NOTE: This is NOT the latest draft of the IDO.
See the effective draft here: ido.abc-zone.com
Note to Users – 5/17/2018

The City of Albuquerque’s Integrated Development Ordinance (IDO) is effective as of May 17, 2018 and available on the City Planning webpage: https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance

A reference copy is available in ABC Libraries as of June 2018.

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

A Zoning Conversion Map that compares previous zoning and IDO zoning is available on the ABC-Z webpage: https://abc-zone.com/ido-zoning-conversion-map.

The IDO has replaced the City’s Zoning Code, Subdivision Ordinance, and Sector Development plans, among others.

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 opt in to a year-long City effort for follow-up zone conversions.

Voluntary, Follow-up Zone Conversion Process
The Planning Department will submit at least 2 sets of zone conversions over the next year (through April 2019) to fix nonconforming uses or floating zone lines, downzone properties at the owner’s request, or to address other criteria identified by the City Council in Resolution 29-2018.

To opt in, place a pin on the property and fill out the required information using the online form available here: https://abc-zone.com/post-ido-voluntary-zone-conversion-process

Annual Update
The Planning Department will submit text changes to the IDO every year in July for the City’s review and decision process. Email comments or concerns to abctoz@cabq.gov or via the Zoning Conversion Map.

More Information
- Planning Department Forms, Procedures, and Information: http://www.cabq.gov/planning
- Presentation PDFs and video of IDO Trainings: https://abc-zone.com/ido-trainings
- Answers to Frequently Asked Questions on a range of IDO topics: abc-zone.com/integrated-development-ordinance-frequently-asked-questions
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The project team thanks Neighborhood Associations, residents, design professionals, members of the development community, and staff from many City and County Departments and other Agencies for their engagement and tireless efforts to improve the Integrated Development Ordinance and ensure the best development outcomes and protections for neighborhoods throughout the city.
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<td>14-16-7-1</td>
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<td>AC</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Downtown Center</td>
<td>DT</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Employment Center</td>
<td>EC</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Main Street</td>
<td>MS</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Major Transit Area</td>
<td>MT</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Measurement, Corridor Area</td>
<td>MS &lt;br&gt; PT &lt;br&gt; MT</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Premium Transit Area</td>
<td>PT</td>
</tr>
<tr>
<td>14-16-7-1</td>
<td>Urban Center</td>
<td>UC</td>
</tr>
</tbody>
</table>
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Part 14-16-1 General Provisions

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

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 the quality and character of residential neighborhoods.

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

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

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

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

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

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

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

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

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 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.

Integrated Development Ordinance
City of Albuquerque, New Mexico
Revised and Updated Through May 2018
Part 14-16-1: General Provisions

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 is the latest version of the zoning map as approved or amended by City Council and maintained in electronic form by the City Planning Department.

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) Indoor uses allowed under this IDO must be located within buildings that meet the standards in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative 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.

1-7(A)(3) 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,

Revised and Updated Through May 2018
Integrated Development Ordinance
City of Albuquerque, New Mexico
1-7(B) DEVELOPMENT ON APPROVED LOT OR PARCEL REQUIRED
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 as provided for in this IDO, or any predecessor ordinance that applied at the time the parcel was created, showing the parcel for which application for building permit is being made.
    1-7(B)(1)(b) Satisfactory evidence that this IDO is not applicable to the parcel upon which the building is to take place, either because the parcel is a lot which existed prior to the enactment of this IDO or any predecessor ordinances or because the parcel 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.
    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 right-of-way is 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 the public right-of-way along the property lines of the lot.

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...
Part 14-16-1: General Provisions
1-8: Relationship to Other Regulations
1-9: Relationship to Private Agreements and Covenants
1-10: Transitions from Previous Regulations

1-8 RELATIONSHIP TO OTHER REGULATIONS

1-8(A) If two or more of the regulations in this IDO conflict with each other, the more restrictive provision shall prevail, unless specified otherwise, except that when the provisions of an Overlay zone conflict with any other regulation in this IDO, the provisions of the Overlay zone shall prevail regardless of whether the Overlay zone provisions are less or more restrictive than the other regulations.

1-8(B) 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.

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 lots or parcels within the application.

1-10 TRANSITIONS FROM PREVIOUS REGULATIONS

1-10(A) PRIOR APPROVALS

1-10(A)(1) Any approvals granted prior to the effective date of this IDO shall remain valid, subject to expiration per Subsection 14-16-6-4(W). Uses and development standards specified in those approvals shall prevail over provisions in the IDO. Where those approvals are silent, provisions in the IDO shall apply, including the following:

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(Y) (Amendments of Prior Approvals) for amending prior 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 prior approvals or prior 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.

1-10(B) COMPLETE APPLICATIONS
Any application that has been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete.

1-10(C) INCOMPLETE AND LATE APPLICATIONS
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 in compliance with the requirements of this IDO.

1-10(D) REFERENCES IN PREVIOUS REGULATIONS AND APPROVALS
Any City regulations or development 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(E) 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.
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 base 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) See Subsection 14-16-1-10(D) 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 in relation to IDO base zone districts.

<table>
<thead>
<tr>
<th>Previous Zone District</th>
<th>IDO Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Zones</strong></td>
<td><strong>Residential Zone Districts</strong></td>
</tr>
<tr>
<td>RO-1 Rural Open</td>
<td>Private land is converted to R-A. City-owned Major Public Open Space is converted to NR-PO-B.</td>
</tr>
<tr>
<td>RO-20 Rural Open Agriculture</td>
<td></td>
</tr>
<tr>
<td>RA-1 Residential and Agricultural, semi-urban</td>
<td>R-A Residential – Rural and Agricultural</td>
</tr>
<tr>
<td>RA-2 Residential and Agricultural</td>
<td></td>
</tr>
<tr>
<td>R-1 Residential</td>
<td>Residential – Single-family Dimensions vary to protect character R-LT converted to R-1A.</td>
</tr>
<tr>
<td>R-LT Residential Limited Townhouses</td>
<td></td>
</tr>
<tr>
<td>MH Mobile Home Developments</td>
<td>R-MC Manufactured Home Community</td>
</tr>
<tr>
<td>R-T Residential Townhouses</td>
<td>R-T Residential – Townhouse</td>
</tr>
<tr>
<td>R-2 Residential Medium Density</td>
<td>R-ML Residential – Multi-family Low Density</td>
</tr>
<tr>
<td>R-G Residential Garden Apartment</td>
<td></td>
</tr>
<tr>
<td>R-3 Residential High Density</td>
<td>R-MH Residential – Multi-family High Density</td>
</tr>
<tr>
<td><strong>Office and Commercial Zones</strong></td>
<td><strong>Mixed-use Zone Districts</strong></td>
</tr>
<tr>
<td>R-C Residential/Commercial</td>
<td>MX-T Mixed-use – Transition</td>
</tr>
<tr>
<td>O-1 Office and Institutional</td>
<td>MX-L Mixed-use – Low Intensity</td>
</tr>
<tr>
<td>C-1 Neighborhood Commercial</td>
<td></td>
</tr>
<tr>
<td>C-2 Community Commercial</td>
<td>MX-M Mixed-use – Moderate Intensity East Side: all C-2 West Side: Premium Transit areas, lots &lt;5 acres, and C-2 (SC) designated shopping center sites</td>
</tr>
<tr>
<td></td>
<td>NR-C Non-residential – Commercial All West Side properties outside of Premium Transit areas for properties 5+ acres and those without a C-2 (SC) shopping center designation</td>
</tr>
</tbody>
</table>
### Table 2-2-1: Summary Table of Base Zone Districts

