. See also *Building and Home Improvement Materials Store, Community Garden, Farmers' Market, General Agriculture, Nursery,* and *Seasonal Outdoor Sales*.

Alteration
Where used associated with a Historic Protection Overlay Zone, see *Historic Protection Overlay (HPO) Zone Definitions*.

Airport
The area of land used or intended to be used for the landing and takeoff of aircraft, passenger and cargo loading areas, and related uses.

Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA)
The political subdivision of the State of New Mexico established pursuant to Article 72-16 NMSA 1978 with specific responsibility for flooding problems in the greater Albuquerque area.

Alley
A public right-of-way or private way, or a part thereof, primarily devoted to vehicular use and providing secondary access to abutting property or primary vehicular access to residential properties, minimizing or eliminating the need for driveway or drive aisle access to the street. For the purposes of access, alleys are considered a type of street.[765] See also *Private Way, Right-of-way,* and *Street*.

Allowable Use
See *Use Definitions*.

[765] Revised per EPC Condition #1 (Tech Edits).

Amendment
Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of any zone district or Overlay zone; or any repeal or abolition of any map, part thereof, or addition thereto.

Amphitheater
A covered or uncovered open-air area or structure suitable for musical or theatrical performances, performing arts, or sporting events with tiers of seats, benches, or berms with seating capacity for less than 1,000 people. See also *Auditorium* and *Stadium*.[766]

Animal Keeping
The keeping of animals as allowed by Article 9-2 of ROA 1994 (Humane and Ethical Animal Rules and Treatment [HEART]).

Animated Sign
See *Sign Definitions*.

Arcade
See *Building Frontage Types*.

Archaeological Definitions

Archaeological Resource
Material remains of past human activity and life that are of archaeological interest, including but not limited to pottery, basketry, bottles, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources unless found in an archaeological context. No item shall be treated as an archaeological resource unless such item is at least 75 years old. Material remains that are structures may be considered for further review and protection as a landmark site or structure.

Significant Archaeological Site
A geographic location that contains an archaeological resource likely, as determined by the City Archaeologist, to yield information important to the prehistory or history of the Albuquerque area.

Architecturally Integrated Wireless Telecommunications Facility (WTF)
See *Wireless Telecommunications Facility Definitions*.

Area of Change
An area designated as an Area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where growth and development are encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

Area of Consistency
An area designated as an Area of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development.

[766] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building".

Arroyo
See *Sensitive Lands Definitions.* See also *Major Arroyo*.

Arroyo, Major
See *Major Arroyo*.

Art Gallery
A building, room, or series of rooms where works of art are exhibited for display or sale.

Arterial Street
See *Street Definitions*.

Artisan Manufacturing
See *Manufacturing Definitions.*

Assisted Living Facility
An establishment containing a combination of housing, supportive services, personalized assistance, and health care services designed to respond to the individual needs of those who need help with activities of daily living or memory care services, but not including skilled nursing care. Such facilities may include separate bedrooms or living quarters, a central or private kitchen, dining, recreational, and other residential accessory uses. See also *Nursing Home*, *Independent Living Facility*, and *Other Use Accessory to a Residential Primary Use*.

Auditorium
A hall or seating area, generally enclosed, where an audience views a musical or theatrical performance, concert, sporting, or other entertainment event, including but not limited to a conference center. See also *Adult Entertainment*.

Automated Teller Machine (ATM)
An electronically operated device used to conduct financial transactions on-site by means of direct computerized access.

B

Bail Bond Business
Any business requiring licensure under Part 13.20.2 of the New Mexico Administrative Code (NMAC) (Bail Bondsmen and Solicitors), including any person, agency, or corporation that acts as a surety and pledges money or property as bail for the appearance of persons accused in court. For the purposes of this IDO, bail bond businesses are treated as a personal and business services use. See also *Personal and Business Services*.

Bakery or Confectionary Shop
A facility for the production and sale of baked goods and confectioneries, primarily for retail sales to customers of the facility. Accessory sales to off-site customers is allowed. For uses with primary off-site sales, see *Manufacturing Definitions* for *Light Manufacturing*. See also *Catering Service* and *General Retail*.

Bank
An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, including check-cashing facilities. See also *Small Loan Business*, which is considered a bank for the purposes of this IDO.

Bar
An establishment having as its primary or predominant uses the serving of beer, wine, or liquor for consumption on the premises, but that does not meet the definition for *Tap Room or Tasting Room*.

Bed and Breakfast
A low-density residential development with no more than 8 guest rooms that are rented for short-term overnight lodging with breakfast served; some or all guest rooms may be in accessory buildings.[767] Provision of alcoholic beverages is controlled by the New Mexico State statutes for "Bed and breakfast" as governed by Section 60-6A-34 NMSA 1978. See also *Hotel or Motel*.

Bedroom
Any room in a dwelling that is partitioned by walls and doors, other than the following: one kitchen, one room that may be designated as a living room, one room that may be designated as a dining room or family room, and any number of baths, foyers, corridors, and closets (all as defined Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code). Rooms greater than 100 square feet may not be considered closets for the purposes of this definition.

Bikeway
Any street or trail that is specifically designated for bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is to be shared with other transportation modes.

BioPark
City-owned facilities managed by Cultural Services and regulated by a Master Plan, including the ABQ BioPark Zoo, Botanic Garden, Aquarium, and Tingley Beach. Zoned NR-PO-D in the IDO.

Block
Where used to describe a city block or an area to be platted with lots and streets, an area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers. For the purposes of the large retail facility provisions and development in the NR-LM and NR-GM zone districts, drive aisles and private streets also qualify as block boundaries. See also *Measurement Definitions* for *Block Length*.

Blood Services Facility
An establishment that collects whole blood for transfusion or further processing; collects plasma for further processing; or uses plasmapheresis, plateletpheresis, or lenkapheresis processes for removal of blood from a donor. This does not apply to hospitals for human beings, laboratories for collection of personal blood samples, or temporary blood drives.

Boat
See *Vehicle Definitions*.

Bonus
See *Building Height Bonus*.

Buffer
See *Landscape Buffer*.

Building
An independent, fully enclosed structure with a roof supported by columns or walls resting on its own foundations that is built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind. Unless specified otherwise in this IDO, this term refers to anything within the

[767] Revised per EPC Condition #1 (Tech Edits).

footprint of a common roof.[768] See also *Accessory Building, Front Façade, Street-facing Façade, Large Retail Facility, Primary Building,* and *Structure*.

Building and Home Improvement Materials Store

An establishment having a gross floor area greater than 50,000 square feet primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, hardware and lawn and garden supplies, with the merchandise lines normally arranged in separate departments, with or without central customer checkout. This use includes the sale of plants and garden supplies in outdoor areas and incidental outdoor storage. See also *General Retail*.

Building Coverage

See *Measurement Definitions*.

Building Frontage Types

Arcade

The street-facing façade with an attached colonnade. Balconies may overlap the sidewalk while the ground floor remains set at the lot line. This type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the public right-of-way is usually required.

Forecourt

The street-facing façade is aligned with the front lot line, with a portion of the building set back. A fence or wall at the property line may be used to define the private space of the court. Gardens and vehicular drop-off areas are allowed within the forecourt.

Porch

Porches are common frontages associated with single-family houses where the street-facing façade is set back at least 10 feet from the front lot line. A wall or fence at the property line may be used to define the private space of the yard. An encroaching porch may also be appended to the façade. A great variety of porch and fence designs are possible, including a raised front yard with a retaining wall at the property line with entry steps to the yard. This term applies only in the MX-FB zone district. The term "porch," as defined elsewhere in this IDO does not apply to this building frontage type. See also *Porch*.

Stoop

The street-facing façade is placed close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. This type is suitable for ground floor residential uses with short setbacks. This type may be interspersed with the storefront frontage type. A porch may also cover the stoop.

Storefront

The street-facing façade is placed at or close to the front or street side lot line, with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or awning. The absence of a raised ground floor story precludes residential use on the ground floor facing the street, although this use is appropriate behind and above.

[768] Revised per EPC Condition #1 (Tech Edits).

Urban Residential
Residential frontage where windows that front a street are at least twice as tall as they are wide. Residential units may be accessed from street-fronting doors to a lobby or to individual units. May be used in combination with other frontage types.

Walled Court
Elevated gardens or terraces that are set back from the frontage line. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The court is also suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby.

Warehouse
A frontage in which up to half of the required windows or doors may be opaque. A warehouse frontage may not have loading docks fronting a street.

Building Height
See *Measurement Definitions*.

Building Height Bonus
A building height bonus provides an additional 12 feet of building height unless specified otherwise in this IDO, in exchange for a certain type of development that has a civic benefit. See also *Measurement Definitions* for *Building Height.* The following bonuses are available as specified in this IDO.

Ground Floor Commercial Bonus
At least 50 percent of the ground floor street-facing façade must be uses in the Commercial Uses category per Table 4-2-1.

Structured Parking Bonus
The development must include structured, podium, or subterranean parking on the same premises.

Workforce Housing Bonus
At least 30 percent of the dwelling units in the development must meet the definition of workforce housing in the City's Workforce Housing Opportunity regulations.

Building Stepback
See *Measurement Definitions*.

Building-mounted Sign
See *Sign Definitions*.

Bulk Land Subdivision
See *Subdivision Definitions*.

Business
A legal entity operating an enterprise in a space separate from any other enterprise.

Business Days
For deadlines, a period of days that does not include weekends or holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays). See also *Calendar Days*

Business Hours
The published hours that an establishment is open to the public. See also *Operating Hours*.[769]

[769] Revised per City Council Amendment B20.

C

Calendar Days
A period of calendar days that includes business days, weekends, and holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays) unless specified otherwise in this IDO. For deadlines, if the final day falls on a weekend or a holiday, the period ends on the following business day. See also *Business Days*.

Campground or Recreational Vehicle Park
A lot developed or used for occupancy by tents and or recreational vehicles for transient dwelling purposes. A campground/recreational vehicle park may include recreational services, facilities, and activities for use by the public and residents to provide comprehensive livability options. See also *Vehicle Definitions* for *Recreational Vehicle* and *Vehicle*.

Cannabis Definitions[770]

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

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

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

Canopy
A roof-like decorative feature projecting from the exterior of a building that may serve as a shelter from the sun, rain, or wind. A tree canopy includes the area beneath a tree's dripline. See also *Sign Definitions* for *Canopy Sign*.

Car Sharing Program[771]
A self-service membership-based program that allows members to use a shared motor vehicle owned by that program on a short-term basis. Companies or programs that make motor vehicles available for rent where users enter into a separate written agreement each time they rent the vehicle are not considered car sharing programs.

Car Wash
A building, or portion of a building, containing facilities for the primary purpose of washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

Catering Service
An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. No retail sale of food or beverages for consumption on the premises is allowed.

[770] Added per City Council Amendment A2.
[771] Added per EPC Codition #1 (Tech Edits).

Center and Corridor Definitions

Activity Center (AC)
An area designated as an Activity Center in the ABC Comp Plan, as amended.

Center
An area designated as a Center in the ABC Comp Plan, as amended, excluding Old Town. For the purposes of this IDO if any portion of a lot is within a Center, Center regulations apply to the entire lot.[772]

Corridor
A street and adjoining land designated in the ABC Comp Plan, as amended, as one of 5 Corridor types designated based on travel modes and development intensity, excluding Commuter Corridors. See also *Measurement Definitions* for *Corridor Area.*

Downtown Center (DT)
The area designated as the Downtown Center in the ABC Comp Plan, as amended.

Employment Center (EC)
An area designated as an Employment Center in the ABC Comp Plan, as amended.

Main Street (MS) Corridor

A Corridor designation from the Comprehensive Plan. See also *Measurement Definitions* for *Corridor Area*.

Major Transit (MT) Corridor
A Corridor designation from the Comprehensive Plan. See also *Measurement Definitions* for *Corridor Area*.

Premium Transit (PT) Corridor
A Corridor designation from the Comprehensive Plan. See also *Measurement Definitions* for *Corridor Area*.

Urban Center (UC)
An area designated as an Urban Center in the ABC Comp Plan, as amended.

Certificate of Appropriateness
See *Historic Protection Overlay (HPO) Zone Definitions*.

Characteristic Building
A building in the Nob Hill/Highland – CPO-8 that exemplifies historic commercial architecture as identified on the map in Section 14-16-3-4(I).

Chief Building Official
A City employee in the City Planning Department responsible for enforcing Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code) and managing the operations of the Building Safety Division of the City Planning Department, including issuing building and demolition permits, performing building inspections, and coordinating with other divisions and departments to help maintain a safe and habitable built environment.

Chile Ristra
A string or cord on which natural, unadorned chile peppers are threaded or tied and hung for display.

[772] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

Circus
A travelling enterprise that features feats of physical skill and daring, wild animal acts, and performances by clowns.

City
Capitalized, this refers to the City of Albuquerque, New Mexico local government, pursuant to the City Charter.[773] Uncapitalized, this refers to the geographic area defined by the City of Albuquerque municipal boundary.

City Archaeologist
A City employee, or person contracted by the City, who reviews sites for archaeological significance, as described in Section 14-16-6-5(A) (Archaeological Certificate).

City Council
The governing body of the City and the land use and zoning authority empowered by the State through home rule. The City Council makes discretionary, policy, and regulatory decisions for City-owned property and private property within the city's municipal boundaries.

City Engineer
A City employee who is a professional engineer registered by the State of New Mexico and designated as the City Engineer, including his/her designee, who is also a professional engineer registered by the State of New Mexico.

Civic or Environmental Benefit[774]
A tangible or measurable benefit resulting from or provided in association with a development project, either onsite or offsite, that serves the surrounding community or environment, including but not limited to, improved public transportation facilities; community facilities, services, and amenities; affordable housing; open space or sensitive land preservation and/or restoration; support for community cultural programs; or environmental monitoring stations.

Clear Sight Triangle
An area of unobstructed vision at street intersections at least 3 feet and no more than 8 feet above the gutter line and within a triangular area at the street corner, driveway, or drive aisle, as regulated by the DPM.

Club
An organization, including but not limited to a lodge, catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit.

Club or Event Facility
A publicly or privately owned building devoted to the assembly of people for social, professional, or recreational activities such as meetings, weddings, or conferences. See also *Community Center* and *Residential Community Amenity*.

Cluster Development
See *Dwelling Definitions*.

[773] Revised per City Council Amendment B20.
[774] Added per City Council Floor Amendment C1.

Cluster Group[775]
A grouping of low-density residential units located within a cluster development where the outer boundary is defined by the rear lot lines of the lots within the group. Each cluster group is distinct and separate from another cluster group. See *Dwelling Definitions* for *Cluster Development*.

Collector
See *Street Definitions*.

Collocation
Where used for Wireless Telecommunications Facilities (WTFs), see *Wireless Telecommunications Facility Definitions*.

Commercial Services
Any activity involving the provision of services carried out for profit, generally for a business customer and not an individual buyer, including but not limited to upholstering, welding, laundry, printing, or publishing, that is not listed separately as a distinct use in Table 4-2-1.

Common Open Space
See *Open Space Definitions*.

Community Center
A public building or facility operated for meeting, social, cultural, educational, or recreational purposes, including but not limited to multigenerational and senior centers. See also *Health Club/Gym* and *Residential Community Amenity*.

Community Garden
A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family as a primary use of land.

Community Residential Facility
Any building, structure, home, or facility in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities for persons meeting the definition of a handicapped person or for other persons protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use shall not include half-way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system. See also *Family* and *Group Home*.

Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).[776]

[775] Added per City Council Amendment A4.
[776] Revised per EPC Condition #1 (Tech Edits) to remove Community Residential Facility, Large.

1. **Community Residential Facility, Small:** A facility housing between 6 and 8 individuals that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.[777]
2. **Community Residential Facility, Large:**[778] A facility housing between 9 and 18 individuals that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.

Concealed Wireless Telecommunications Facility (WTF)
See *Wireless Telecommunications Facility Definitions*.

Conditional Use
See *Use Definitions*.

Cluster Development
See *Dwelling Definitions*.

Construction
Where used associated with a Historic Protection Overlay Zone, see *Historic Protection Overlay (HPO) Zone Definitions*.

Construction Contractor Facility and Yard
A building and any related outdoor areas used to store and maintain construction equipment and materials, including but not limited to plumbing, electrical, carpentry, roofing, landscaping, and facilities customarily required in the building trade by a construction contractor. See also *Building and Home Improvement Materials Store*.

Construction Staging Area, Trailer, or Office
A temporary building or structure used as a construction office or outdoor storage area for equipment and materials for a project during its construction and located on the same site or on a nearby site.[779]

Convertible Parking Structure
See *Parking Definitions*.

Corner Lot
See *Lot Definitions*.

Correctional Facility
A facility to house persons awaiting trial or persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, and adult or juvenile detention center.

Corridor
See *Center and Corridor Definitions* and *Measurement Definitions* for *Corridor Area*.

Cottage Development
See *Dwelling Definitions*.

County
Bernalillo County, New Mexico, unless the context clearly indicates that another county is intended.

[777] Revised per EPC Condition #1 (Tech Edits) because a facility housing up to 5 unrelated individuals is considered a family based on the definition in this IDO.
[778] Revised per EPC Condition #1 (Tech Edits) to remove Community Residential Facility, Large – changed Medium to Large for consistency.
[779] Revised per EPC Condition #1 (Tech Edits).

Courtyard Wall
See *Wall Definitions*.

Crematorium
An establishment that burns dead bodies of humans and/or animals.

Critical Infrastructure
The physical or cyber assets that are so vital to the City that their incapacity or destruction would have a debilitating impact on physical or economic security or public health or safety. For the purposes of this IDO, critical infrastructure includes electric, water, and gas services.[780]

Cul-de-sac
A short street intersecting another street at one end and terminating at the other end, normally with a vehicular turnaround.

Cumulative Impacts[781]
The environmental and community health impacts that result from the incremental effects of industrial and certain commercial developments when considered in conjunction with other past and present development.

Curb Cut
Any break in a curb that facilitates access to or from a street, alley, driveway, or drive aisle.

D

Days
See *Business Days* and *Calendar Days*.

Daytime Gathering Facility
A premises used to provide social services to those in need for a period of less than 24 hours, for no fee or compensation, or at a fee recognized as being significantly less than charged by for-profit organizations. Services may include, but are not limited to, information and referral services; ambulatory medical services; counseling; skill development; aid through the provision of food or clothing; life skill and personal development programs; alcohol, drug, or substance abuse counseling; and drop-in or activity space. Any such facility open to clients between 7:00 A.M. and 10:00 P.M. is considered a daytime gathering facility, while a facility providing similar services but open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter. A facility open to the public during both time periods is considered to have both uses on the property. See also *Community Residential Facility*, *Group Home*, and *Overnight Shelter*.[782]

Demolition
Where used associated with a Historic Protection Overlay Zone, see *Historic Protection Overlay (HPO) Zone Definitions*.

Demolition Permit
Where used associated with a Historic Protection Overlay Zone, see *Historic Protection Overlay (HPO) Zone Definitions*.

[780] Added per City Council Floor Amendment C7.
[781] Added per City Council Floor Amendment C2.
[782] Revised per City Council Amendment B20.

Developer

Any individual, corporation, company, firm, partnership, joint venture, or other entity responsible for land platting and/or construction or placement of any structures or infrastructure within the boundaries of the city. If the property owner has engaged a representative to act as his/her agent, the agent must possess a legally binding agreement with the property owner in order to act in the property owner's behalf with regard to the development of the project.

Development Definitions

Development

Any activity that alters the ground or lot lines on a property. Development may include subdivision of land; construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land for such construction or installation, such as grading.[783] For the purposes of the IDO, this term includes new development and redevelopment on existing lots.

Industrial Development

Properties with uses in the Industrial Uses category in Table 4-2-1 unless specified otherwise in this IDO, including but not limited to provisions related to Edge Buffer Landscaping.

Infill Development

An area of platted or unplatted land that includes no more than 20 acres of land and where at least 75 percent of the adjacent lots are developed and contain existing primary buildings.[784]

Low-density Residential Development

Properties with residential development of any allowable land use in the Household Living category in Table 4-2-1 other than multi-family dwellings. Properties with small community residential facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still considered low-density residential development for the purposes of this IDO. See also *Dwelling Definitions* for *Dwelling, Cluster Development*; *Dwelling, Cottage Development*; *Dwelling, Live-work*; *Dwelling, 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.

[783] Revised per City Council Amendment B20.
[784] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

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 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)
A board made up of City and Agency staff, 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[785]
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 – 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[786]
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*.

[785] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[786] Term and definition revised from "Sorority or Fraternity" per EPC Condition #1 (Tech Edits).

Downtown Center
See *Center and Corridor Definitions*.

Drainage Facility[787]
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.

Drive Aisle
An accessway with a stabilized surface allowing vehicular access either to individual buildings or to parking space(s) within parking lots in multi-family, mixed-use, and non-residential development.[788]

Drive-in Theater
An establishment including a large outdoor movie screen, a projection booth, and a large parking area for automobiles from which films projected outdoors may be seen. Accessory uses may include a concession stand.

Drive-through or Drive-up Facility
Facilities associated with a primary use, including but not limited to banks, financial institutions, restaurants, dry cleaners, and drug stores, but not including car washes or light vehicle fueling, to offer goods and services directly to customers waiting in motor vehicles. See also *Car Wash* and *Vehicle Definitions* for *Light Vehicle Fueling*.

Driveway
An unobstructed area with a stabilized surface leading from the street to a garage or other allowed off-street parking area in low-density residential development.[789]

Dwelling Definitions[790]

Dwelling, Cluster Development
A development type that concentrates single-family or two-family detached dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. The intent of cluster development is to create an innovative development pattern that is sensitive to natural features and topography and creates more area for open space, recreation, and social interaction. See also *Open Space, Common*.[791]

[787] Added per EPC Condition #1 (Tech Edits) and reivised per EPC Condition #30.b.
[788] Revised per EPC Condition #1 (Tech Edits).
[789] Revised per EPC Condition #1 (Tech Edits).
[790] Added conservation development per EPC Condition #9.g. Deleted conservation development per City Council Amendment B4.
[791] Revised per EPC Condition #9.f. Deleted conservation development per City Council Amendment B4.

Dwelling, Cottage Development
A shared-interest low-density residential community in which multiple small individual dwellings are served by shared private ways or infrastructure, and in which the development intensity is measured by the amount of gross floor area in residential dwelling units rather than the number of residential dwelling units. A cottage development may include a combination of dwelling units with or without kitchens and with shared facilities, including but not limited to open space, parking lots or carports, gardens, recreation areas, community building(s) with facilities such as a kitchen and dining area, meeting and activity spaces, and a maximum of 1 guest room.[792]

Dwelling, Live-work
A residential dwelling unit that includes a dedicated work space accessible from the living area, reserved for and regularly used by one or more residents of the dwelling unit, and in which the type or size of the work performed is larger or more extensive than that allowed as a home occupation. See also *Home Occupation*.

Dwelling, Mobile Home
A transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974.

Dwelling, Multi-family
A building, multiple buildings, or a portion of a building located on a single lot, containing 3 or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each, and that does not meet the definition of a townhouse dwelling. Within mixed-use development, a building containing 2 or more dwelling units is considered multi-family.[793] See also *Development Definitions* for *Multi-family*.

Dwelling, Single-family Detached
A residential building used for occupancy by 1 household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points. See also *Development Definitions* for *Low-density Residential* and *Manufactured Home*.

Dwelling, Temporary
A portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods. For the purposes of this IDO, tents are not considered temporary dwellings.[794] See also *Campground or Recreational Vehicle Park*.

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*.

Dwelling, Two-family Detached (Duplex)
A residential building containing 2 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other by an unpierced wall dividing the 2 units side-to-side or back-to-

[792] Revised per EPC Condition #1 (Tech Edits).
[793] Revised per EPC Condition #1 (Tech Edits). Tech Edit and explanation were inconsistent – Tech Edit referred to "more than 2" DUs, but Explanation said this change is needed to address any development with 2 or more DUs. Used 2 or more DUs based on the intent of the Tech Edit, which is to cover anything with multiple DUs in a mixed-use development. (A single DU would be considered an accessory dwelling unit, allowed as a caretaker unit.)
[794] Revised per EPC Condition #1 (Tech Edits).

front or by an unpierced ceiling and floor extending from exterior wall to exterior wall (over-under), except for a stairwell exterior to 1 of the dwelling units. See also *Development Definitions* for *Low-density Residential*.

Dwelling Unit
Unless specified otherwise in this IDO, one or more connected rooms and a kitchen designed for and occupied by no more than one family for living and sleeping purposes, permanently installed on a permanent foundation and meeting the requirements of Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code), as of the date of the unit's construction. See also *Family* and *Kitchen*.

Dwelling Unit, Accessory[795]
A dwelling unit that is accessory to a primary single-family or two-family detached dwelling or non-residential use. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached building. This IDO distinguishes between accessory dwelling units with and without a kitchen. See also *Measurement Definitions* for *Accessory Dwelling Unit*.

E

Easement
A legal right to use another's land for a specific, limited purpose, typically within private ways. The purpose may include, but is not limited to, installing and maintaining stormwater drainage, water and sanitary sewer lines, fire hydrants, landscaping, and other infrastructure improvements. Easements may also be granted for open space, view protection, or other specific uses. See also *Private Way*.

Electric Utility
A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission and that is included in the Facility Plan for Electric System Transmission and Generation, as amended. See also *Major Utility*.

Electric Vehicle Charging Station
A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property. This use can be incidental to any allowable use in any zone district.

Electromagnetic Interference
Disturbance caused by intruding signals or electrical current.

Electronic Sign
See *Sign Definitions*.

Employment Center
See *Center and Corridor Definitions*.

Entrance, Pedestrian
See *Primary Pedestrian Entrance*.

[795] Revised per EPC Condition #1 (Tech Edits).

Environmental Planning Commission (EPC)
A 9-member commission appointed by the Mayor, as described in Section 14-16-6-2(E) (Environmental Planning Commission), that makes discretionary and policy decisions and recommendations about land use in the city.

Equestrian Facility
A facility where horses, mules, or ponies are hired, bred, shown, or boarded including accessory stables or exercise areas. Equestrian facilities are often for the display of equestrian skills and the hosting of events, including but not limited to show jumping, dressage, and similar events of other equestrian disciplines.

Escarpment
See *Sensitive Lands Definitions*.[796] See also *Open Space Definitions* for *Major Public Open Space*.

Establishment
A place of business, industry, institutional, or philanthropic activity, with its furnishings and staff. See also *Business*.

Event Facility
See *Club or Event Facility*.

Existing Vertical Structure
See *Wireless Telecommunications Facility Definitions*.

Extraordinary Facility
See *Open Space Definitions*.

Exterior Appearance
The visual character of all outside surfaces of a structure, including the kind and texture of the signs, light fixtures, steps, or appurtenant elements.

F

Façade, Front
See Front Façade.

Façade, Street-facing
See Street-facing Façade.

Face-mounted Wireless Telecommunications Facility (WTF)
See *Wireless Telecommunications Facility Definitions*.

Facility Plan
Rank 2 plan that is specialized to cover only one type of utility or public facility, such as electric facilities or Major Public Open Space, and specifies important development standards, general site locations, and multi-year programs for facility capital improvements. Such plans address the entire metropolitan area or city, or at least a major part of it.

[796] Added related to City Council Amendment A10.

Fair, Festival, or Theatrical Performance
An organized event or set of events, including but not limited to musical performances and plays, usually happening in one place for a designated period of time with its own social activities, food, or ceremonies and accessory sales of retail goods.

Fairgrounds
An area where fairs, circuses, or exhibitions are held.[797]

Family
Any of the following individuals or groups:

1. An individual.
2. Two (2) or more persons related by blood, marriage, legal guardianship, or adoption, plus household staff.
3. Any group of not more than 5 unrelated persons living together in a dwelling that do not meet the definition of group home. See also *Group Home*. [798]
4. Any group of 5 persons or more that has a right to live together pursuant to the federal Fair Housing Act Amendments of 1988 (or as amended), as interpreted by the courts.

Family Care Facility
An occupied dwelling used for 24-hour care of 1 or 2 residents who are not relatives of the resident family and not under court ordered guardianship of a member of the resident family. This type of facility must be licensed as a Family Care Home by the State and provide services as outlined for Adult Residential Shelter Care or Board and Care Homes in New Mexico Health and Environment Department regulations.

Family Home Day Care
An occupied dwelling in which a person provides, for remuneration, care for at least 4 but not more than 12 children on a regular basis for less than 24 hours per day. The resident provider's children who are age 6 or more shall not be counted for this definition.

Farmers' Market
An occasional or periodic market held in a designated area where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site. See also *Agricultural Sales Stand*, *Open Air Market*, and *Seasonal Outdoor Sales*.

Finished Grade[799]
1. The elevation of the approved ground level at all points along a wall or fence.
2. The specified elevation on the grading plan approved by the City in conjunction with an approved Subdivision or Site Plan. In the absence of such approved plans, natural grade applies. See also *Natural Grade* and *Measurement Definitions* for *Grade*.

Fire Station
A public facility where fire engines and other equipment are housed and from which calls for emergency fire responses are handled.

[797] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building." Fairgrounds may have both indoor and outdoor areas.
[798] Revised per City Council Amendment B20.
[799][799] Revised and moved per EPC Condition #1 (Tech Edits).

Flood Definitions

The City's flood protection regulations are included in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control). If there is a conflict between these general definitions and the definitions in Article 14-5, the definitions in Article 14-5 shall prevail.

Flood Fringe
The area between the floodway and the boundary of the 100-year flood.

Floodplain
Any land susceptible to being inundated by water from any source. See also *Sensitive Lands Definitions*.[800]

Floodway
The channel of a river, arroyo, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Special Flood Hazard Area[801]
The land area covered by the floodwaters of the base flood, as defined by the Federal Emergency Management Agency and shown on National Flood Insurance Program maps. See also *Sensitive Lands Definitions*.[802]

Foot Candle

A unit of illumination of a surface that is equal to one lumen per square foot. For the purposes of this IDO, foot candles shall be measured at a height of 3 feet above finished grade by a digital light meter.

Foot Lambert

A unit of luminance equal to 1/π candela per square foot or 3.426 candela per square meter. 200 foot lamberts = 685 nits. See also *Measurement Definitions* for *Luminance*.

Forecourt

See *Building Frontage Types*.