<table>
<thead>
<tr>
<th>Previous Zone District</th>
<th>IDO Zone District</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-3 Heavy Commercial</td>
<td>MX-H</td>
<td>Mixed-use – High Intensity <strong>East Side:</strong> Premium Transit, Main Street, Major Transit areas and Urban and Activity Centers <strong>West Side:</strong> Premium Transit areas Non-residential – Commercial All C-3 areas not listed above (which convert to MX-H)</td>
</tr>
<tr>
<td>SU-3</td>
<td>MX-FB-ID</td>
<td>Mixed-use – Form-based Infill Development Sub-zone <strong>Within Downtown Center in ABC Comp Plan, as amended</strong></td>
</tr>
<tr>
<td></td>
<td>R-MH</td>
<td>Residential – Multi-family High Density <strong>Outside the Downtown Center</strong></td>
</tr>
<tr>
<td></td>
<td>MX-FB-FX</td>
<td>Mixed-use – Form-based Flexible Development Sub-zone <strong>Within Downtown Center in ABC Comp Plan, as amended</strong></td>
</tr>
<tr>
<td></td>
<td>MX-M</td>
<td>Mixed-use – Moderate Intensity <strong>Outside the Downtown Center</strong></td>
</tr>
<tr>
<td></td>
<td>MX-FB-UD</td>
<td>Mixed-use – Form-based Urban Development Sub-zone</td>
</tr>
<tr>
<td></td>
<td>MX-FB-UD</td>
<td>Mixed-use – Form-based Urban Development Sub-zone <strong>Within Downtown Center in ABC Comp Plan, as amended</strong></td>
</tr>
<tr>
<td></td>
<td>MX-H</td>
<td>Mixed-use – High Intensity <strong>Outside the Downtown Center</strong></td>
</tr>
<tr>
<td></td>
<td>MX-FB-UD</td>
<td>Mixed-use – Form-based Urban Development Sub-zone</td>
</tr>
<tr>
<td></td>
<td>MX-FB-UD</td>
<td>Mixed-use – Form-based Urban Development Sub-zone <strong>Within Downtown Center in ABC Comp Plan, as amended</strong></td>
</tr>
<tr>
<td></td>
<td>MX-FB-ID</td>
<td>Mixed-use – Form-based Infill Development Sub-zone <strong>Replaces SU-1 Form-based Zones in the Zoning Code</strong></td>
</tr>
<tr>
<td>SU-1</td>
<td>MX-FB-FX</td>
<td>Mixed-use – Form-based Flexible Development Sub-zone</td>
</tr>
<tr>
<td></td>
<td>Mixed-use (MX)</td>
<td>Mixed-use – Form-based Flexible Development Sub-zone</td>
</tr>
<tr>
<td></td>
<td>MX-FB-AC</td>
<td>Mixed-use – Form-based Activity Center Sub-zone</td>
</tr>
<tr>
<td></td>
<td>MX-FB-UD</td>
<td>Mixed-use – Form-based Urban Development Sub-zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Industrial Zones</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-residential Zone Districts</td>
</tr>
<tr>
<td>C-3 Heavy Commercial</td>
<td>MX-H</td>
<td>Mixed-use – High Intensity <strong>East Side:</strong> Premium Transit, Main Street, Major Transit areas and Urban and Activity Centers <strong>West Side:</strong> Premium Transit areas</td>
</tr>
</tbody>
</table>

**Form-based Zones**

- **Downtown 2025 SDP Housing District**
  - MX-FB-ID: Mixed-use – Form-based Infill Development Sub-zone **Within Downtown Center in ABC Comp Plan, as amended**
  - R-MH: Residential – Multi-family High Density **Outside the Downtown Center**
- **Downtown 2025 SDP Mixed-use Corridor**
  - MX-FB-FX: Mixed-use – Form-based Flexible Development Sub-zone **Within Downtown Center in ABC Comp Plan, as amended**
  - MX-M: Mixed-use – Moderate Intensity **Outside the Downtown Center**
- **Downtown 2025 SDP Arts & Entertainment**
  - MX-FB-UD: Mixed-use – Form-based Urban Development Sub-zone
  - MX-FB-UD: Mixed-use – Form-based Urban Development Sub-zone **Within Downtown Center in ABC Comp Plan, as amended**
- **Downtown 2025 SDP Government/Financial/Hospitality District**
  - MX-H: Mixed-use – High Intensity **Outside the Downtown Center**
  - MX-FB-UD: Mixed-use – Form-based Urban Development Sub-zone
- **Downtown 2025 SDP Warehouse District**
  - MX-FB-UD: Mixed-use – Form-based Urban Development Sub-zone
  - MX-FB-ID: Mixed-use – Form-based Infill Development Sub-zone **Replaces SU-1 Form-based Zones in the Zoning Code**
  - MX-FB-FX: Mixed-use – Form-based Flexible Development Sub-zone
  - Mixed-use (MX): Mixed-use – Form-based Flexible Development Sub-zone
  - MX-FB-AC: Mixed-use – Form-based Activity Center Sub-zone
  - MX-FB-UD: Mixed-use – Form-based Urban Development Sub-zone

**Industrial Zones**

- **C-3 Heavy Commercial**
  - Mixed-use – High Intensity **East Side:** Premium Transit, Main Street, Major Transit areas and Urban and Activity Centers **West Side:** Premium Transit areas
  - MX-H: Mixed-use – High Intensity **East Side:** Premium Transit, Main Street, Major Transit areas and Urban and Activity Centers **West Side:** Premium Transit areas

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Revised and Updated Through May 2018
Integrated Development Ordinance
City of Albuquerque, New Mexico
<table>
<thead>
<tr>
<th>Previous Zone District</th>
<th>IDO Zone District</th>
<th>Sensitive Use Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NR-C</td>
<td>Non-residential – Commercial</td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>All C-3 areas not listed above (which convert to MX-H)</em></td>
</tr>
<tr>
<td>IP</td>
<td>NR-BP</td>
<td>Non-residential – Business Park</td>
</tr>
<tr>
<td>M-1 Light Manufacturing</td>
<td>NR-LM</td>
<td>Non-residential – Light Manufacturing</td>
</tr>
<tr>
<td>M-2 General Manufacturing</td>
<td>NR-GM</td>
<td>Non-residential – General Manufacturing</td>
</tr>
<tr>
<td><strong>Special Use Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SU-1 Special Use</td>
<td>NR-SU</td>
<td>Non-residential – Sensitive Use Zones were converted to the closest match according to the highest referenced zone or use in the zone description or PD</td>
</tr>
<tr>
<td>SU-2 Special Neighborhood</td>
<td></td>
<td>SU-2 and SU-3 zones integrated into IDO zone districts, development standards, and procedures or as mapped areas in Overlay zones, Use-specific Standards, or Development Standards. Zones were converted to the closest match identified where Sector Development Plan references other base zones.</td>
</tr>
<tr>
<td>SU-3 Special Center (other than Downtown)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P Parking</td>
<td></td>
<td>Converted to MX-L for paid parking lots or to match the zone of the primary use the parking lot serves</td>
</tr>
<tr>
<td>P-R Parking Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Various</strong></td>
<td>NR-PO</td>
<td>Non-residential – Parks &amp; 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</td>
</tr>
<tr>
<td><strong>Planned Development Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SU-1 PRD Planned Residential Development</td>
<td>PD</td>
<td>Planned Development <em>PD unless the land use is clearly identifiable as R-1 or R-T land uses and development patterns.</em></td>
</tr>
<tr>
<td>R-D Residential &amp; Related Uses – Developing Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Planned Community</td>
<td></td>
<td>Planned Community</td>
</tr>
</tbody>
</table>
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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 low-density, single-family residences 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