Framework Plan

A plan that accompanies applications for the creation of a PC zone district that describes, in general terms and without engineering level detail, proposed land uses (based on definitions in this IDO); proposed maximum and minimum intensities of development for each development phase or area; and the location, size, alignment, and connectivity of proposed automobile, bicycle, and pedestrian circulation systems; open space and/or wildlife habitat systems; and storm drainage systems and facilities.

Freestanding Sign

See *Sign Definitions*.

Freestanding Wireless Telecommunications Facility (WTF)

See *Wireless Telecommunications Facility Definitions*.

Freight Terminal

A property or building used primarily for the temporary parking of trucks of common or contract carriers during loading or unloading and for receiving and dispatch of freight vehicles, including necessary

[800] Added related to City Council Amendment A10.
[801] Added per EPC Condition #1 (Tech Edits).
[802] Added related to City Council Amendment A10.

warehouse space for storage of transitory freight. Incidental activities include, but are not limited to, a truck wash and loading and unloading from rail spurs.

Front Façade
The street-facing façade that is parallel to and closest to the front lot line and that typically contains the front door or primary pedestrian entrance. See also *Street-facing Façade* and *Yard Definitions* for *Front Yard*.

Front Lot Line
See *Lot Definitions*.

G

Game Arcade
Any commercial building in which there are more than 3 amusement game machines on the premises that are available to the public. An arcade may contain commercial recreational machines or games otherwise allowed in the State of New Mexico (beyond amusement game machines).

Garage
See *Parking Definitions*.

Garage or Yard Sale
The occasional sale of household goods from a residential premises to the public, but not including the sale of new or used commercial goods not previously used as household goods by the individuals conducting the sale or goods purchased by the household specifically for resale.

Garden
An area of land managed and maintained as an accessory use of land to cultivate fruits, flowers, vegetables, or ornamental plants for personal or group use, consumption, or donation.

General Agriculture
Any use of land for the purposes of crops, grazing animals, orchards, trees or forest lands, and any other use pertaining to farming or agricultural research, including the raising of horses, cattle, sheep, goats, and other farm animals for use or sale, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. See also *Animal Keeping, Building and Home Improvement Materials Store*, *Community Garden,* and *Nursery*.

General Retail
An establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, marijuana for medical consumption, or other retail sales not listed as a separate use in Table 4-2-1.[803] See also *Adult Retail*, *Building and Home Improvement Materials Store*, *Large Retail Facility*, *Liquor Retail*, and *Grocery Store*.

General retail is divided into 3 categories based on the size of the establishment or use (not the size of the structure):[804]

[803] Revised per City Council Amendment A2.
[804] Revised per City Council Amendment A9. Revised definition of small from 10,000 to 25,000. Medium revised to start at 25,000.

1. **General Retail, Small**: An establishment with no more than 25,000 square feet of gross floor area.
2. **General Retail, Medium**: An establishment of more than 25,000 square feet of gross floor area and no more than 50,000 square feet of gross floor area.
3. **General Retail, Large**: An establishment of more than 50,000 square feet of gross floor area. See also *Large Retail Facility*.

Geothermal Energy Generation
The use of land area for equipment for the conversion of natural geothermal energy into energy.

Glare
The sensation produced by brightness within the field of vision that is sufficiently greater than the light level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course
A tract of land laid out with a course for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, shelters, restroom facility, or similar accessory use or structure. The facility may also include public trails private trails, and golf cart paths.

Grade
See *Measurement Definitions*. See also *Finished Grade* and *Natural Grade*.

Grocery Store
An establishment that sells a wide variety of goods organized in departments, including but not limited to fresh produce, meat and dairy, canned and packaged food items, small household goods, and similar items, with more than 50 percent of the gross floor area devoted to the sale of food products for home preparation and consumption. See also *General Retail*.

Gross Floor Area
See *Measurement Definitions*.

Ground Floor Height
See *Measurement Definitions*.

Ground Floor Commercial Bonus
See *Building Height Bonus Definitions*.

Group Home[805]
Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours designed to help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to persons that do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, but not skilled nursing care. This use shall include halfway houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.

Group Home is divided into 3 categories based on the number of individuals residing in the facility (not the size of the structure).

[805] Deleted reference to supportive housing and added reference to half-way houses per EPC Condition #1 (Tech Edits).

1. **Group Home, Small:** A facility housing no more than 8 unrelated individuals receiving services, plus those providing services.[806] [807]
2. **Group Home, Medium:** A facility housing between 9 and 18 unrelated individuals receiving services, plus those providing services.
3. **Group Home, Large:** A facility housing 19 or more unrelated individuals receiving services, plus those providing services.

H

Health Club or Gym
A non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Heavy Manufacturing
See *Manufacturing Definitions*.

Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair
See *Vehicle Definitions* for *Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair*.

Height
See *Measurement Definitions* for *Building Height*, *Structure Height,* and *Sign Height.*

Helipad
An area of land or structural surface created for and used for the landing and takeoff of helicopters or similar vertical lift aircraft, including but not limited to medical and law-enforcement helipads.

Historic Sign
See *Sign Definitions*.

Historic Protection Overlay (HPO) Zone Definitions
For purposes of the HPO zone, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alteration
Any construction, modification, addition, moving, or destruction which would affect the exterior appearance of a structure that has been designated a landmark or that is located in an HPO zone or that has been formally identified as worthy of preservation or for which the City has received a preservation façade easement.

Certificate of Appropriateness
Written authorization required for alteration, demolition, or new construction pursuant to Subsections 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor) or 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

Exterior Appearance
See *Exterior Appearance*.

[806] Revised per EPC Condition #1 (Tech Edits) because a facility housing up to 5 unrelated individuals is considered a family based on the definition in this IDO.
[807] Revised per City Council Amendment B20.

Historic Sign
See *Sign Definitions* for *Historic Sign*.

Landmark
Any real property designated as a landmark structure or site pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

Landmarks Commission
The City Landmarks Commission as created by Section 14-16-6-2(H) (Landmarks Commission) to review and recommend decisions about potential historic zones or landmarks.

Structure
See *Structure*.

Home Occupation
An activity that is carried on for commercial or philanthropic purposes on the same lot as a dwelling unit where the operator of the home occupation resides and that is clearly secondary to that dwelling. See also *Dwelling, Live-work*.

Hospital
An establishment that provides diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous licensed professional nursing services. This definition includes any facility licensed by the State as a general, limited, or special hospital.

Hotel or Motel
A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including Bed and Breakfast establishments, which are regulated separately per this IDO.

I

Illuminated Sign
See *Sign Definitions*.

Independent Living Facility
Multi-family residential development accessory to either an assisted living facility or nursing home as part of a continuing care community that allows residents to transfer to higher levels of care as needed. Independent living units may be designed and constructed as part of a central building containing multi-family dwelling units along with other levels of care or as attached or detached units similar to low-density residential development. Such facilities may include a central or private kitchen, dining, recreational, and other residential accessory uses. See also *Assisted Living Facility*; *Development, Multi-family*; *Nursing Home*; and *Other Use Accessory to Residential Primary Use*.

Industrial Development
See *Development Definitions*.

Infill Development
See *Development Definitions*.

Infrastructure
Streets, sidewalks, public or private utility facilities, sanitary sewer and water system facilities, drainage and flood control facilities, street lighting, and other improvements used by the public or used in

common by owners of lots within a subdivision. Includes both private (owned by a non-governmental entity) and public (owned by a governmental entity) improvements.

Infrastructure Improvement Agreement (IIA)
See *Subdivision Definitions*.

Infrastructure, Major Public
See *Major Public Infrastructure*.

Interstate Highway
See *Street Definitions*.

Irrigation Facility
See *Sensitive Lands Definitions*.[808] See also *Acequia*.

J

Joint Sign Premises
See *Sign Definitions*.

K

Kennel
A premises on which 5 or more dogs or cats or combinations of dogs and cats over 3 months of age are kept, maintained, or boarded.

Kitchen
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.

L

Land Use Hearing Officer (LUHO)
The individual(s) appointed and designated by the City Council as described in Section 14-16-6-2(I) (Land Use Hearing Officer) to review and recommend decisions on appeals to the City Council.

Landmark
See *Historic Protection Overlay (HPO) Zone Definitions*.

Landmarks Commission
See *Historic Protection Overlay (HPO) Zone Definitions*.

Landscape Area
The area, optional or required, that is landscaped with living vegetative materials, such as trees, grasses, vines, spreading shrubs, or flowers. In addition, the landscape area may include natural and manufactured materials, including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches, and other types of street furniture.

[808] Added related to City Council Amendment A10.

Landscape Buffer
A required piece of land in a specific location used to physically separate or screen one land use or piece of property from another and landscaped with at least the minimum requirements specified in this IDO.

Landscaping
The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of the Albuquerque area. Includes the provision of non-vegetative materials as ornamental features to make an area more attractive. See also *Landscape Area* and *Measurement Definitions* for *Net Lot Area*.

Large Retail Facility
A single-tenant building with at least 50,000 square feet of gross floor area for the purposes of retailing. A collection of establishments, each less than 50,000 square feet, linked by common walls is not considered a large retail facility. See also *General Retail*.

Large Stand of Mature Trees
See *Sensitive Lands Definitions*.

Library
A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

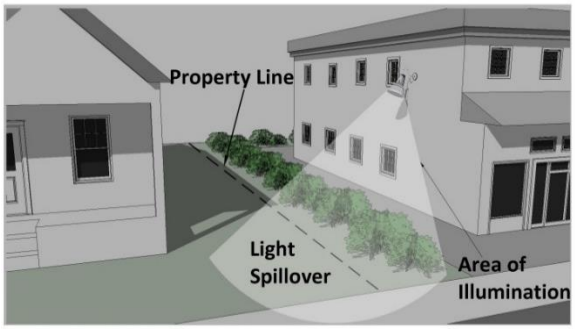
Lien
A statutory lien against land for the estimated cost of construction of required infrastructure or improvements by the applicant, Developer, or Subdivider, which is recorded and enforced in accordance with Article 3-36 NMSA 1978 or such other method prescribed by law.

Light Fixture
An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light Manufacturing
See *Manufacturing Definitions*.

Light Source
The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light Spillover
The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.



Light Vehicle Fueling Station
See *Vehicle Definitions*.

Light Vehicle Repair
See *Vehicle Definitions*.

Light Vehicle Sales and Rental
See *Vehicle Definitions*.

Liquor Retail
A retail sales establishment licensed by the State selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. Establishments that operate under a Small Brewer's,

Winegrower's, or Craft Distiller's license are not considered Liquor Retail. See also *General Retail* and *Tap Room or Tasting Room*.

Live-work
See *Dwelling Definitions*.

Loading Area
An area where merchandise and/or supplies are delivered and unloaded or where customers can receive goods for transport off the site.

Local Street
See *Street Definitions*.

Lot Definitions[809]

Corner Lot
A lot located at the intersection of and having frontage on 2 or more streets.

Lot
A tract or parcel of land, exclusive of public right-of-way, that meets any of the following criteria:

1. Has been platted and placed on the Bernalillo County Clerk's record in accordance with laws and ordinances applicable at the time.
2. Is described by metes and bounds held in separate ownership prior to June 20, 1950 or October 2, 1950, as shown on the records of the Bernalillo County Assessor.
3. Is a portion of one or more platted lots, which portion was placed on the records of the Bernalillo County Assessor prior to November 16, 1973, provided that such portion met all requirements of area and dimension of the zone in which it was located when created.
4. Has been placed in the records of the Bernalillo County Assessor pursuant to the laws of the State of New Mexico related to situations not covered by the applicable subdivision regulations in effect at that time.

Lot Line[810]
A boundary of a deeded lot (i.e. a lot recorded and mapped by the Bernalillo County Assessor) or platted lot (i.e. a lot recorded by the Bernalillo County Clerk and mapped by AGIS).

Front Lot Line[811]
A legal boundary of a lot that abuts a street. On a corner lot, the side with the street number address is the front lot line. For the purposes of determining setback requirements on an interior lot that does not abut a street, the lot is not considered to have a front lot line. For a through lot, the property owner may designate which of the 2 lot lines is the front lot line. See also *Measurement Definitions* for *Setback*.

Rear Lot Line
A legal boundary that is opposite and most distant from the front lot line. In the case of an L-shaped or other irregularly shaped lot where 2 or more lines are so located all are considered rear lines, except those that are within 50 feet of the front lot line. In the case of a lot that comes to a point at the rear, the rear lot line is

[809] Lot Area definition deleted per EPC Condition #1 (Tech Edits).
[810] Added per EPC Condition #1 (Tech Edits).
[811] Revised per EPC Condition #1 (Tech Edits).

the imaginary line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot, and farthest from the front lot line. See also *Measurement Definitions* for *Setback*.

Side Lot Line
A lot line that is not a front lot line or a rear lot line. This term includes both interior side lot lines abutting another lot and street side lot lines for corner lots, where the side lot line abuts a street. See also *Measurement Definitions* for *Setback*.

Net Lot Area
See *Measurement Definitions.*

Property Line[812]
A boundary formed by the exterior lot lines of all lots making up a premises or project site. See also *Premises*, *Project Site*, and *Subject Property*.

Through Lot
A lot having frontage on 2 separate parallel or approximately parallel dedicated public streets.



Low-density Residential Development
See *Development Definitions.*

Lumen
A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

Luminance
See *Measurement Definitions*.

M

Main Street
See *Center and Corridor Definitions* and *Measurement Definitions* for *Corridor Area*.

Major Arroyo
An arroyo designated by the Facility Plan for Arroyos as a Major Open Space Arroyo or Major Open Space Link. See also *Sensitive Lands Definitions* for *Arroyo*.

Major Public Infrastructure
Although ultimately determined on a case-by-case basis, major public infrastructure generally includes construction or significant redesign of a street, drainage, or utility facility or similar public infrastructure that is necessary for the subject property, and often nearby properties, to develop.

Major Public Open Space
See *Open Space Definitions*.

Major Subdivision
See *Subdivision Definitions*.

Major Transit
See *Center and Corridor Definitions* and *Measurement Definitions* for *Corridor Area*.

[812] Added per EPC Condition #1 (Tech Edits).

Major Utility[813]

A facility sized or designed to serve the entire city, or a wide area of the city, and regulated as a public utility or common carrier by the State or other relevant jurisdiction or agency, including but not limited to major telephone facilities, natural gas facilities, water treatment plants, sewage treatment plants, and similar public services, but not including mass transit or railroad depots or terminals or any similar traffic generating activity, any facility that provides wireless telecommunications services to the public, or any use listed separately in Table 4-2-1. See also *Drainage Facility*, *Electric Utility*, and *Major Public Infrastructure*.

Manufactured Home

A structure transportable in one or more sections that is built on a permanent chassis, is designed for use with or without a permanent foundation when connected to the required utilities, and meets the construction safety standards of the federal Manufactured Housing Act of 1974. Similar structures that do not meet the construction safety standards of that Act are referred to as mobile homes and are not allowed to be installed in the city. See also *Dwelling Definitions* for *Dwelling, Mobile Home* and *Dwelling, Single-family Detached*.

Manufacturing Definitions

Artisan Manufacturing[814]

Small-scale manufacturing and related processes or activities – including but not limited to application, assembling, compounding, design, fabrication, growing, making, packaging, processing, sculpting, teaching, treating of crafts or products, or welding – often by an artist, artisan, or craftsperson working with ceramic, clay, electronics, metal, paper, plastic, stone, textiles, wood, or similar materials either by hand or with minimal automation or technology, including but not limited to 3D printing. This use includes incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers.[815] This use also includes the production of beer, wine, or spirits associated with an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978. Annual production shall be limited by State statute. This use does not include alcohol sales. Alcohol sales associated with brewing on-site is regulated pursuant to the tap room or tasting room use. See *Tap Room or Tasting Room*.

Heavy Manufacturing

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. Loading and unloading from rail spurs and wholesaling of products manufactured at the facility are incidental to this use.[816] This use does not include any activity that meets the definition of special manufacturing. See also *Special Manufacturing*.

Light Manufacturing

The assembly, fabrication, or processing of goods and materials, including machine shop and growing food or plants in fully enclosed portions of a building, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the

[813] Revised to remove any drainage facilities from the list of things that might be considered part of this use per EPC Condition #1 (Tech Edits).
[814] Revised since EPC Condition #1 (Tech Edits).
[815] Revised per City Council Amendment B20.
[816] Revised per City Council Amendment B20.

building or lot where such assembly, fabrication, or processing takes place, where such processes are housed primarily within the fully enclosed portions of a building. Loading and unloading from rail spurs and wholesaling of products manufactured at the facility are incidental to this use. [817] This use does not include any use that meets the definition of *Heavy Manufacturing* or *Special Manufacturing*.[818]

Special Manufacturing
An establishment or business that uses hazardous inputs or creates hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts, including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. Loading and unloading from rail spurs and wholesaling of products manufactured at the facility are incidental to this use.[819]

Mapped area
See *Small Area*.

Marquee Sign
See *Sign Definitions*.

Massage Business[820]
Any business offering massage therapy services pursuant to the State Therapy Practice Act, §61-12C-1 to §61-12C-25 N.M.S.A. 1978. For the purposes of this IDO, massage businesses are treated as personal and business services use. See also *Personal and Business Services*.

Massing
The overall composition of the exterior of the major volumes of a building and their relationship to each other in a sequence in the overall design of the building or structure.

Master Development Plan
A plan created by an applicant and approved by the City to achieve a coordinated private development, such as a business or industrial park, on larger sites that comprise more than one lot and building. A Master Development Plan may include standards that implement a cohesive design on the site.

Master Plan
A Rank 3 Plan developed and approved by an implementing City department to guide the development, maintenance, and operation of individual public resources or facilities. For the purposes of the State Constitution, the Master Plan is a duly adopted plan or any of its parts for the development of an area within the planning and platting jurisdiction of a municipality for the general purpose of guiding and accomplishing coordinated, adjusted, and harmonious development. In the case of the City and Bernalillo County, this Master Plan is the ABC Comp Plan.

Maximum Extent Practicable
No feasible or prudent alternative exists, as determined by the relevant decision-making body, after the applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts. Constraints to compliance that are self-imposed, such as through

[817] Revised per City Council Amendment B20.
[818] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building".
[819] Revised per City Council Amendment B20.
[820] Added per City Council Amendment B22.

a particular platting proposal when other options are feasible, shall not be considered sufficient justification. Economic considerations may be taken into account but shall not be the overriding factor.

Measurement Definitions

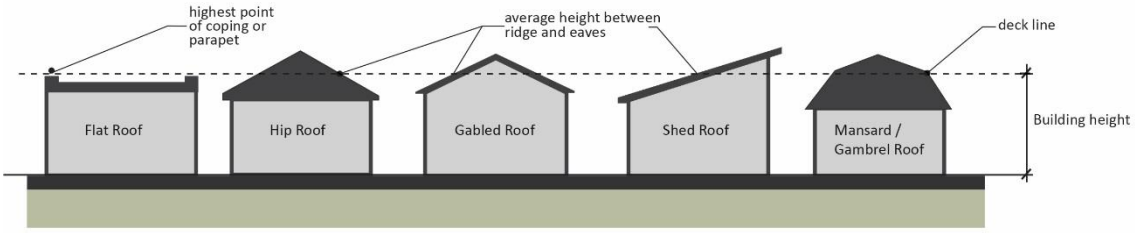
Accessory Dwelling Unit
If a maximum size for accessory dwelling units is specified, a garage or shed attached to the accessory dwelling unit does not count toward the size. See also *Dwelling Definitions* for *Dwelling Unit, Accessory*.

Average[821]
Averages shall be calculated as an arithmetic mean.

Block Length[822]
The distance from centerline to centerline of two intersections. In the instance that a block is bounded by other obstructions, the measurement shall be from the centerline of the street to the edge of the obstruction. See DPM for additional explanation. See also *Block*.

Building Coverage
The percentage of a lot that is covered by building footprints. See also *Building.*

Building Height[823]
The vertical distance above the average finished grade, unless specified otherwise in this IDO, at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. On a stepped or sloped project site, the maximum height is to be measured above average finished grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building, unless specified otherwise in this IDO.[824] See also *Building, Building Height Bonus, Finished Grade*, and *Measurement Definitions* for *Grade* and *Ground Floor Clear Height*.



Building Stepback
For the purposes of measuring a building stepback where required, each plane of the façade should be independently considered to determine the relevant stepback for that portion of the building. See also *Front Façade* and *Street-facing Façade*.

Corridor Area
Where the specified distance crosses a lot line, the entire lot is included in the Corridor Area. See also *Centers and Corridors Definitions*.

[821] Added as a clarification of a revision in Subsection 5-1(3)(C) per EPC Condition #1 (Tech Edits) to apply to all average calculations in the IDO.
[822] Added per EPC Condition #1 (Tech Edits).
[823] EPC Condition #1 (Tech Edits) recommended revising the definition of building height as it relates to the grade of the site. EPC Condition #52 removed this recommendation from the Tech Edits. All references to grade revised to finished grade per EPC Condition #1 clarifying definitions of finished and natural grade.
[824] Revised per City Council Amendment B20.

Main Street (MS) Area
Lots within 660 feet in any direction of the centerline of a Main Street Corridor as designated by the ABC Comp Plan, as amended.[825]

Major Transit (MT) Area
Lots within 660 feet in any direction of the centerline of a Major Transit Corridor as designated by the ABC Comp Plan, as amended.[826]

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.[827]

Days
See *Business Days* and *Calendar Days*.

Distance for Notice or Appeals
Includes public rights-of-way unless specified otherwise in this IDO.

Distance from a Linear Feature[828]
When this IDO refers to a distance from any linear feature, including but not limited to a street, lot line, or façade, the measurement shall be made perpendicular to the linear feature along the length of that linear feature.

Distance to a Through Lane
Distance to a through lane is measured to the closest striped edge.

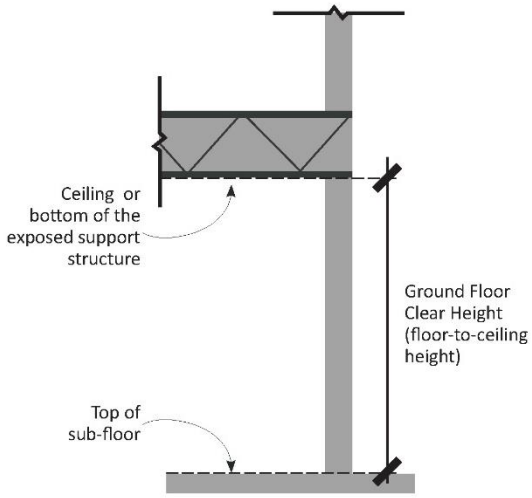
Grade[829]
1. The average of the ground levels immediately adjacent to each façade of a building, considered separately.
2. Where an earth embankment is placed against the side of a building or a retaining wall supporting a terrace is placed close to a building, grade shall be measured from the toe, or bottom, of the embankment or retaining wall; the finished floor of the building is not to be considered.

See also *Finished Grade* and *Natural Grade*.

Gross Floor Area
The total floor area, including basements, garages, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of exterior walls.

Ground Floor Clear Height[830]
The vertical distance of the interior of a ground floor, measured from the slab or top of the sub-floor to the ceiling or the bottom of the exposed support structure for the second floor. This may also be referred to as "floor-to-ceiling height."

[825] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[826] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[827] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[828] Added to clarify distance measurement based on review of references to distance measurement per EPC Condition #1 (Tech Edits).
[829] Added per EPC Condition #1 (Tech Edits).
[830] Revised per EPC Condition #1 (Tech Edits).



Large Stand of Mature Trees
See *Sensitive Lands Definitions*.

Lot Width
The length of a straight line between the mid-points of each of the side lot lines. See *Lot Definitions* for *Side Lot Line*.

Luminance
The brightness of an object, expressed in terms of foot lamberts, determined from a point 5 feet above ground level on another premises or the public right-of-way, at least 20 feet in any direction from the object measured.[831] See also *Foot Lambert*.

Neighborhood Edge[832]
Any distance required by a standard in Section 14-16-5-9 (Neighborhood Edges) is measured from the nearest point on the nearest lot line of the Protected Lot to the nearest point on the Regulated lot that contains the feature being regulated.

Net Lot Area
For purposes of calculating landscaping requirements, the total area of the lot minus the following:

1. The area of the lot covered by buildings.
2. The portions of the lot that are not required for off-street parking or a parking lot and that are fully screened from view from any abutting property or public right-of-way by an opaque wall or fence at least 6 feet high, in which no landscape will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening.
3. The area of any approved landscape that the property owner installs and maintains in the abutting public right-of-way, exclusive of the area of any existing or planned public sidewalk.

Parking Lot Area
The area of a parking lot that includes parking spaces and drive aisles. See the DPM for dimensional standards. See also *Parking Definitions*.

[831] Revised per EPC Condition #1 (Tech Edits) for consistent language about measuring distances.
[832] Added per EPC Condition #1 (Tech Edits).

Parking Space
See the DPM for dimensional standards. See also *Parking Definitions* for *Parking Space*.

Separation of Uses
In all instances where the IDO requires a separation of uses, zone districts, lots, or buildings, such distance shall be measured in a geometrically straight line using a scaled map, or a survey if necessary. Such measurement shall be made without regard to any intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographical features.

1. Unless specified otherwise in this IDO, this distance shall be measured from the nearest point on the nearest lot line of the lot containing the regulated use to the nearest point on the nearest lot line of the lot containing the use, or in the zone district, from which the regulated use is required to be separated.
2. If the IDO requires a separation between a building containing a regulated use and a specified use or zone district, the distance shall be measured from the nearest point on the building containing the regulated use to the nearest point on the nearest lot line of the lot containing the specified use or in the specified zone district.

Setback
The shortest distance between a structure and a lot line. Front setbacks are measured from the front lot line. Rear setbacks are measured from the rear lot line. Side setbacks are measured from side lot lines. In the case of a setback from an irrigation facility, the measurement is taken from the toe of the slope to the structure or from the lot line to the structure, whichever is greater. See also *Lot Definitions* for *Front Lot Line*, *Rear Lot Line*, and *Side Lot Line*.

Sign Area
1. Unless specified otherwise in this IDO or unless maximum sign area is regulated as a percentage of façade area, maximum sign area is per allowed sign, not per premises.[833]
2. For freestanding and projecting signs, the area of 1 rectangle or of 2 contiguous rectangles in the same plane, drawn with horizontal and vertical lines so as to include the entire sign except sign base or supports. The maximum area of any double-sided or V-shaped sign shall be measured for the larger sign face only.
3. For building-mounted signs, except canopy signs, the area enclosed with a sign border or the sum of the areas of the minimum imaginary rectangles enclosing each word or non-verbal symbol if there is no sign border.
4. For add-on signs to off-premises signs, the area of up to 2 rectangles in addition to the rectangle that defines the area of the basic sign.

Sign Height
The vertical distance from finished grade to the highest point of the sign. For rooftop signs, the vertical distance from the top of the highest parapet to the top of the sign.[834] See also *Sign Definitions* for *Rooftop Sign*.

[833] Added to clarify how sign area is measured to clarify the general rule. Exception for wall signs in Table 5-12-1 per EPC Condition #1 (Tech Edits) is clearer with a defined rule, and definition provides clarification for those signs not mentioned in the Tech Edit.
[834] All references to grade revised to finished grade per EPC Condition #1 (Tech Edits) clarifying definitions of finished and natural grade.

Small Area
Where any small area boundary crosses a lot line, the entire lot is subject to applicable small area standards unless specified otherwise in this IDO. See also *Small Area*.[835]

Structure Height
The vertical distance above finished grade of the highest point on a structure that is not a building, but not including decorative or incidental features that do not extend more than 10 percent of the length of any side of the structure or occupy more than 10 percent of the ground coverage of the structure.[836] See also *Structure* and *Measurement Definitions* for *Building Height*.

Wall Height
For a perimeter wall along the front lot line, wall height shall be measured from the finished grade on the public side of the wall. For other perimeter walls along other lot lines or for walls between the front lot line and the front façade of the primary building, wall height shall be measured from the finished grade on the side of the wall that provides the taller wall height. Wall height does not include decorative or incidental features, such as pilasters or fence posts, that are allowed or required by this IDO.[837] See also *Wall Definitions*.

Medical or Dental Clinic
An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Metropolitan Redevelopment Area
An area that has been designated for targeted initiatives, incentives, or public and/or private investment in order to promote the repurposing or expansion of existing structures to accommodate new economic uses, or to promote the demolition, remediation, and/or redevelopment of sites to accommodate new economic uses.

Minor Subdivision
See *Subdivision Definitions*.

Mixed-use Development
See *Development Definitions.*

Mixed-use Zone District
See *Zone Definitions*.

Mobile Food Truck
Any wagon, truck, trailer, or other vehicle that is propelled by an engine or motor vehicle and from which any person sells, offers for sale, or gives away food or beverages.

Mobile Home
See *Dwelling Definitions*.

Mobile Vending Cart
A vehicle without motive power that has functional wheels and at least one axle and is used for the sale of goods, including but not limited to food, beverages, raw produce, flowers, arts, and crafts.

[835] Added per City Council Floor Amendment C8.
[836] All references to grade revised to finished grade per EPC Condition #1 (Tech Edits) clarifying definitions of finished and natural grade.
[837] All references to grade revised to finished grade per EPC Condition #1 (Tech Edits) clarifying definitions of finished and natural grade.

Model Home
A dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development. A model home may be used as a residential real estate sales office for the development in which it is located before occupancy by a household.

Monument Sign
See *Sign Definitions*.

Mortuary
An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

Multi-family
See *Development Definitions* and *Dwelling Definitions.*

Multi-use Trail
A paved path physically separated from motorized vehicle traffic by an open space or barrier and constructed within the public right-of-way, private way, or an easement, including but not limited to utility and drainage easements that permit more than one type of non-motorized use.[838] See also *Bikeway* and *Public Right-of-way*.

Museum
A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, other works of art, or similar items. See also *Art Gallery*.

N

Natural Grade
The average ground level based on the site contours of land that has never been issued a grading permit, prior to any grading or addition or removal of earth.[839] See also *Finished Grade* and *Measurement Definitions* for *Grade*.

Natural Resource Extraction
The extraction and/or refining of dirt, minerals, sand, gravel, and ores, from their natural occurrences on affected land and transportation of extracted materials to locations off-site. Loading and unloading from rail spurs is incidental to this use.