<table>
<thead>
<tr>
<th>Site Standards</th>
<th>Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Lot size, minimum</td>
<td>10,890 sq. ft.</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
<td>75 ft.</td>
</tr>
<tr>
<td>C Usable open space, minimum</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setback Standards</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>D Front, minimum</td>
<td>20 ft.</td>
</tr>
<tr>
<td>E Side, minimum</td>
<td>10 ft.</td>
</tr>
<tr>
<td>F Rear, minimum</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>G Building height, maximum</td>
<td>26 ft.</td>
</tr>
</tbody>
</table>

### Table 2-3-2: Other Applicable IDO Sections

<table>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
<td>14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>14-16-4-3</td>
</tr>
<tr>
<td>Dimensional Standards</td>
<td>14-16-5-1</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>14-16-5-2</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>14-16-5-3</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>14-16-5-5</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>14-16-5-6</td>
</tr>
<tr>
<td>Walls and Fences</td>
<td>14-16-5-7</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>14-16-5-8</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
<td>14-16-5-9</td>
</tr>
<tr>
<td>Solar Access</td>
<td>14-16-5-10</td>
</tr>
<tr>
<td>Building Design</td>
<td>14-16-5-11</td>
</tr>
<tr>
<td>Signs</td>
<td>14-16-5-12</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>14-16-5-13</td>
</tr>
</tbody>
</table>
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 on individual lots 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.

<table>
<thead>
<tr>
<th>R-1 Lot Type</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Lot size, minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Lot width, minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Usable open space, minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Front, minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Side, minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Rear, minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G Building height, maximum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2-3-4: Other Applicable IDO Sections

<table>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
<td>14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>14-16-4-3</td>
</tr>
<tr>
<td>Dimensional Standards</td>
<td>14-16-5-1</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>14-16-5-2</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>14-16-5-3</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>14-16-5-5</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>14-16-5-6</td>
</tr>
<tr>
<td>Walls and Fences</td>
<td>14-16-5-7</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>14-16-5-8</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
<td>14-16-5-9</td>
</tr>
<tr>
<td>Solar Access</td>
<td>14-16-5-10</td>
</tr>
<tr>
<td>Building Design</td>
<td>14-16-5-11</td>
</tr>
<tr>
<td>Signs</td>
<td>14-16-5-12</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>14-16-5-13</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Site Standards</th>
<th>A Lot size, minimum</th>
<th>2,500 sq. ft. / space</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Lot width, minimum</td>
<td>40 ft. / space</td>
<td></td>
</tr>
<tr>
<td>C Usable open space, minimum</td>
<td>400 sq. ft. / space</td>
<td></td>
</tr>
</tbody>
</table>

Setback Standards

<table>
<thead>
<tr>
<th>D Front, minimum</th>
<th>15 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>E Side, minimum</td>
<td>Interior: 5 ft. Street side: 10 ft.</td>
</tr>
<tr>
<td>F Rear, minimum</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

Building Height

| G Building height, maximum | 26 ft. |

Table 2-3-6: Other Applicable IDO Sections

<table>
<thead>
<tr>
<th>Sections</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay Zones</td>
<td>14-16-3</td>
</tr>
<tr>
<td>Allowable Uses</td>
<td>14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>14-16-4-3</td>
</tr>
<tr>
<td>Dimensional Standards</td>
<td>14-16-5-1</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>14-16-5-2</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>14-16-5-3</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>14-16-5-5</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>14-16-5-6</td>
</tr>
<tr>
<td>Walls and Fences</td>
<td>14-16-5-7</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>14-16-5-8</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
<td>14-16-5-9</td>
</tr>
<tr>
<td>Solar Access</td>
<td>14-16-5-10</td>
</tr>
<tr>
<td>Building Design</td>
<td>14-16-5-11</td>
</tr>
<tr>
<td>Signs</td>
<td>14-16-5-12</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>14-16-5-13</td>
</tr>
</tbody>
</table>
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 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 wholly or partially 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. Such development such 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 his intent less than 18 months prior to the rezoning of the property.

2-3(C)(3)(h) See Subsection 14-16-6-8(C)(6) 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 residential developments, 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>
<thead>
<tr>
<th>Table 2-3-7: R-T Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Table 5-1-1 for complete Dimensional Standards.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Development Type</td>
</tr>
<tr>
<td>Site Standards</td>
</tr>
<tr>
<td>A Lot size, minimum</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
</tr>
<tr>
<td>C Usable open space, minimum</td>
</tr>
<tr>
<td>Setback Standards</td>
</tr>
<tr>
<td>D Front, minimum</td>
</tr>
<tr>
<td>E Side, minimum</td>
</tr>
<tr>
<td>F Rear, minimum</td>
</tr>
<tr>
<td>G Building height, maximum</td>
</tr>
</tbody>
</table>

Table 2-3-8: Other Applicable IDO Sections

<table>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
<td>14-16-4-2</td>
</tr>
<tr>
<td>Use Specific Standards</td>
<td>14-16-4-3</td>
</tr>
<tr>
<td>Dimensional Standards</td>
<td>14-16-5-1</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>14-16-5-2</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>14-16-5-3</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>14-16-5-5</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>14-16-5-6</td>
</tr>
<tr>
<td>Walls and Fences</td>
<td>14-16-5-7</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>14-16-5-8</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
<td>14-16-5-9</td>
</tr>
<tr>
<td>Solar Access</td>
<td>14-16-5-10</td>
</tr>
<tr>
<td>Building Design</td>
<td>14-16-5-11</td>
</tr>
<tr>
<td>Signs</td>
<td>14-16-5-12</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>14-16-5-13</td>
</tr>
</tbody>
</table>
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 low-density multi-family buildings, 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>
<thead>
<tr>
<th>Development Type</th>
<th>Single- or Two-Family Detached</th>
<th>Townhouse or other allowable use</th>
<th>Multi-family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Lot size, minimum</td>
<td>3,500 sq. ft.</td>
<td>2,200 sq. ft.</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
<td>35 ft.</td>
<td>22 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>C Usable open space, minimum</td>
<td>≤1 BR: 200 sq. ft./unit</td>
<td>2 BR: 250 sq. ft./unit</td>
<td>3 BR: 300 sq. ft./unit</td>
</tr>
</tbody>
</table>

| 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.                        |                                 |              |
| Building Height           |                               |                                 |              |
| G Building height, maximum|                               |                                 | 35 ft.       |

Table 2-3-10: Other Applicable IDO Sections

<table>
<thead>
<tr>
<th>Sections</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay Zones</td>
<td>Part 14-16-3</td>
</tr>
<tr>
<td>Allowable Uses</td>
<td>14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>14-16-4-3</td>
</tr>
<tr>
<td>Dimensional Standards</td>
<td>14-16-5-1</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>14-16-5-2</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>14-16-5-3</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>14-16-5-5</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>14-16-5-6</td>
</tr>
<tr>
<td>Walls and Fences</td>
<td>14-16-5-7</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>14-16-5-8</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
<td>14-16-5-9</td>
</tr>
<tr>
<td>Solar Access</td>
<td>14-16-5-10</td>
</tr>
<tr>
<td>Building Design</td>
<td>14-16-5-11</td>
</tr>
<tr>
<td>Signs</td>
<td>14-16-5-12</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>14-16-5-13</td>
</tr>
</tbody>
</table>
2-3(E)(3) District Standards

None.
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 dwellings, 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>
<thead>
<tr>
<th>Table 2-3-11: R-MH Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Location</strong></td>
</tr>
<tr>
<td>A Lot size, minimum</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
</tr>
<tr>
<td>C Usable open space, minimum</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-3-12: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overlay Zones</strong></td>
</tr>
<tr>
<td><strong>Allowable Uses</strong></td>
</tr>
<tr>
<td><strong>Use-specific Standards</strong></td>
</tr>
<tr>
<td><strong>Dimensional Standards</strong></td>
</tr>
<tr>
<td><strong>Site Design and Sensitive Lands</strong></td>
</tr>
<tr>
<td><strong>Access and Connectivity</strong></td>
</tr>
<tr>
<td><strong>Parking and Loading</strong></td>
</tr>
<tr>
<td><strong>Landscaping, Buffering, and Screening</strong></td>
</tr>
<tr>
<td><strong>Walls and Fences</strong></td>
</tr>
<tr>
<td><strong>Outdoor Lighting</strong></td>
</tr>
<tr>
<td><strong>Neighborhood Edges</strong></td>
</tr>
<tr>
<td><strong>Solar Access</strong></td>
</tr>
<tr>
<td><strong>Building Design</strong></td>
</tr>
<tr>
<td><strong>Signs</strong></td>
</tr>
<tr>
<td><strong>Operation and Maintenance</strong></td>
</tr>
</tbody>
</table>
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.
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 multi-family residential and small-scale 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>
<thead>
<tr>
<th>Table 2-4-1: MX-T Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Table 5-1-2 for complete Dimensional Standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development Location</th>
<th>General</th>
<th>UC-MS-PT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Usable open space, minimum</td>
<td>≤1 BR: 200 sq. ft. / unit</td>
<td>50% reduction</td>
</tr>
<tr>
<td></td>
<td>2 BR: 250 sq. ft. / unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>≥3 BR: 300 sq. ft. / unit</td>
<td></td>
</tr>
<tr>
<td>Setback Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Front, minimum / maximum</td>
<td>5 ft. / N/A</td>
<td>0 ft. / 15 ft.</td>
</tr>
<tr>
<td>C Side, minimum / maximum</td>
<td>Interior: 0 ft.; Street side: 5 ft. / N/A</td>
<td>0 ft. / Street side: 15 ft.</td>
</tr>
<tr>
<td>D Rear, minimum</td>
<td>15 ft.</td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Building height, maximum</td>
<td>30 ft.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-4-2: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay Zones</td>
</tr>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>
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 the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, 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>
<thead>
<tr>
<th>Table 2-4-3: MX-L Zone District Dimensional Standards Summary</th>
<th>Table 2-4-4: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Location</td>
<td>General</td>
</tr>
<tr>
<td><strong>Site Standards</strong></td>
<td></td>
</tr>
<tr>
<td>A Usable open space, minimum</td>
<td>≤1 BR: 200 sq. ft. / unit</td>
</tr>
<tr>
<td></td>
<td>2 BR: 250 sq. ft. / unit</td>
</tr>
<tr>
<td></td>
<td>≥3 BR: 300 sq. ft. / unit</td>
</tr>
<tr>
<td><strong>Setback Standards</strong></td>
<td></td>
</tr>
<tr>
<td>B Front, minimum / maximum</td>
<td>5 ft. / N/A</td>
</tr>
<tr>
<td></td>
<td>0 ft. / 15 ft.</td>
</tr>
<tr>
<td>C Side, minimum / maximum</td>
<td>Interior: 0 ft.; Street side: 5 ft. / N/A</td>
</tr>
<tr>
<td></td>
<td>0 ft. / Street side: 15 ft.</td>
</tr>
<tr>
<td>D Rear, minimum</td>
<td>15 ft.</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>E Building height, maximum</td>
<td>35 ft.</td>
</tr>
<tr>
<td></td>
<td>55 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2-4(B)(1) District Standards

None.
2-4(C)  MIXED-USE – MODERATE 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>
<thead>
<tr>
<th>Table 2-4-5: MX-M Zone District Dimensional Standards Summary</th>
<th>Table 2-4-6: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Table 5-1-2 for complete Dimensional Standards.</td>
<td>Sections</td>
</tr>
<tr>
<td>Development Location</td>
<td>General</td>
</tr>
<tr>
<td>Site Standards</td>
<td></td>
</tr>
<tr>
<td>A Usable open space, minimum</td>
<td>≤1 BR: 200 sq. ft. / unit</td>
</tr>
<tr>
<td></td>
<td>2 BR: 250 sq. ft. / unit</td>
</tr>
<tr>
<td></td>
<td>≥3 BR: 300 sq. ft. / unit</td>
</tr>
<tr>
<td>Setback Standards</td>
<td></td>
</tr>
<tr>
<td>B Front, minimum / maximum</td>
<td>5 ft. / N/A</td>
</tr>
<tr>
<td>C Side, minimum / maximum</td>
<td>Interior: 0 ft.; Street side: 5 ft. / N/A</td>
</tr>
<tr>
<td>D Rear, minimum</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Building Height</td>
<td>45 ft.</td>
</tr>
<tr>
<td>E Building height, maximum</td>
<td>&gt;100 ft. from all lot lines: N/A</td>
</tr>
</tbody>
</table>

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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>
<thead>
<tr>
<th>Development Location</th>
<th>General</th>
<th>UC-MS-PT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Usable open space, minimum</strong></td>
<td>≤1 BR: 200 sq. ft. / unit</td>
<td>50% reduction</td>
</tr>
<tr>
<td><strong>Site Standards</strong></td>
<td>2 BR: 250 sq. ft. / unit</td>
<td></td>
</tr>
<tr>
<td><strong>≥3 BR: 300 sq. ft. / unit</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 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. |

#### Building Height

| E | Building height, maximum | 65 ft. | 75 ft. |
|   | >100 ft. from all lot lines: N/A | |

#### Overlay Zones

<table>
<thead>
<tr>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>
2-4(D)(3) District Standards
None.
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>
<thead>
<tr>
<th>Table 2-4-9: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay Zones</td>
</tr>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

[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

Rezoning to the MX-FB zone district requires the approval of a Site Plan – EPC that furthers and implements applicable goals and policies of the ABC Comp Plan, as amended, and complies with all applicable requirements of the Development Process Manual (DPM). The Site Plan shall be submitted, reviewed, and decided at the same time and via the same process as the rezoning to the MX-FB zone district, as described in Subsection 14-16-6-7(F) (Zoning Map Amendment – EPC) or Subsection 14-16-6-7(G) (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 collector or higher in the LRTS Guide. The MX-FB-ID sub-zone provides opportunities to introduce neighborhood-scale uses to serve nearby residents.