Neighborhood Association
When used in this IDO, this term refers to both Recognized and Non-recognized Neighborhood Associations, as defined by of Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition), as well as any other group registered with the Office of Neighborhood Coordination in compliance with Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition).

Neon Sign
See *Sign Definitions*.

Net Lot Area
See *Measurement Definitions*.

[838] Revised per EPC Condition #1 (Tech Edits) and replaced "general access easement" with "easement" to be more comprehensive based on existing practice.
[839] Revised per EPC Condition #1 (Tech Edits) and EPC Condition #53.

Nicotine Retail[840]
Any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in NM 2020 Senate Bill 131 (Tobacco Products Act). This use does not include the sale of cannabis. See also *Cannabis Retail* and *General Retail*.

Nightclub
An establishment dispensing liquor in which music, dancing, or entertainment is provided, but not including any adult entertainment use. See also *Adult Entertainment*.

Non-commercial or Broadcasting Antenna
An antenna that transmits and/or receives signals or waves radiated or captured for non-commercial or broadcasting purposes, including amateur radio station operation/receive-only antenna if owned and operated by a federally licensed amateur radio station operator or used exclusively for a receive-only antenna, WTFs used exclusively for emergency services, any antenna used for AM, FM, or TV broadcasting, or any other facility exempted from local regulation under the federal Telecommunications Act of 1996, as amended and interpreted by the courts and related regulations of the Federal Communications Commission. See also *Wireless Telecommunications Facility Definitions* for *Wireless Telecommunications Facility*.

Non-commercial Vehicle
See *Vehicle Definitions*.

Nonconformity Definitions

Nonconforming Lot
A lot that was lawfully created but does not conform to the lot size, lot dimension, or other requirements of this IDO related to the lot.

Nonconforming Structure
A structure that does not conform to the IDO requirements for structures in the zone district where it is located, for reasons other than the use of the structure, but that did not violate those requirements at the time the structure was constructed. By way of example: a nonconforming structure could be one that violates height, setback, aesthetic, or form requirements.

Nonconforming Use
A use of a structure or land that does not conform to the IDO requirements for land uses in the zone district where it is located, but that was an approved use at the time the use began.

Nonconformity
A structure, use, lot, sign, or site feature that does not conform to applicable zoning but that did conform to applicable zoning in effect at the time it was built or developed.

Non-recognized Neighborhood
See *Neighborhood Association*.

Non-residential Development
See *Development Definitions.*

Non-residential Use
See *Use Definitions*.

[840] Added per City Council Amendment B14.

Non-residential Zone District
See *Zone Definitions*.

Nursery
A primary use of land in which the predominant activity is the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

Nursing Home
Facilities primarily engaged in providing shelter, food and intermediate or long-term medical and health related care for individuals. This definition includes facilities providing in-patient care for individuals suffering from a terminal illness. Support services typically include commercial level kitchens with shared dining facilities for residents; medical services with personnel that provide assistance with medication, administration, dressing, bathing, and social activities; activity rooms; indoor recreational amenities; gift shops; hair salons; administrative offices; laundry services; worship space; overnight guest units for short term visitors; and other uses accessory to residential primary uses. See also *Assisted Living Facility, Independent Living Facility*, and *Other Use Accessory to Residential Primary Use*.

O

Off-premises Sign
See *Sign Definitions*.

Office
Establishments providing executive, management, administrative, professional services, consulting, record keeping, or a headquarters of an enterprise or organization, but not including the on-premises sale of retail goods, or any use included in the definition of personal or business services. See also *Business* and *Establishment*.

On-premises Sign
See *Sign Definitions*.

Open Air Market
Open air sales of new retail goods, produce, and/or handcrafts; incidental sales of food and beverages is allowed. See also *Farmers' Market* and *Seasonal Outdoor Sales*.

Open Space Definitions

Common Open Space
The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. For the purposes of the common open space calculation in cluster development, parks do not count as common open space.[841] See also *Dwelling Definitions* for *Dwelling, Cluster Development*.

Extraordinary Facility
Facility within Major Public Open Space, not including trails, fencing, signs, incidental parking lots, access roads, or infrastructure not visible on the surface that is primarily for facilitating recreation, relaxation, and enjoyment of the outdoors and that requires additional review by the Open Space Advisory Board and EPC per the Facility Plan for Major Public Open Space.

[841] Added per EPC Condition #1 (Tech Edits) and revised per EPC Exhibit #9.b.vii. Revised per City Council Amendment B3. Deleted conservation development per City Council Amendment B4.

Extraordinary Facilities may include utility structures, WTFs, or buildings. See also *Open Space Definitions* for *Major Public Open Space*.

Major Public Open Space
Publicly-owned spaces managed by the Open Space Division of the City Parks and Recreation Department, 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 adopted Facility Plan for Major Public Open Space guides the management of these areas. For the purposes of this IDO, Major Public Open Space located outside the city municipal boundary 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.

Open Space
In lowercase letters, a generic term for any outdoor space or amenity intended to retain access to open air and sunlight, regardless of location, ownership, or management responsibility. Open space is required through various means in order to provide a psychological and physical respite from development densities. Open space is intended to create healthy places that balance density vs. openness and urban vs. natural environments. For City-owned open space, see *Open Space Definitions* for *Major Public Open Space*.

Usable Open Space
Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; covered patios open on at least 2 sides; walkways; landscaped medians, buffers, or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; and water courses. Such space shall be available for entry and use by users of the development. Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space. Usable open space does not include public right-of-way, private ways, parking lots, off-street parking, driveways, drive aisles other private vehicular surfaces, or buildings other than swimming pool rooms.

Operating Hours
The hours during which employees are scheduled to be working in an establishment, which may extend beyond the business hours of the establishment. See also *Business Hours*.[842]

Other Indoor Entertainment
A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater, auditorium, or any other use listed separately in Table 4-2-1. Examples include, but are not limited to, baseball batting cages, bowling alleys, climbing walls, game arcades, laser tag centers, miniature golf courses, paintball, skating rinks, shooting ranges, swimming pools, tennis clubs, trampoline centers, and velodromes.

Other Outdoor Entertainment
An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, but not including auto or horse race tracks, drive-in theaters, or any similar outdoor use not

[842] Added per City Council Amendment B20.

listed separately in Table 4-2-1. Examples include, but are not limited to, amusement parks, batting cages, go-cart tracks, golf courses and driving ranges, miniature golf, skateboard parks, skating rinks, sports courts, swimming pools, target sport ranges, and water parks.

Other Pet Services
A facility providing care and services for household pets, such as animal grooming, training, or day care but which is not listed separately in Table 4-2-1.

Other Use Accessory to a Non-residential Primary Use
A land use that is subordinate in use, area, or purpose to a primary non-residential land use on the same lot, serving a purpose naturally and normally incidental to such primary land use, and that is not listed separately in Table 4-2-1. Examples include, but are not limited to, an employee exercise room, employee café/cafeteria, outdoor exercise area/track, employee nursery/child care, small display/sales room for goods produced on the premises, and storage of maintenance equipment used on the premises (e.g. lawn mowers).

Other Use Accessory to a Residential Primary Use
A land use that is subordinate in use, area, or purpose to a primary residential land use on the same lot and serving a purpose naturally and normally incidental to such primary land use and that is not listed separately in Table 4-2-1. For residential uses other than multi-family dwellings, this use includes, but is not limited to, tennis courts, game rooms, patios, outdoor kitchens, swimming pools, and accessory buildings for storage, recreation, hobbies, and gardening for the use of the residents living in the dwellings on the same lot as this use. For multi-family residential development, this use includes, but is not limited to, sales of convenience items, personal service shop, rental/management office, concierge/doorman services, and similar activities provided for residents of the multi-family or group living uses. See also *Residential Community Amenity*.

Outdoor Animal Run
An area for the temporary outdoor containment of animals associated with a kennel, veterinary clinic, animal breeding facility, or other commercial activity. For the purposes of this IDO, this use does not include an outdoor animal run for personal pets.

Outdoor Dining Area[843]
A covered or uncovered seating area where patrons of an establishment are served food and/or beverages to be consumed on-premises.

Outdoor Storage
The keeping of any goods, material, or merchandise outside of a building in the same place for more than 24 hours, but not including any storage activity or use of land listed separately in Table 4-2-1.[844] See also *Building and Home Improvement Materials Store, Contractors Facility and Yard,* and *Salvage Yard*.

Outdoor Vehicle Storage
The keeping of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis outside of a building, generally for a period of 7 calendar days or more, whether or not the motor vehicle is titled, licensed, or operable, either as a primary use or accessory use, but not including a salvage yard.[845] See also *Salvage Yard* and *Vehicle Definitions* for *Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair; Light Vehicle Repair*; and *Light Vehicle Sales and Rental*.

[843] Added per EPC Condition #1 (Tech Edits).
[844] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building".
[845] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to "outdoor" and "in a building."

Overlay Zone
See *Zone Definitions*.

Overnight Shelter
A facility that provides 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; it may provide meals and social services. Any such facility open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter, while a facility providing similar services but open to clients between 7:00 A.M. and 10:00 P.M is considered a daytime gathering facility. A facility open to the public during both time periods is considered to have both uses on the property. See also *Community Residential Facility*, *Daytime Gathering Facility*, and *Group Home*. [846]

P

Park
Publicly or privately owned land that is maintained for active or passive recreational use and for the use and enjoyment of the general public or the residents or occupants of a development. This use includes areas consisting of vegetative landscaping and/or areas improved for outdoor sports and recreation. Structural improvements are generally limited to those that facilitate the use of the land as a park. Incidental activities and structures include, but are not limited to, playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

Parking Definitions

Convertible Parking Structure
A structure or part of a structure designed to accommodate motor vehicle parking spaces that has a fully enclosed ground level with no ramping on any ground floor street-facing façade so that the ground floor can be adapted to commercial, residential, or office uses.

Garage
A structure or part of a structure designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, but not including a parking structure. Garages are typically associated with residential development. For the purposes of this IDO, the terms two- or three-car garages refer to the garage width, assuming side-by-side parking, not tandem parking. See also *Parking Structure* and *Development Definitions* for *Residential Development*.

Off-street Parking Space
A storage area for the parking of one motor vehicle that is located on a lot, unless specified otherwise in this IDO. See the DPM for dimensional standards. See also *On-street Parking Space*.

On-street Parking Space
An on-street storage area for the parking of one motor vehicle. For the purposes of this IDO, an on-street parking space abutting a lot may be counted as 1 off-street parking space for that lot if over ½ the length of the space is located between the imaginary extensions of the side lot lines into the street. See the DPM for dimensional standards. See also *Parking Space*.

Paid Parking Lot
An area used to provide parking, as a commercial enterprise, for 4 or more motor vehicles for a fee. The term does not include a commercial parking structure that is a building primarily

[846] Revised per City Council Amendment B20.

used for the provision of parking for a fee. See the DPM for dimensional standards. See also *Parking Lot* and *Measurement Definitions* for *Parking Lot Area*.

Park-and-ride Lot
An area or structure intended to accommodate parked motor vehicles where commuters park and continue travel to another destination via public transit, carpool, vanpool, walking, or bicycle. This use may be operated in a parking area owned or operated by a third party with the consent of that party, but spaces dedicated to this use may not be counted toward required off-street parking spaces for any primary or accessory use operated by the third party.

Park-and-ride Facility, Temporary
The temporary provisions of parking for transit customers using service provided by the municipal transit agency in conjunction with a temporary civic use, including but not limited to the New Mexico State Fair and the International Balloon Fiesta. The use may include a ticket booth, portable restrooms, lighting, concession stand, and barriers contributing to traffic management.

Parking Lot
Any off-street outdoor area for the parking of motor vehicles, including any spaces and drive aisles necessary for the function of the parking lot or for the convenience of patrons. See also *Paid Parking Lot* and *Measurement Definitions* for *Parking Lot Area*.

Parking Lot – Multiple Drive Aisles
A parking lot that may have more than 1 drive aisle.

Parking Lot – Single Drive Aisle
A parking lot with only 1 drive aisle, which may be one-way or two-way. The drive aisle may serve 1 or 2 rows of parking spaces.

Parking Space
An on- or off-street storage area for the parking of one motor vehicle. See the DPM for dimensional standards. See also *Off-street Parking Space* and *On-street Parking Space*.

Parking Structure
A structure or part of a structure designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, including podium parking, but not including a parking structure that is located underground or within the outer building envelope of another building. Parking structures are typically associated with Mixed-use and Non-residential development. See also *Garage* and *Development Definitions for* Mixed-*use Development* and *Non-residential Development*.

Parking Structure with Ground Floor Uses
A structure or part of a structure designed to accommodate motor vehicle parking spaces that incorporates retail, office, or residential uses along at least 50 percent of the ground floor street-facing façade.

Stacking Space
A term used in designing vehicle circulation areas for the queuing of motor vehicles. See definition in the DPM.

Tandem Parking
Off-street parking area where 2 or more parking spaces arranged one behind or above the other.

Wrapped Parking
A structure, part of a structure, or a parking lot designed to accommodate motor vehicle parking spaces that is wrapped on all sides that abut a street by buildings with residential, commercial, or office uses.

Pavement Width
See definition in DPM.

Pawn Shop
Any establishment engaged in the business of lending money on the deposit or pledge of personal property; the purchase of personal property with the expressed or implied agreement or understanding to sell it back at a stipulated price; or engaged in the business of purchasing items of gold, silver, platinum or other precious metals or gems and reselling the product. See also *General Retail*.

Peak Service Frequency
See *Transit Definitions*.

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*.[847]

[847] Added related to City Council Amendment B22.

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

Plat
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 for presentation to the DRB for action.

Sketch Plat
A conceptual plat of a proposed subdivision used for discussion by the applicant and 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. If a porch extends from the front of a building or from any side of the building that faces a street, the side facing the street must not be more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, or awnings). See also *Building Frontage Types*.

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 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.[848]

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

Public Meeting
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

[848] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).

reservoir; traffic signal; public light poles; or any other public utility structure controlled by a Facility Plan approved by the City.

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 shacks, 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.

Residential Community Amenity
A use provided for the comfort and convenience of residents of more than 1 unit in a low-density or multi-family residential development, including but not limited to a clubhouse, exercise room, swimming pool, tennis court, community room, or laundry room.

Residential Development
See *Development Definitions*.

Residential Use
See *Use Definitions*.

Residential Zone District
See *Zone Definitions*.

Resource Management Plan
Rank 3 Plans developed by the Open Space Division of the City Parks and Recreation Department to provide policy guidance on how to manage and protect natural, historic, or cultural resources and/or scenic views for individual City-owned or managed Major Public Open Space. Resource Management Plans also guide visitor uses, budgeting, and decision making.

Restaurant
An establishment that serves food and beverages that are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon and/or that may provide customers with take-out service of food and/or non-alcoholic beverages for off-site consumption. Sale of alcoholic beverages is controlled by other provisions in this IDO and the New Mexico State statutes regarding alcoholic drink sales. See also *Bar* and *Taproom or Tasting Room*.

Retail, General
See *General Retail*.

Retail, Cannabis
See *Cannabis Retail*.

Retail, Liquor
See *Liquor Retail*.

Retail, Nicotine
See *Nicotine Retail*.

Retaining Wall
See *Wall Definitions*.

Right-of-way
See *Public Right-of-way*.

Rock Outcropping
See *Sensitive Lands Definitions*.[849]

Roof-mounted Wireless Telecommunications Facility (WTF)
See *Wireless Telecommunications Facility Definitions*.

Rooftop Sign
See *Sign Definitions*.

S

[849] Added related to City Council Amendment A10.

Salvage Yard
Any use involving storage and/or sale of inoperable, disused, dismantled or wrecked vehicles, equipment, machinery, or goods, or the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes or other scrap, salvage, waste, or junk materials.

School
An accredited public or private institution offering a course of education recognized by the State as leading to a high school diploma or equivalent. Accessory uses may include student sports fields or facilities, playgrounds, gardens, and an accessory dwelling unit for a caretaker. This use is divided into:

1. Elementary or middle school: An educational facility for grades kindergarten through 8.
2. High school: An educational facility for grades 9 through 12.

See also *University or College, Vocational School,* and *Measurement Definitions* for *Separation of Uses*.

Seasonal Outdoor Sales
The temporary outdoor or indoor display and sale of goods or products associated with the season or a cultural event, such as the sale of fireworks, Christmas trees, pumpkins, or seasonal produce, and typically occurring at a location not devoted to such sales for the remainder of the year. See also *Agricultural Sales Stand*, *Farmers' Market*, and *Open Air Market*.

Self-storage
A use consisting of 3 or more individual, small, self-contained, fully enclosed units in building that are leased or owned for the storage of business and household goods or contractors' supplies. Storage areas provided for renters of residential dwellings on the same premises are not considered self-storage. See also *Other Use Accessory to a Residential Primary Use*. [850]

Sensitive Lands Definitions[851]

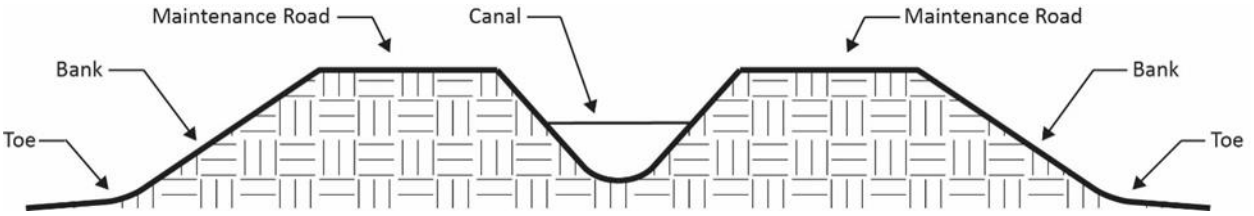
Arroyo
A watercourse that conducts an intermittent or ephemeral flow, providing primary drainage for an area of land, or a watercourse that would be expected to flow in excess of 1,000 cubic feet per second as the result of a 100-year storm event, as determined by the City Hydrologist.

Escarpment
Land with 9 percent slope or more, where development is discouraged. The Northwest Mesa Escarpment is part of the Petroglyph National Monument, which is also designated as Major Public Open Space. See also *Open Space Definitions* for *Major Public Open Space*.

Floodplains and Special Flood Hazard Areas
See *Flood Definitions*.

Irrigation Facility
The system of water facilities within the MRGCD, including acequias, ditches, laterals, canals, interior drains, riverside drains, and wasteways, which convey water to irrigators or return unused irrigation water to the Rio Grande. Some facilities may also convey stormwater. The irrigation facility includes the canal that conveys the water, the maintenance road(s) along the bank top, and the sloped banks that tie back to the surrounding land. These facilities may or may not have a formal easement. See also *Acequia*.

[850] Revised per City Council Amendment B20.
[851] Added per City Council Amendment A10.



Large Stand of Mature Trees
A collection of 5 or more trees 30 years or older or having trunk diameters (as determined by Diameter at Breast Height – DBH) averaging at least 16 inches in diameter, as determined by the City Forester.

Rock Outcropping
Bedrock or other stratum a minimum of 6 feet high on its steepest side as measured from the adjacent 10 percent slope line and in excess of 500 square feet in surface area.

Significant Archaeological Site
See *Archaeological Definitions*.

Steep Slope
Land with 9 percent slope or more, where development is discouraged.

Wetlands
Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as determined by the City Hydrologist. Wetlands generally include swamps, marshes, bogs, and similar areas.

Separation of Uses
See *Measurement Definitions*.

Setback[852]
1. A required distance between a structure and a lot line.
2. On an interior lot not abutting a street, side setbacks shall be followed for all lot lines.

See also *Lot Definitions* for *Front Lot Line*, *Rear Lot Line*, and *Side Lot Line (Interior or Street Side)* and *Measurement Definitions* for *Setback*.

Side Lot Line
See *Lot Definitions*.

Sidewalk
A hard-surfaced walk or raised path and any curb ramps or blended transitions along and generally paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Sight Lines
See Subsection 14-16-3-6(D)(3) (Coors Boulevard – VPO-1 Definitions).

[852] Revised per EPC Condition #1 (Tech Edits).

Sign Definitions

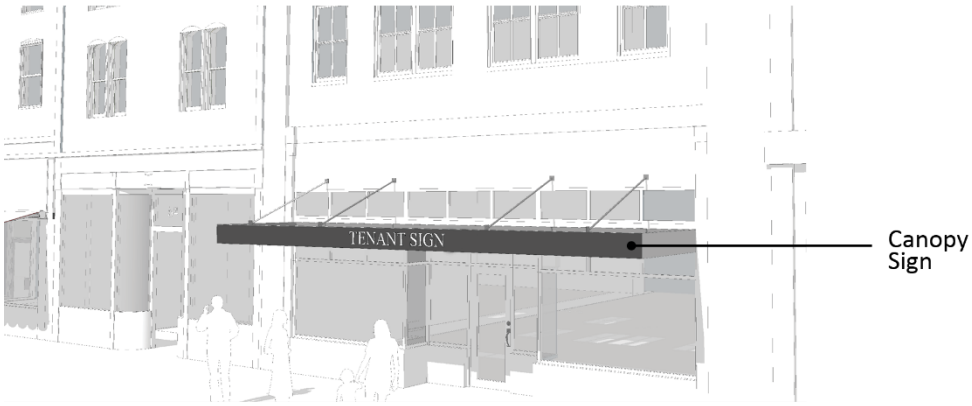
Building-mounted Sign
A sign entirely supported by or through a building, including canopy sign, marquee sign, projecting sign, rooftop sign, or wall sign. See also *Sign Definitions* for *Canopy Sign, Marquee Sign, Projecting Sign, Rooftop Sign, Wall Sign,* and *Window Sign*.

Building-mounted Sign



Canopy Sign
A type of building-mounted sign mounted on or under a permanent canopy, arcade, or portal. See *Sign Definitions* for *Wall Sign* for signs on a freestanding roofed structure, such as a canopy for a vehicle fueling station.

Canopy Sign



Electronic Sign
A sign that is internally lit to display messages and images that are changed electronically. The lit sign area may be of various types, including but not limited to flat screen, active display matrix, or a board with a single or multiple lines of text or graphics. The light source may vary but is typically Light Emitting Diodes (LED). Any sign that meets the definition of a neon sign is not considered to be an electronic sign.[853] See also *Sign Definitions* for *Neon Sign.*

Freestanding Sign
A sign attached to or supported from the ground and not attached to a building. Signs on walls or fences that are not an integral part of a building are considered freestanding signs.

[853] Revised per EPC Condition #54.

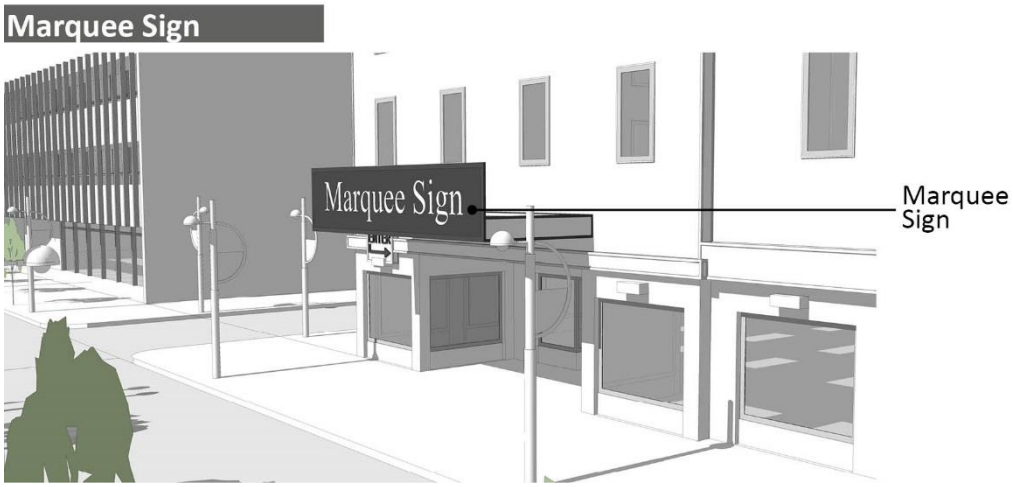
Freestanding signs do not include portable signs. See *Sign Definitions* for *Monument Sign* and *Pole Sign* for sign types that are considered freestanding.

Historic Sign
A sign that is 50 years old or greater or listed or determined to be eligible for listing in the New Mexico Register of Cultural Properties either individually or as a contributing part of a property or a sign that contributes to the historic character of a designated City landmark.[854]

Illuminated Sign
Any sign that is directly lighted by any on-premises electrical light source, internal or external, except light sources specifically and clearly operated for the purposes of lighting the general area in which the sign is located rather than upon the sign itself, including but not limited to luminous tubing signs such as neon signs. All electronic signs are illuminated signs.

Joint Sign Premises
Two (2) or more abutting premises, each with less than 100 feet of street frontage that are treated as 1 premises through an agreement between their respective owners and the City in order to qualify for a freestanding sign that would not be allowed on the individual premises.

Marquee Sign
A type of projecting sign mounted on a continuous structural band that forms the more or less vertical edge of the marquee structure.



Monument Sign
A type of freestanding sign with a maximum of 2 sign faces that is integrated into a solid structure beginning at the ground and including a base and/or up to 2 masonry or concealed supports. The total width of the support(s) at the bottom of the sign shall be no less than 25 percent of the width at the top of the sign. See also *Freestanding Sign*.

Neon Sign
A sign that uses neon, argon, or a similar gas to fill tubing, made of glass or similar material, that is charged with electricity and used to create an illuminated tubular sign or illuminated elements of a sign that includes, at a minimum lettering and/or images. The tubing may contain an alternative illumination technology, including but not limited to light-emitting diodes (LEDs). Any non-gaseous illumination technology, such as LEDs, must produce

[854] Revised per EPC Condition #1 (Tech Edits).

illumination that appears to be a continuous, uninterrupted line, similar to illumination produced by gaseous illumination technology.

Off-premises Sign
A sign, the content of which does not refer to an establishment operating on the premises where the sign is displayed.

On-premises Sign
A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on those premises, or the sale, lease, or construction of those premises.

Pole Sign
A type of freestanding sign attached to or supported from the ground by a single pole or post and not attached to a building. See also *Freestanding Sign*.

Portable Sign
An A-frame or sandwich board sign. A portable sign shall rest on the ground and shall not be supported by a person or animal.

Projecting Sign
A type of building-mounted sign, other than a wall sign or canopy sign, that projects from and is supported by a wall of a building.



Rooftop Sign
A building-mounted sign that is mounted on the roof of a building.

Sign
Any display to public view of letters, words, numerals, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities except for the following:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
2. Signs required by law or signs of a duly-constituted governmental body.
3. Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.

4. Signs on a vehicle, provided that any such vehicle with a sign face of over 2 square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for delivery or other vehicular purposes.
5. Temporary holiday decorations.

A back-to-back sign or V-shaped sign constitutes 1 sign if it employs a common set of supports. A composite group of signs integrated into 1 framed unit or compact structure constitutes 1 sign.

Sign Area
See *Measurement Definitions*.

Sign Height
See *Measurement Definitions*.

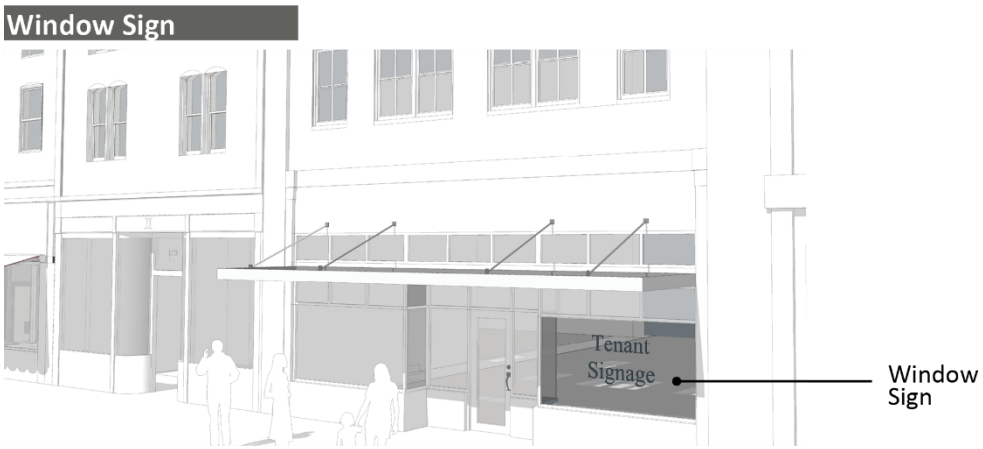
Streamers[855]
A strand of pennants, triangular flags, or fringe made of any material other than paper.

Temporary Sign
A public display of letters, words, numerals, figures, statues, devices, emblems, pictures, etc. for a specified period of time that is installed in a way that is easy to remove.[856]

Transit Shelter Sign
A sign located on a City of Albuquerque Transit Department shelter.

Wall Sign
A sign flush to the exterior surface of a building, applied directly on the building or a signboard attached flush to the building, projecting no more than 18 inches from the building surface and not projecting above the roof. However, light sources aimed at the wall sign may extend farther. A sign on a freestanding roofed structure, such as a canopy for a vehicle fueling station, outdoor storage or display, or drive-up facility, is also considered a wall sign.

Window Sign
A sign on a window or door, with its message or image discernible from the exterior of the building. Window wraps and windows with messages or images are considered window signs.



[855] Added oer O-19-52.
[856] Revised per EPC Condition #1 (Tech Edits).

Yard Sign
A type of free-standing sign that is relatively small and short, typically supported by 1 or 2 wires or posts, and located in the front or street side yard of a lot.[857]

Single Room Occupancy
A type of residential development that provides dwelling units with separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not have separate or shared cooking facilities for the residents. Each household unit generally occupies only a single room in the facility for sleeping purposes (in addition to having the non-exclusive use of shared spaces in the facility).

Site Development Plan
A term used prior to the effective date of the IDO for a scaled plan for development on one or more lots that specifies at minimum the site, proposed use(s), pedestrian and vehicular access, any internal circulation, maximum building height, building setbacks, maximum total dwelling units, and/or nonresidential floor area. A more detailed site development plan would also specify the exact locations of structures, their elevations and dimensions, the parking and loading areas, landscaping, and schedule of development. The equivalent approval in the IDO will be determined based on the level of detail provided in the prior approval.

Site Plan
An accurate plan that includes all information required for that type of application, structure, or development.