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)
   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 in a building with the following exceptions:
   a. Any use in the Telecommunications, Towers, and Utilities use category
   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>
<thead>
<tr>
<th>Table 2-4-10: Allowable and Prohibited Uses in the MX-FB Sub-zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>MX-FB-ID</td>
</tr>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Prohibited Uses</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
2-4(E)(3)(d)  Dimensional Standards

<table>
<thead>
<tr>
<th>Sub-zone</th>
<th>MX-FB-ID</th>
<th>MX-FB-FX</th>
<th>MX-FB-AC</th>
<th>MX-FB-UD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usable open space, minimum(^1)[(^2)]</td>
<td>15%</td>
<td>10%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td><strong>Setback Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, minimum</td>
<td>0 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, maximum</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side, minimum</td>
<td>0 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side, maximum</td>
<td>Interior: N/A</td>
<td>Street side of corner lots: 15 ft.</td>
<td>Interior: N/A</td>
<td>Street side of corner lots: 10 ft.</td>
</tr>
<tr>
<td>Rear, minimum</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>0 ft.</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building height, minimum</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground floor height, minimum</td>
<td></td>
<td></td>
<td></td>
<td>12 ft.</td>
</tr>
<tr>
<td>Building height, maximum</td>
<td>&lt;20 ft. from front property line: 35 ft.</td>
<td>&lt;20 ft. from front property line: 45 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>≥20 ft. from front lot line: 55 ft.</td>
<td>≥20 ft. from front lot line: 65 ft.</td>
<td>≥20 ft. from front lot line: 75 ft.</td>
<td>≥20 ft. from front lot line: N/A</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 12 ft. Structured Parking Bonus(^3)</td>
<td>UC-MS-PT: 12 ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) For the MX-FB zone district only, usable open space is measured as a percentage of gross floor area of multi-family residential units.

\(^2\) Usable open space is not required for properties located within 1,500 feet of any NR-PO-A or NR-PO-B sub-zone.

\(^3\) 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.
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 change a minimum of every 20 to 50 linear feet in height, setback, or material.
      ii. Each second floor and higher street-facing façade shall change a minimum of every 50 to 100 linear feet in height, setback, or material.
   b. MX-ID Sub-zone
      i. Each street-facing façade shall change a minimum of every 20 to 50 linear feet in height, setback, or material.

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.
   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 façade facing a public street shall contain a minimum of 60 percent of its surfaces in clear, 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 façade facing a public street shall contain a minimum of 40 percent of its surfaces in clear, 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 frontage. 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.
   b. Upper Floors
      i. Each second floor and higher façade facing a public street or alley shall contain a minimum of 40 percent of its surface in clear, transparent windows and/or doors.
      ii. Windows shall be vertically oriented and at least twice as tall as they are wide.

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

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

2. Parking Lots
   a. Parking Lot Location and Design
Part 14-16-2: Zone Districts

2-4(E): Mixed-use Form-based Zone District (MX-FB)

2-4: Mixed-use Zone Districts

i. Parking lots may have 1 or multiple drive aisles.

ii. Parking lots must be located behind or to the side of any primary building on the site.

iii. Parking lots with multiple drive aisles must be set back at least 10 feet from any property line abutting a street.

iv. There is no required setback for parking lots with a single drive aisle.

b. Parking Lot Edges

i. Parking lots shall have a wall at least 3 feet and no more than 4 feet high parallel to the street.

ii. For parking lots with 2 or more drive aisles, all of the following must be incorporated into the setback area required by Subsection a.iii above:

   a. The area must be landscaped pursuant to Subsection 14-16-5-6(F)(1)(i)2 (Side and Rear Lot Edges).

   b. The required wall must be set back at least 10 feet from any property line abutting a street.

   c. 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.

3. Structured and Wrapped Parking

   The following parking types are allowed in any MX-FB subzone, with requirements as noted (see figure below).
Part 14-16-2: Zone Districts

2-4(E): Mixed-use – Form-based Zone District (MX-FB)

2-4: Mixed-use Zone Districts

2-4(E)(3): District Standards

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 glazing, 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(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

<table>
<thead>
<tr>
<th>Development Location</th>
<th>General</th>
<th>UC-MS-PT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Lot width, minimum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>B Building coverage, maximum</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

Setback Standards

<table>
<thead>
<tr>
<th>C Front, minimum / maximum</th>
<th>5 ft. / N/A</th>
<th>0 ft. / 15 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>D Side, minimum / maximum</td>
<td>0 ft. / N/A</td>
<td>0 ft. / N/A interior; 15 ft. corner</td>
</tr>
<tr>
<td>E Rear, minimum</td>
<td>0 ft.</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

Building Height

| F Building height, maximum | 35 ft. | 55 ft. | >100 ft. from all lot lines: N/A |

Table 2-5-2: Other Applicable IDO Sections

<table>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
<td>14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>14-16-4-3</td>
</tr>
<tr>
<td>Dimensional Standards</td>
<td>14-16-5-1</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>14-16-5-2</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>14-16-5-3</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>14-16-5-5</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>14-16-5-6</td>
</tr>
<tr>
<td>Walls and Fences</td>
<td>14-16-5-7</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>14-16-5-8</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
<td>14-16-5-9</td>
</tr>
<tr>
<td>Solar Access</td>
<td>14-16-5-10</td>
</tr>
<tr>
<td>Building Design</td>
<td>14-16-5-11</td>
</tr>
<tr>
<td>Signs</td>
<td>14-16-5-12</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>14-16-5-13</td>
</tr>
</tbody>
</table>
2-5(A)(3) District Standards

None.
Part 14-16-2: Zone Districts

2-5(B): Non-residential – Business Park Zone District (NR-BP)

2-5: Non-residential Zone Districts

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 from surrounding uses and adjacent areas. Allowable uses include a wide variety of office, commercial, research, light industrial, office, 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 |
|---|---|
| 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 | >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 |
| Parking and Loading | 14-16-5-5 |
| Landscaping, Buffering, and Screening | 14-16-5-6 |
| Walls and Fences | 14-16-5-7 |
| Outdoor Lighting | 14-16-5-8 |
| Neighborhood Edges | 14-16-5-9 |
| Solar Access | 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

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(G) (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 the lots and structures on the site in order to implement a coordinated and cohesive design for the project.
2. The site-specific standards 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.

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. Master Development Plans are on file at the City Planning Department.
2. See also Subsection 14-16-6-4(W) (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, development can be approved through a Site Plan per the thresholds, 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(H) (Site Plan – EPC), as relevant.
2. 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).