Sketch Plat
See *Plat Definitions*.

Small Area[858]
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. Overlay zones are considered small areas but have a different minimum size threshold. See also *Measurement Definitions* for *Small Area* and *Zone Definitions* for *Overlay Zone*.

Small Loan Business
Any business requiring licensure under the New Mexico Small Loan Business Act, Article 58-15 NMSA 1978, including but not limited to businesses offering Payday Loans, Title Loans, Installment Loans, or Refund Tax Anticipation Loans. For the purposes of this IDO, small loan businesses are treated as a bank use. See also *Bank*.

Small-cell Wireless Telecommunications Facility (WTF)
See *Wireless Telecommunications Facility Definitions*.

Solar Energy Generation
The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

[857] Revised for consistent use of the term "lot" consistently per EPC Condition #1 (Tech Edits).
[858] Added per EPC Condition #1 (Tech Edits). Revised editorially related to City Council Floor Amendment C8.

Solid Waste Convenience Center
City-owned and operated locations for the drop-off of solid waste by residents and small commercial haulers only.

Special Manufacturing
See *Manufacturing Definitions*.

Specified Anatomical Areas
Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

See also *Adult Entertainment, Adult, Retail*, and *Specified Sexual Activities*.

Specified Sexual Activities
Any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
4. Flagellation or torture in the context of a sexual relationship.
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
6. Erotic touching, fondling or other such contact with an animal by a human being.
7. Human excretion, urination, menstruation, vaginal, or anal irrigation as a part of or in connection with any of the activities set forth in 1 through 6 above.

See also *Adult Entertainment, Adult Retail*, and *Specified Anatomical Areas*.

Sports Court[859]
A recreational facility for sports played on courts at least 20 feet by 30 feet, including but not limited to basketball, volleyball, tennis, handball, and racquetball, except facilities that meet the definition of stadium or sports field. See also *Sports Field* and *Stadium*.

Sports Field
A facility designed for amateur or professional sporting events, exhibitions, or shows. See also *Sports Court* and *Stadium*.

Stacking Space
See *Parking Definitions*.

Stadium
An outdoor, open-air area or structure suitable for sporting events or performances with tiers of seats or benches and with seating capacity for 1,000 or more people. See also *Sports Field* and *Stadium*.

Steep Slopes[860]
See *Sensitive Lands Definitions*.

Stoop
See *Building Frontage Types*.

[859] Added per EPC Condition #1 (Tech Edits).
[860] Added related to City Council Amendment A10.

Storefront
See *Building Frontage Types*.

Street Definitions

Arterial[861]
A street designated on the Mid-region Council of Governments (MRCOG) Long Range Roadway System Map in the Long Range Transportation System Guide of the Metropolitan Transportation Plan or a logical geographic extension of that street as determined by the City Engineer. An arterial street may be designated as minor or principal arterial and serves large volumes of comparatively high-speed traffic. Access to arterial streets is controlled. See the DPM.

Collector[862]
A street designated on the Mid-region Council of Governments (MRCOG) Long Range Roadway System Map in the Long Range Transportation System Guide of the Metropolitan Transportation Plan or a logical geographic extension of that street as determined by the City Engineer. A collector street may be designated as a major or minor collector and carries substantial traffic from local streets to arterial streets. See the DPM.

Interstate Highway
An access-controlled street that is part of the National Highway System. For the purposes of this IDO, this term includes all public right-of-way owned or controlled by NMDOT along Interstate Highway 25 and Interstate Highway 40 associated with the interstate highway, including but not limited to through lanes, frontage roads, on- and off-ramps, and interchanges. See also *Through Lane*.

Local Street[863]
A street designated in the DPM that is primarily used to access abutting properties. A local street may be designated as an access local, normal local, or major local street and carries low traffic volumes. See the DPM.

Main Street
See *Center and Corridor Definitions* and *Measurement Definitions* for *Corridor Area*.

Side Street
On a corner lot, the street abutting the side lot line of the lot. See also *Lot Definitions* for *Side Lot Line.*

Street[864]
The portion of a public right-of-way or private way, from curb to curb (or from edge of paving to edge of paving if there is no curb, or from edge of visible travel way to edge of visible travel way, if there is no paving), that is primarily devoted to vehicular use.

Street Frontage
The boundary between a premises and a public right-of-way or private way, whether or not direct access is allowed from the public right-of-way or private way to the premises.

[861] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.
[862] Revised per EPC Condition #1 (Tech Edits). Revised per City Council Amendment B20.
[863] Revised per EPC Condition #1 (Tech Edits).
[864] Removed exclusion of alleys per EPC Condition #1 (Tech Edits).

Stub Street
A non-permanent dead-end street intended to be extended in conjunction with development on adjacent lots or sites. See also *Adjacent.*

Through Lane
A continuous travel lane, excluding any turn lanes or ramps that provide access to or exit from travel lanes. See also *Measurement Definitions* for *Distance to a Through Lane*.

Street Tree
A tree that meets the provisions of Part 6-6-2 of ROA 1994 (Street Trees).

Street Wall
A masonry wall that defines outdoor spaces and separates the sidewalk and the street from the private realm (e.g. parking lots, trash cans, gardens, and equipment).

Street-facing Façade
Any façade that faces and is within 30 feet of a property line abutting a street, not including alleys, unless specified otherwise in this IDO.[865] A building may have more than one street-facing façade. The phrase "façade facing a" that refers to a specific street or to alleys is included in this definition as well. See also *Front Façade*.[866]

Structure[867]
Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line. See also *Building*, *Wall Definitions*, *Wireless Telecommunications Facility Definitions*, and *Sign Definitions*.

Structure Height
See *Measurement Definitions*.

Structured Parking
See *Building Height Bonus Definitions* and *Parking Definitions* for *Parking Structure with Ground Floor Uses*.

Stub Street
See *Street Definitions*.

Subdivision Definitions

Bulk Land Subdivision[868]
Any subdivision of property that is primarily intended to facilitate transfer to intermediate land holders, not to create lots available for development without further subdivision or Site Plan – DRB approvals, and that conforms to DRB interpretive rules.

Infrastructure Improvements Agreement (IIA)
An agreement entered into between the City and a subdivider by which the subdivider agrees to assure construction of required infrastructure improvements.

[865] Revised per City Council Amendment B20.
[866] Revised per City Council Amendment B7.
[867] Revised per EPC Condition #1 (Tech Edits).
[868] Revised per EPC Condition #1 (Tech Edits).

Minor Subdivision
Any subdivision that meets the eligibility requirements for a Subdivision of Land – Minor pursuant to Subsection 14-16-6-6(K).

Major Subdivision
Any subdivision not classified as minor.

Subdivide
To divide or re-divide (sometimes referred to as "replat") land into 2 or more parts or to consolidate 2 or more lots by whatever means to facilitate the present or future conveyance or other transfer of incidents of ownership or use.

Subdivider
Any person who, by reason of his/her power, authority, and/or interest with respect to a specific lot, effects, brings about, causes, or proposes the subdivision of that lot.[869]

Subdivision[870]
1. The process of subdividing land into 2 or more lots for the purpose of sale or development.
2. The process of consolidating 2 or more lots for the purpose of sale or development. [871]
3. The subdivided lot.

Subject Property[872]
A lot or collection of lots included in an application submitted pursuant to this IDO. See also *Premises*, *Project Site*, and *Lot Definitions*.

Substantial Change
Where used associated with a WTF Approval, see *Wireless Telecommunications Facility Definitions*.

T

Tandem Parking
See *Parking Definitions*.

Tap Room or Tasting Room
An establishment associated with a local brewery, winery, or distillery operating under an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978 where beer, wine, or spirits are available for consumption on-site. Any production of alcohol as regulated by State law under one of these licenses is considered artisan manufacturing. Any sale of alcohol for off-premises consumption as regulated by State law under these licenses is not considered liquor retail. See also *Bar, Liquor Retail,* and *Manufacturing Definitions* for *Artisan Manufacturing*.

Temporary Sign
See *Sign Definitions*.

[869] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[870] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[871] Revised per City Council Amendment B20.
[872] Definition added per EPC Condition #1 (Tech Edits) as part of a general review of terms like property, lot, premises, project site, etc.

Theater
A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Through Lane
See *Measurement Definitions* for *Distance to a Through Lane* and *Street Definitions* for *Interstate Highway* and *Through Lane*.

Through Lot
See *Lot Definitions*.

Toe of Slope
The point where the irrigation facility bank meets natural grade. See *Irrigation Facility* for diagram.

Townhouse
See *Dwelling Definitions*.

Tract
A portion of land identified on a plat, often for a purpose other than development of a building, such as for drainage, transportation, open space, or as a remainder lot that will not be sold as a lot.[873]

Trail
See *Multi-use Trail* and *Public Right-of-way*.

Trailer
See *Vehicle Definitions*.

Transit Definitions

Peak Service Frequency[874]
The average amount of time between buses arriving at a particular transit stop or station during peak periods (7:00 A.M. to 9:00 A.M. and 3:00 P.M. to 6:00 P.M.), calculated by the City Transit Department using published transit schedules. This frequency is generally calculated for the most frequent route, or combination of paired routes that act as one route, that stops at the transit stop or station in question and is based on the average frequency of the route in each direction. [875]

Transit Facility
Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.

Transit Shelter
A shelter erected and maintained under the direction and control of ABQ RIDE or other public transportation provider as part of a public transit system for the use of transit patrons.

Transit Shelter Sign
See *Sign Definitions*.

Transit Station
A designated place where transit vehicles stop for passengers to board or alight from the vehicles. Usually associated with a premium service such as bus rapid transit or commuter rail, transit stations are distinguished from transit stops by having level-boarding platforms and

[873] Revised for consistent use of the term "lot" instead of "parcel" per EPC Condition #1 (Tech Edits).
[874] Added per EPC Condition #24.b.
[875] Revised per City Council Amendment B20.

passenger amenities such as ticket vending machines and real-time transit information, as well as common transit stop amenities such as seating and/or shelters. See also *Transit Facility* and *Measurement Definitions* for *Premium Transit Area*.

Transit Stop
A designated place where transit vehicles stop for passengers to board or alight from a bus. Boarding and alighting are generally accomplished from the street curb by means of steps or deployable ramps. The level of amenity at a transit stop tends to reflect the level of usage. Stops at busy locations may have shelters, seating and possible electronic passenger information systems; less busy stops may use a simple pole and route sign to mark the location.

Transparent Window or Door
A window or door with windows rated with a Visible Transmittance of 70 percent or greater or a combination of glass and coating or finish to satisfy the equivalent standard. A transparent window or door on the ground floor permits easy viewing into the building from the sidewalk from a minimum distance of 3 feet away from the building. Reflective or mirrored glass is not considered to be transparent. Any portion of a door or window that is covered with a sign or translucent window wrap is not considered to be transparent. See also *Reflective or Mirrored Glass*.

U

Unconcealed Wireless Telecommunications Facility
See *Wireless Telecommunications Facility Definitions*.

University or College
An institution, other than a vocational school, that provides full-time or part-time education beyond high school. See also *Fraternity or Sorority*, *School,* and *Vocational School*.

Upgrade
Where used associated with a WTF Approval, see *Wireless Telecommunications Facility Definitions* for *Upgrade*.

Urban Center
See *Center and Corridor Definitions*.

Urban Residential
See *Building Frontage Types*.

Usable Open Space
See *Open Space Definitions*.

Use Definitions

Accessory Use
A land use that is subordinate in use, area, or purpose to a primary land use on the same lot or, in any Mixed-use or Non-residential zone district, the same premises. An accessory use may or may not be located in an accessory structure. For the purposes of this IDO, accessory uses are listed in Table 4-2-1, may have separate Use-specific Standards, or may be defined as incidental to another primary use. See also *Use Definitions* for *Primary Use*.

Allowable Use
A land use allowed in a particular zone district by Table 4-2-1 as a primary or accessory use, whether allowed permissively or conditionally. See also *Use Definitions* for *Permissive Use, Conditional use,* and *Accessory Use*.

Conditional Use
A land use that is allowable in a particular zone district subject to conditional approval by the ZHE based on a review of the potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties. Table 4-2-1 indicates whether a particular conditional use is primary (listed as C) or accessory (listed as CA) or allowed conditionally in a primary building that has been vacant for a specified amount of time (listed as CV).

Non-residential Use[876]
Any primary use in Table 4-2-1 not listed in the Residential Uses category. See also *Residential Use*.

Permissive Use
A land use that is allowed by-right in a particular zone district, either as a primary or accessory use. Permissive Primary uses are listed as P in Table 4-2-1. Permissive Accessory uses are listed as A in Table 4-2-1.

Primary Use
A land use that is a primary use of a property and allowable within a particular zone district either permissively or conditionally. A primary use may be combined with other primary or accessory uses allowable within that zone district, subject to IDO standards.

Residential Use[877]
Any primary use listed in the Residential Uses category in Table 4-2-1. See also *Non-residential Use*.

Temporary Use[878]
A land use that is allowed for a short period of time on a property and allowable within a particular zone district permissively. Temporary uses are listed as T in Table 4-2-1. A temporary use may or may not require a permit from the Planning Department. Any temporary activity or event not listed in Table 4-2-1 is not considered a land use and therefore is not a temporary use as regulated by this IDO. A temporary use may be allowed on vacant land or combined with other primary or accessory uses allowable within a zone district, subject to IDO standards.

Utility
See *Drainage Facility*, *Electric Utility, Major Public Infrastructure,* and *Major Utility*.

V

Vacation
The act that rescinds all or part of a recorded subdivision plat including legal dedications and grants of easements.

[876] Added per EPC Condition #1 (Tech Edits).
[877] Added per EPC Condition #1 (Tech Edits).
[878] Added per EPC Condition #1 (Tech Edits).

Variance[879]
Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from IDO standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in the DPM or related to projects in public rights-of-way are decided by the DRB. The allowable use of premises may never be changed via a Variance. See also *Waiver* and *Use Definitions* for *Allowable Use*.

Vegetative Screen
See *Wall and Fence Definitions*.

Vehicle Definitions[880]

Boat
A vehicle not exceeding 30 feet in body length, 8 feet in width, or 11 feet in overall height, for traveling in or on water. Height includes the trailer if the boat is mounted on a trailer. See also *Trailer*.

Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair
A facility that is engaged in the sales, fueling, rental, and/or repair of heavy vehicles and equipment typically used in agricultural, transit, commercial, or industrial operations. Sales of parts, whether new or used, for heavy vehicles and equipment, and incidental storage of heavy vehicles related to sales, rental, fueling, repair, service, and maintenance are included in this use.[881] See also *Vehicle Definitions* for *Heavy Vehicle*.

Light Vehicle Fueling Station
An establishment primarily engaged in the retail dispensing or sale of light vehicle fuels, including but not limited to gasoline, gas/oil mixtures, diesel fuel, compressed natural gas, electricity, and hydrogen through fixed, approved dispensing equipment. Incidental activities include, but are not limited to car washes; vehicle service and maintenance; and the sale of convenience items, food, beverages, household necessities, lubricants, and batteries. This use does not include any facility meeting the definition of light vehicle repair (except those incidental services listed above), light vehicle sales and rental, outdoor vehicle storage, or liquor retail. See also *Liquor Retail, Outdoor Vehicle Storage,* and *Vehicle Definitions* for *Light Vehicle Repair*, *Light Vehicle Sales and Rental*, *Light Vehicle, Vehicle Repair*, and *Vehicle Service and Maintenance*.[882]

Light Vehicle Repair
Any facility providing vehicle repair, service, or maintenance of light vehicles. See also *Vehicle Definitions* for *Light Vehicle, Vehicle Repair*, and *Vehicle Service and Maintenance*.

Light Vehicle Sales and Rental
An establishment primarily engaged in the retail sale and/or rental of new and used light vehicles, including incidental outdoor display, storage, and vehicle service and maintenance. This use includes the retail sale/rental of modular and manufactured homes, motor homes. This use does not include outdoor vehicle storage as a primary use.[883] See also *Vehicle Definitions* for *Light Vehicle* and *Vehicle Service and Maintenance*.

[879] Revised per EPC Condition #1 (Tech Edits) and R-19-150.
[880] Vehicle-related definitions compiled into a category and revised for clarity and consistency per EPC Condition #1 (Tech Edits).
[881] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to vehicle repair, service, and maintenance.
[882] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to vehicle repair, service, and maintenance.
[883] Revised per EPC Condition #1 (Tech Edits) for consistent use of terms related to vehicle repair, service, and maintenance.

Non-commercial Vehicle
A light vehicle used in the conduct of normal daily activities that can be lawfully parked in a parking space that meets the requirements of the DPM. See also *Vehicle Definitions* for *Light Vehicle*.

Recreational Vehicle
A motor vehicle or trailer equipped with living space and amenities, including but not limited to bus campers, camper trailers, pickup campers, travel trailers, motor homes, park model trailers, and tiny houses. See also *Vehicle*.

Trailer
A vehicle without motive power, designed so that it can be drawn by a motor vehicle, to be used for the carrying of persons or property or as a human habitation. A structure that meets the requirements of Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code) in all ways, including foundation, is not a trailer, whether or not it was once a vehicle.

Vehicle[884]
A vehicle that meets the definition in Section 8-1-1-2 of ROA 1994 (Traffic Code – Definitions).

Light Vehicle
A vehicle that has a gross vehicle weight rating of less than 10,000 pounds, including but not limited to automobiles, light trucks, sport utility vehicles, vans, boats, recreational vehicles, trailers, motorcycles, mopeds, scooters, and ATVs.

Heavy vehicle
A vehicle vehicles with a gross vehicle rating of 10,000 pounds or greater, including but not limited to tractors, semi-trucks and/or trailers, buses, harvesters, loaders, and all tracked vehicles.

Vehicle Repair[885]
Any vehicle repair beyond vehicle service and maintenance.

Vehicle Service and Maintenance[886]
Services for a vehicle that are part of regular maintenance, including but not limited to battery charging, tire repairs, and oil and fluid changes.

Veterinary Hospital
An establishment of licensed practitioners primarily rendering dentistry, surgical, and medical treatment for animals that may provide overnight accommodations to pets for a limited period before or after medical procedures. Incidental activities include but are not limited to outdoor animal runs and crematory facilities.

View Fencing
See *Wall and Fence Definitions*.

View Frame
See Subsection 14-16-3-6(D)(3) (Coors Boulevard – VPO-1 Definitions).

View Plane
See Subsection 14-16-3-6(D)(3) (Coors Boulevard – VPO-1 Definitions).

[884] Sub-definitions for Light and Heavy Vehicle added to create clarity and consistency for vehicle-related definitions compiled per EPC Condiditon #1 (Tech Edits)..
[885] Added per EPC Condition #1 (Tech Edits) and revised defined term for clarity and use within definitions.
[886] Added per EPC Condition #1 (Tech Edits) and revised defined term for clarity and use within definitions.

Vocational School
A public or private institution that provides specialized training and education beyond the high school level, but that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate. See also *School* and *University or College*.

W

Waiver[887]
A deviation beyond the thresholds established in Table 6-4-1 or from standards not included in Table 6-4-1. See also *Deviation*.

Walkway
A passage or path for walking located on private property, which often connects the sidewalk to a building entrance or connects between different buildings on a site.

Wall and Fence Definitions

Courtyard Wall
Walls that are not on the lot line that enclose an outdoor space to form an outdoor courtyard.

Opaque Wall or Fence
A continuous non-transparent vertical surface used as part of a perimeter or courtyard wall or fence. A fence with inserts or non-rigid or cloth-like materials attached to the fence does not constitute an opaque wall or fence.

Perimeter Wall
A wall constructed on a lot line, typically to define a property boundary, enclose a property, or provide privacy.

Retaining Wall
A wall designed and constructed to resist the lateral pressure of soil.

Vegetative Screen
A view screen created from evergreen plant material that is at least 75 percent opaque on average across the area to be screened at maturity. Plant material can be trees, vines, or shrubs, as long as they otherwise meet standards in this IDO.

View Fencing
A wall that is at most 25 percent opaque to perpendicular view unless specified otherwise in this IDO, constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material. View fencing is intended to provide a sense of openness and continuity, visual transparency, and passive surveillance while still providing perimeter security.

Wall
A vertical structure of masonry (which includes stone, clay, brick, and poured concrete), wood, plaster, or other material that defines or encloses an area. Where the IDO provides standards about the wall of a building, the term "façade" is used, except for signage on buildings, which uses the term "wall sign." Unless specified otherwise in this IDO, this term includes walls, fences, perimeter walls, courtyard walls, and retaining walls. A post that supports a structure other than a wall, such as a sign or a carport, is not considered a wall.

Wall Height
See *Measurement Definitions*.

[887] Added per EPC Condition #1 (Tech Edits) and R-19-150.

Wall Sign
See *Sign Definitions*.

Walled Court
See *Building Frontage Types*.

Warehouse
See *Building Frontage Types*.

Warehousing
The use of a building primarily for the holding or storage of goods, including cold storage, and merchandise for onward transportation or for distribution to retailers, but not for sale to the general public, and not including self-storage. Loading and unloading from rail spurs is incidental to this use. See also *Self-storage*.

Waste and/or Recycling Transfer Station
A site or facility where materials to be recycled or reprocessed are unloaded after collection and transferred onto transport vehicles, either immediately or following a temporary storage period, aggregation, or sorting. The facility may feature sorting, material crushing apparatus, and the storage of the material until it is transported. Loading and unloading from rail spurs is incidental to this use.

Water Harvesting
A water conservation method used to capture, divert, and/or store rainwater for plant irrigation and other uses.

Wetlands
See *Sensitive Lands Definitions*.

Wholesaling and Distribution Center
A facility for the storage of products, supplies, and equipment offered for wholesale distribution, and not for direct sale to the general public.

Wind Energy Generation
The use of land for the installation wind energy turbines, wind chargers, windmills, battery banks, and related equipment to generate electrical power from wind or the installation of such equipment or devices on a building.

Window
See *Transparent Window or Door*.

Window Sign
See *Sign Definitions*.

Wireless Telecommunications Facility (WTF) Definitions

Architecturally Integrated WTF
A WTF that is camouflaged into the structure on which it is located by means of color, texturing, architectural treatment, massing, size, design, and/or shape. An architecturally integrated WTF is a concealed facility.

Collocation
The location of more than one WTF at a single location and/or using the same structure, not including a public utility structure, for mounting wireless telecommunications antennas by

more than one provider of wireless telecommunications services. See also *Public Utility Collocation*.

Concealed WTF
As further prescribed in Subsection 14-16-4-3(E)(12)(a), a WTF that is aesthetically integrated or otherwise consistent with surrounding existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape, and that does not visually stand out as a WTF. A face-mounted WTF that is painted to match the façade, but has no other design elements that conceal the wireless telecommunications antenna, remains readily visible to the naked eye and is not considered a concealed WTF.

Existing Vertical Structure
Any tower or other vertical structure that was constructed in accordance with a building permit.

Face-mounted WTF
A wireless telecommunications antenna attached to and covering a small portion of the surface of a building. Face-mounted WTFs are considered unconcealed and are prohibited. Existing face-mounted WTFs are regulated as Nonconforming uses. See also *Unconcealed WTF*.

Freestanding WTF
A WTF, other than a public utility collocation, that consists of a standalone support structure, antennas, and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or similar structure.

Public Utility Collocation
The location of one or more wireless telecommunications antennas on a public utility structure, including transmission structures.

Public Utility Structure
See *Public Utility Structure*.

Roof-mounted WTF
A WTF placed on a rooftop through gravity mounts or other surface attachments and integrated into the natural rooftop profile of the building so as to resemble a permissible rooftop structure, such as a ventilator, cooling equipment, solar equipment, water tank, chimney, or parapet.

Small-cell WTF[888]
A WTF that is designed to act as a booster site to increase localized network capacity. This use is defined and regulated as a small wireless facility by Article 5-10 of ROA 1994 (Small Wireless Facilities).

Substantial Change
As defined and regulated by federal law.

Unconcealed WTF
A nonconforming WTF that is not designed as a concealed structure. These include lattice towers with exposed wireless telecommunications antennas and face-mounted wireless telecommunications antennas. New construction of this type of facility is prohibited.

[888] Revised per EPC Condition #1 (Tech Edits).

Upgrade
As defined and regulated by federal law, the replacement or addition of wireless telecommunications antenna(s) or equipment, not including routine maintenance.

Wireless Telecommunications Antenna
A component of a WTF. Any exterior transmitting or receiving device that may be mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), or other commercial signals. It includes, but is not limited to, directional antennas (such as panels, microwave dishes, and satellite dishes) and omni-directional antennas (such as whips), but not including non-commercial or broadcasting antennas. See also *Non-commercial or Broadcasting Antenna*.

Wireless Telecommunications Facility (WTF)
A facility that transmits and/or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include: antennas of all kinds including microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunications tower or similar structures supporting said equipment, equipment buildings or cabinets, parking area, and/or other accessory development. Non-commercial or broadcasting antennas are not considered to be WTFs. See also *Non-commercial or Broadcasting Antenna*.

Wireless Telecommunications Services
The provision or offering for rent, sale, or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic, and video programming information between or among points excluding only cable services.

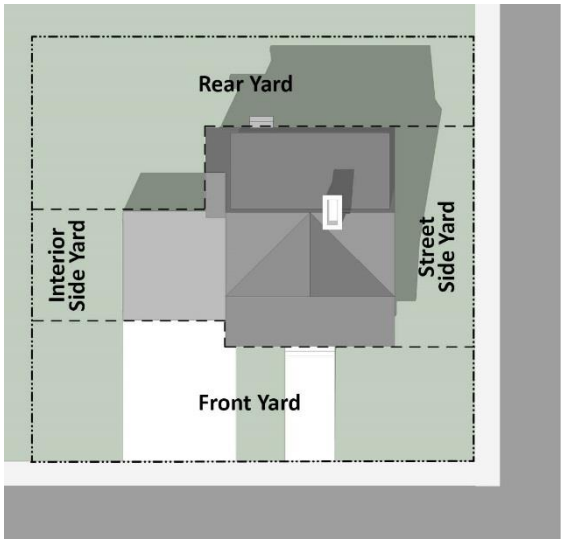
Wireless Telecommunications Tower
A component of a WTF. A structure intended to support wireless telecommunications antennas. Examples of such structures include, but are not limited to, freestanding poles (such as monopoles, masts, poles, or guyed towers) and lattice construction steel towers.

Workforce Housing
Housing meeting the definition of the City's Workforce Housing Opportunity regulations. See also *Building Height Bonus Definitions*.

Wrapped Parking
See *Parking Definitions*.

Y

Yard Definitions



Front Yard
The part of a lot from the front lot line to any front façade of the primary building, extended to both side lot lines. See also *Lot Definitions*.

Interior Side Yard
The part of a lot from an interior side lot line to the side façade of the primary building. See also *Lot Definitions*.

Rear Yard
The part of a lot from the rear lot line to any rear façade of the primary building, extended to both side lot lines. See also *Lot Definitions*.

Street Side Yard
The part of a lot from a street side lot line the side façade of the primary building. See also *Lot Definitions*.

Yard, Railroad

See *Railroad Yard*.

Yard Sign

See *Sign Definitions*.

Z

Zone Definitions

Overlay Zone
Regulations that prevail over other IDO regulations to ensure protection for designated areas. Overlay zones include Airport Protection Overlay (APO), Character Protection Overlay (CPO), Historic Protection Overlay (HPO), and View Protection Overlay (VPO). Character Protection and View Protection Overlay zones adopted after May 18, 2018 shall be no less than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. There is no minimum size for Airport Protections Overlay or Historic Protection Overlay zones. See also *Small Area.*[889]

[889] Revised per EPC Condition #51.b. Revised per City Council Amendment B20.

Zone Boundary
The boundary of a zone district is a lot line unless clearly otherwise shown on the Official Zoning Map, in which case, the boundary of a zone is determined by use of the scale of measurement shown on the Official Zoning Map.

Zone District
One of the zone districts established by this IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of this IDO.

Mixed-use Zone District
Any zone district categorized as Mixed-use in Part 14-16-2 of this IDO.

Non-residential Zone District
Any zone district categorized as Non-residential in Part 14-16-2 of this IDO.

Residential Zone District
Any zone district categorized as Residential in Part 14-16-2 of this IDO. For the purposes of any Use-specific Standard in Section 14-16-4-3, this includes any lot zoned Planned Development (PD) with a Site Plan approved prior to the adoption of this IDO that allows one or more residential uses and that is developed on lots with residential development that make up at least 50 percent of the site plan area.[890]

Zoning Enforcement Officer (ZEO)
A City Planning Department employee or his/her authorized representative who interprets the provisions of this IDO, reviews applications for decisions related to this IDO, and may make administrative decisions.

Zoning Hearing Examiner (ZHE)
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.

[890] Revised per City Council Amendment B25. Revised editorially to clarify how to measure the 50%.

7-2 ACRONYMS AND ABBREVIATIONS

Table 7-2-1: Acronyms and Abbreviations

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
DNL	Day-night Noise Level
DPM	Development Process Manual
DRC	Design Review Committee
DRB	Development Review Board
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)
NR-C	Non-residential – Commercial (zone district)

Table 7-2-1: Acronyms and Abbreviations	
NR-GM	Non-residential – General Manufacturing (zone district)
NR-LM	Non-residential – Light Manufacturing (zone district)
NR-PO	Non-residential – Park and Open Space (zone district)
NR-SU	Non-residential – Sensitive Use (zone district)
ONC	Office of Neighborhood Coordination
PC	Planned Community (zone district)
PD	Planned Development (zone district)
PNM	Public Service Company of New Mexico (electric utility service)
PROWAG	Public Right-of-way Accessibility Guidelines
PT	Premium Transit (ABC Comp Plan Corridor - 660 feet from transit stations)
R-1	Residential – Single-family (zone district)
R-A	Rural and Agricultural (zone district)
R-MC	Residential – Manufactured Home Community (zone district)
R-MH	Residential – Multi-family High Density (zone district)
R-ML	Residential – Multi-family Low Density (zone district)
R-T	Residential – Townhouse (zone district)
ROA 1994	Revised Ordinances of Albuquerque 1994 (City of Albuquerque Code of Ordinances)
TIS	Traffic Impact Study
UC	Urban Center (ABC Comp Plan Center)
VPO	View Protection Overlay (zone)
WTF	Wireless Telecommunications Facility
ZEO	Zoning Enforcement Officer
ZHE	Zoning Hearing Examiner