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(X) (Amendments of Approvals) or Subsection 14-16-6-4(Y) (Amendments of Prior Approvals), as relevant.
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>
<thead>
<tr>
<th>Table 2-5-5: NR-LM Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Table 5-1-3 for complete Dimensional Standards.</td>
</tr>
<tr>
<td><strong>Site Standards</strong></td>
</tr>
<tr>
<td>A Lot width, minimum</td>
</tr>
<tr>
<td>B Building coverage, maximum</td>
</tr>
<tr>
<td><strong>Setback Standards</strong></td>
</tr>
<tr>
<td>C Front, minimum</td>
</tr>
<tr>
<td>D Side, minimum</td>
</tr>
<tr>
<td>E Rear, minimum</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
</tr>
<tr>
<td>F Building height, maximum</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-5-6: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overlay Zones</strong></td>
</tr>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
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<tr>
<td>Access and Connectivity</td>
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<tr>
<td>Parking and Loading</td>
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<td>Solar Access</td>
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<td>Signs</td>
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<tr>
<td>Operation and Maintenance</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>
2-5(C)(3): District Standards
None.
Part 14-16-2: Zone Districts

2-5(D): Non-residential – General Manufacturing Zone District (NR-GM)

2-5: Non-residential Zone Districts

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>
<thead>
<tr>
<th>Table 2-5-7: NR-GM Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Table 5-1-3 for complete Dimensional Standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Lot width, minimum</td>
<td>N/A</td>
</tr>
<tr>
<td>B Building coverage, maximum</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setback Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C Front, minimum</td>
<td>5 ft.</td>
</tr>
<tr>
<td>D Side, minimum</td>
<td>0 ft.</td>
</tr>
<tr>
<td>E Rear, minimum</td>
<td>0 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F Building height, maximum</td>
<td>&gt;100 ft. from front lot line: N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-5-8: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay Zones</td>
</tr>
<tr>
<td>Allowable Uses</td>
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<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
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<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>
Part 14-16-2: Zone Districts 2-5(D): Non-residential – General Manufacturing Zone District (NR-GM)

2-5: Non-residential Zone Districts

1-1(A)(1): District Standards

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 base 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
Part 14-16-2: Zone Districts

2-5(E): Non-residential – Sensitive Use Zone District (NR-SU)

2-5: Non-residential Zone Districts

2-5(E)(3): District Standards

Revised and Updated Through May 2018
Integrated Development Ordinance
City of Albuquerque, New Mexico

Table 2-5-9: Other Applicable IDO Sections[1]

<table>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
<td>As negotiated from among those listed in Section 14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>Section 14-16-4-3 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Dimensional Standards Tables and</td>
<td>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</td>
</tr>
<tr>
<td>Exceptions</td>
<td></td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>Section 14-16-5-2 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Access and Connectivity</td>
<td>Section 14-16-5-3 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>Section 14-16-5-5 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
<td>Section 14-16-5-6 unless varied in the NR-SU approval process</td>
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<tr>
<td>Walls and Fences</td>
<td>Section 14-16-5-7 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>Section 14-16-5-8 unless varied in the NR-SU approval process</td>
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<tr>
<td>Neighborhood Edges</td>
<td>Section 14-16-5-9 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Solar Access</td>
<td>Section 14-16-5-10 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Building Design</td>
<td>Section 14-16-5-11 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Signs</td>
<td>Section 14-16-5-12 unless varied in the NR-SU approval process</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>Section 14-16-5-13 unless varied in the NR-SU approval process</td>
</tr>
</tbody>
</table>

[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) 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.

2-5(E)(3)(b) Amendments to the Zoning Map 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(F) (Zoning Map Amendment – EPC) or Subsection 14-16-6-7(G) (Zoning Map Amendment – Council), as relevant.

2-5(E)(3)(c) Where the Site Plan is silent on any standard, IDO standards apply.

2-5(E)(3)(d) Approved Site Plans are on file at the City Planning Department.
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>
<thead>
<tr>
<th>Table 2-5-10: Other Applicable IDO Sections[1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
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</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

[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. 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. Allowable uses other than those specified in Table 4-2-1 shall be reviewed and decided pursuant to Subsection 14-16-6-6(H) (Site Plan – EPC).

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. Any Extraordinary Facility shall be reviewed and decided pursuant to Subsection 14-16-6-6(H) (Site Plan – EPC).
3. 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(H) (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(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 base 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>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
<td>As negotiated from among those listed in Section 14-16-4-2</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>Section 14-16-4-3 unless varied in the PD approval process</td>
</tr>
<tr>
<td>Dimensional Standards Tables and Exceptions</td>
<td>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</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
<td>Section 14-16-5-2 unless varied in the PD approval process</td>
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<tr>
<td>Access and Connectivity</td>
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<td>Parking and Loading</td>
<td>Section 14-16-5-5 unless varied in the PD approval process</td>
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<tr>
<td>Neighborhood Edges</td>
<td>Section 14-16-5-9 unless varied in the PD approval process</td>
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<td>Solar Access</td>
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<td>Building Design</td>
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<tr>
<td>Signs</td>
<td>Section 14-16-5-12 unless varied in the PD approval process</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>Section 14-16-5-13 unless varied in the PD approval process</td>
</tr>
</tbody>
</table>

2-6(A)(3) **Eligibility for Rezoning**

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) Rezoning to the PD zone district requires the approval of a Site Plan – EPC 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 Site Plan shall be submitted, reviewed, and decided at the same time and via the same process as the rezoning to the PD zone district, as described in Subsection 14-16-6-7(F) (Zoning Map Amendment – EPC).

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
same form through the use of one or more base 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)  Development and Form Standards

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

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

Specific provisions and regulations applicable to each approved PD zone district are on file at the City Planning Department.
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 base 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>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Part 14-16-3</th>
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<tbody>
<tr>
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<tr>
<td>Use-specific Standards</td>
<td>Section 14-16-4-3 unless varied in the PC approval process</td>
</tr>
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<td>Dimensional Standards Tables and Exceptions</td>
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<tr>
<td>Signs</td>
<td>Section 14-16-5-12 unless varied in the PC approval process</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>Section 14-16-5-13 unless varied in the PC approval process</td>
</tr>
</tbody>
</table>

2-6(B)(3) **Eligibility for Rezoning**

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(G)(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(G)(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) (Prior 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 shall not be located within 100 feet 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.

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 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.
Part 14-16-3: Overlay Zones

3-1 OVERLAY ZONES ESTABLISHED

3-1(A) The Overlay zones listed in Sections 14-16-3-3 through 14-16-3-6 (Overlay Zones) 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 base zone districts listed in Sections 14-16-2-3 through 14-16-2-6 and applicable to the property. In the case of a conflict between the provisions of a base 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>
<thead>
<tr>
<th>Previous Zone or Overlay</th>
<th>IDO Overlay Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Airport Protection</strong></td>
<td><strong>Airport Protection Overlay Zones</strong></td>
</tr>
<tr>
<td>AP-1</td>
<td>APO</td>
</tr>
<tr>
<td>AP-2</td>
<td></td>
</tr>
<tr>
<td><strong>Design and Urban Conservation Overlay Zones</strong></td>
<td><strong>Character Protection Overlay Zones</strong></td>
</tr>
<tr>
<td>DOZ</td>
<td>CPO</td>
</tr>
<tr>
<td>SDP</td>
<td></td>
</tr>
<tr>
<td>UCOZ</td>
<td></td>
</tr>
<tr>
<td><strong>Historic Zones and Overlays</strong></td>
<td><strong>Historic Protection Overlay Zones</strong></td>
</tr>
<tr>
<td>H-1</td>
<td>HPO</td>
</tr>
<tr>
<td>HOZ</td>
<td></td>
</tr>
<tr>
<td><strong>View Protection Regulations</strong></td>
<td><strong>View Protection Overlay Zones</strong></td>
</tr>
<tr>
<td>DOZ</td>
<td>VPO</td>
</tr>
<tr>
<td>SDP</td>
<td></td>
</tr>
</tbody>
</table>
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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(C)(1) USE REGULATIONS

**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 base zone district.

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

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

[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>
<thead>
<tr>
<th>Uses</th>
<th>APO Use-specific Standard[1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Uses</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Parks and open space</td>
<td>Open space only</td>
</tr>
<tr>
<td>COMMERCIAL USES[2]</td>
<td></td>
</tr>
<tr>
<td>AGRICULTURE AND ANIMAL-RELATED[2]</td>
<td></td>
</tr>
</tbody>
</table>
### Table 3-3-2: Permissive Uses between the 65 DNL and 75 DNL contours of the APO Noise Contour Sub-area

<table>
<thead>
<tr>
<th>Uses</th>
<th>APO Use-specific Standard[^1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOOD, BEVERAGE AND INDOOR ENTERTAINMENT[^2]</td>
<td></td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>Construction shall provide 10 decibels extra noise reduction over the industry average for similar structures. The establishment shall have airport hazard insurance.</td>
</tr>
<tr>
<td>MOTOR VEHICLE-RELATED[^2]</td>
<td></td>
</tr>
<tr>
<td>OFFICES AND SERVICES[^3]</td>
<td></td>
</tr>
<tr>
<td>RETAIL SALES[^2]</td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>Private airport runways or taxiways only</td>
</tr>
<tr>
<td>Other TRANSPORTATION[^2]</td>
<td></td>
</tr>
<tr>
<td>Natural Resource Extraction</td>
<td>Mining only</td>
</tr>
<tr>
<td>Other MANUFACTURING, FABRICATION, AND ASSEMBLY[^2]</td>
<td></td>
</tr>
<tr>
<td>TELECOMMUNICATIONS, TOWERS, AND UTILITIES</td>
<td>Solar energy generation subject to Glint and Glare Study per FAA</td>
</tr>
<tr>
<td>WHOLESALING AND STORAGE[^2]</td>
<td></td>
</tr>
</tbody>
</table>

#### 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 base 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 ZHE’s 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.

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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 base 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 base 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 Lighting).
3-3(G)(2) Subsection 14-16-6-4(I) (Referrals to Commenting Agencies).
3-3(G)(3) Subsection 14-16-6-6(N)(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 (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.
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
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 Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative 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 Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative 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**

1. 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 property. Where alleys exist, alley access is required.

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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
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 right-of-way of Coors Boulevard between Central Avenue and Western Trail or Namaste Road, minimum: 15 feet.
2. Setback from the 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. Cluster development design on land above the flood level shall be
used to the maximum extent practicable, and the floodplain shall be used as open space.

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 from 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 consecutive
days, with approval pursuant to Subsection 14-16-6-5(l) (Temporary Use Permit).

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 the right-of-way or 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 linear 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.

### 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)(f)** Subsection 14-16-6-4(O)(2)(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 a property line where it fronts a public street, and 0 feet from an alley.
5. A minimum of 50 percent of street frontage shall be building. The remaining 50 percent may be courtyard, landscaping, outdoor restaurant seating, 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 façade facing a public street.

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

1. Additional building height associated with Main Street areas is not applicable.
2. For lots abutting Central Avenue, building height over 30 feet shall incorporate a minimum stepback of 6 feet from the front façade facing a public street.
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. Individual dwellings in the R-T zone district shall be distinguished through articulation of building massing, roof forms, color, or material.
   e. 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.
   f. Façades shall meet the standards for windows in Subsection 14-16-5-11(D)(2).

2. **Non-residential Building Design**
   a. Front doors must face the nearest street and be connected to the public sidewalk by a walkway.
   b. In the R-ML, MX-T, MX-M, and MX-L zone districts, façades facing a public street shall change a minimum of every 50 linear feet in height, setback, or material.
c. 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.

d. Each ground floor façade shall contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor.

e. Each second floor and higher façade shall contain a minimum of 30 percent of its surfaces in clear, transparent windows and/or doors.

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.
   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 Facilities 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)2 (Carports Prohibited).
3-4(D)(6)(f) Subsection 14-16-5-7(D)(3)(e) (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(O)(2)(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 parcels 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.

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.

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 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.

3-4(E)(4)(b) The height limit of any portion of a structure within 15 feet 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 than the contributing building or the maximum height allowed by the base zone district, whichever is less.
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 street frontages.
   c. A minimum of 5 feet from rear lot lines.
2. Vehicular access is allowed only from a side street or alley.
3. Parking structures shall have ground floor uses along all street frontages to the maximum extent practicable. Where not practicable, opaque walls at least 3 feet high or vegetative screens at least 3 feet high at the time of planting shall be provided.

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 shopfronts, and shall contain a minimum of 60 percent of its surfaces in clear, 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 clear, 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 not allowed.
4. Storefronts may extend a maximum of 1 linear foot beyond the rest of the façade.

3-4(E)(5)(c) Street Walls
1. A street wall is a masonry wall that defines outdoor spaces and separates the public right-of-way from the private realm (e.g. parking lots, trash cans, gardens, and equipment).
2. The street wall shall be set back 8 inches or less from the public right-of-way or adjacent façade alignment.
3. 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.
4. All street wall façades shall be as carefully designed as the building façade, with the finished side facing the street.
5. Where clearly visible from the public right-of-way, 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).

6. Metal work may additionally be treated to imitate a wrought-iron or copper patina.

7. 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 Facilities 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(O)(2)(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 property lines, minimum: 10 feet.
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.
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 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(O)(2)(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 plus or minus 5 feet of the average setback of existing residential buildings within 330 feet in both directions, as measured from the corners of the lot line that abuts the primary public right-of-way (see figure below).

   b. In new subdivision developments of 5 or more single-family detached dwellings, front setbacks shall be a minimum 5 feet behind or in front of the front façade of a...
primary dwelling located on 1 abutting property fronting the same street.

2. Townhouses: 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.


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 street: 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(F) (Irrigation Facility (Acequia) Standards), at least ⅔ 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 no street goes through the common open space.

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 residential: 15 feet.

3-4(G)(5)(e) Building Design
1. Single-family detached dwelling: The front façade shall not exceed the average width of primary buildings on lots within 330 feet in both directions measured from both corners of the lot line that abuts the primary public right-of-way by more than 20 percent (see figure below).

![](image)

2. Multi-family residential buildings in any Residential or Mixed-use zone district shall comply with all of the following:
   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(K) (Rio Grande Boulevard – CPO-10; where there is conflict between the Los Duranes – CPO-6 and the Rio Grande Boulevard – CPO-10 the provisions of the Los Duranes – CPO-6 prevail, except that the second story building stepback requirements in the Rio Grande Boulevard – CPO-10 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)(e) Subsection 14-16-5-3(D)(1) (Sidewalks in Residential Development).
3-4(G)(6)(f) Subsection 14-16-5-11(C)(1) (Primary Building Stepback).
3-4(G)(6)(g) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).
3-4(G)(6)(h) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
Part 14-16-3: Overlay Zones
3-4: Character Protection Overlay Zones

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 development 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) Other Development Standards

3-4(H)(5)(a) Signs
1. MX-L Zone District
Signs are allowed pursuant to Subsection 14-16-5-12 (Signs) for the MX-T zone district.

2. MX-M Zone District
   a. Signs on lots abutting arterial or collector streets are allowed pursuant to Subsection 14-16-5-12 (Signs) for the MX-M zone district.
   b. 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(O)(2)(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 property 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 parcel along each street frontage.

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, 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 from the property line abutting Copper Avenue: 45 feet.
b. For any portion of a building more than 50 feet and up to 100 feet from the property line abutting Copper Avenue: 65 feet.

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 shopfronts.
   b. Contain a minimum of 60 percent of its surfaces in clear, 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. 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. 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 shopfronts or residential façade.
   c. Contain a minimum of 60 percent of its surfaces in clear, 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 façade facing a public street shall comply with the following:
   a. Non-residential and mixed-use: each façade shall contain a minimum of 40 percent of its surfaces in clear, transparent windows and/or doors.
   b. Residential use: each façade shall contain a minimum of 20 percent of its surface in clear, 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)(6)  Cross-references

3-4(I)(6)(a)  Subsection 14-16-4-3(F)(4) (Drive-through Facilities 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)(f)  Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).
3-4(I)(6)(g)  Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-4(I)(6)(h)  Subsection 14-16-6-6(B) (Demolition Review).
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 listed in Section 14-16-5-1 (Dimensional Standards).

3-4(J)(3) **Building Height**

3-4(J)(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(J)(3)(b) below.

3-4(J)(3)(b) **Maximum Building Height**

Maximum building height for each sub-area within the North I-25 – CPO-9 is pursuant to this Subsection 14-16-3-4(J)(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(J)(4) **Other Development Standards**

3-4(J)(4)(a) **Outdoor Lighting**

1. The height of light poles within 330 feet of Balloon Fiesta Park as delineated on its approved Master Plan shall not exceed 20 feet.
2. Pedestrian-scale lighting for sidewalks and trails on properties abutting Balloon Fiesta Park shall be limited to bollard lighting only.
3-4(J)(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(J)(4)(c) On-premises Signs
Sign standards for the MX-M zone district in Section 14-16-5-12(F) (On-premises Signs) apply in the Mixed-use and Non-residential zone districts of CPO-9, unless specified otherwise in this Subsection 14-16-3-4(J)(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(J)(4)(c) apply in the following mapped area along Alameda Boulevard:
Part 14-16-3: Overlay Zones

3-4(J): North I-25 – CPO-9

3-4: Character Protection Overlay Zones

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

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(J)(5) Cross-references

3-4(J)(5)(a) Subsection 14-16-4-3(E)(10)(j) (Co-locations, Public Utility Co-locations, and Architecturally Integrated WTFs)

3-4(J)(5)(b) Subsection 14-16-5-2(G) (Landfill Buffers).

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

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

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

3-4(J)(5)(f) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-4(K) RIO GRANDE BOULEVARD – 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 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(K)(3) Setback Standards
3-4(K)(3)(a) Between Alhambra Road and Indian School Road (except properties in the Los Duranes – CPO-6), front, side, and rear setbacks for properties facing Rio Grande Boulevard shall be the same as the required front setback in the underlying zone district.
3-4(K)(3)(b) 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(K)(4) Building Height 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(K)(5) Other Development Standards
3-4(K)(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 the Rio Grande Boulevard right-of-way.

3-4(K)(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 farther than 50 feet from a tree.
3. Parking lots for new non-residential development shall not be located between buildings and the public right-of-way. On lots less than 200 feet deep, parking may be located behind or beside non-residential buildings.

3-4(K)(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(K)(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. New non-residential development shall have windows, plazas, and porches on the street-side of buildings.
3. Secondary entrances for new non-residential development shall be oriented toward rear and side parking lots.
4. Reflective or mirrored glass is prohibited on façades facing public streets.
5. 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.

3-4(K)(6) Cross-references
3-4(K)(6)(a) Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue).
3-4(K)(6)(b) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).
3-4(K)(6)(c) Subsection 14-16-5-12(H)(2)(c) (Electronic Signs Prohibited).
3-4(K)(6)(d) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-4(L) SAWMILL/WELLS PARK – 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
3-4(L)(2)(a) Lot Size
1. R-T, MX-T, and MX-L zone districts
   a. Two-family detached dwelling on a 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 dwelling on a lot, minimum: 2,700 square feet.
   b. Townhouse dwellings, minimum: 2,400 square feet per dwelling.
   c. Multi-family, minimum: 7,000 square feet.

3-4(L)(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 dwelling on a lot: 24 feet.
   b. Townhouse dwellings: 32 feet per dwelling.
   c. Multi-family: 70 feet.

3-4(L)(2)(c) Usable Open Space, Minimum
In the R-ML, MX-T, and MX-L zone districts, usable open space for multi-family 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(L)(3) Setback Standards

3-4(L)(3)(a) Low-density Residential Development in Any Zone District
1. Front, minimum
   a. 15 feet.
   b. Garage: 25 feet from the property line abutting a street.
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 residential building: 10 feet.
3. Rear, minimum: 15 feet.

3-4(L)(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(L)(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(L)(4) Building Height, Maximum
3-4(L)(4)(a) R-ML and MX-L zone districts: 26 feet.
3-4(L)(4)(b) NR-BP zone district: 35 feet.
3-4(L)(4)(c) NR-LM zone district: 55 feet.

3-4(L)(5) Other Development Standards
3-4(L)(5)(a) Enclosures and Screening
1. Non-residential uses within or adjacent to any Residential zone district shall be conducted within a building.
2. All non-residential outdoor storage and parking and vehicular circulation areas 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 6 feet high and a landscaped buffer at least 10 feet wide with evergreen trees and/or shrubs.

3-4(L)(5)(b) Residential Building Design
For all residential development, the following building design regulations apply:
1. No portion of any building within 25 feet of the front property line or within 10 feet of any interior side lot line shall exceed 15 feet in height.

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 development, only the dwelling unit(s) abutting the street must have front doors facing the street.

4. Each façade facing a public street shall contain 12.5 percent or more of its surface in clear, 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. Residential buildings with over 35 linear feet of street-facing façade must be designed to appear as a collection of smaller buildings.

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(L)(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 property line shall exceed 15 feet in height.

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.

5. Non-residential buildings with over 35 linear feet street-facing façade must be designed to appear as a collection of smaller buildings.

**3-4(L)(5)(d) Mixed-use and Non Residential Zone Districts**

For all development except residential and industrial development, each façade facing a public street shall contain 25 percent or more of its surface in clear, transparent windows and/or doors.
3-4(L)(6) Cross-references

3-4(L)(6)(a) Subsection 14-16-5-11(C) (Second Story Addition Stepback).
3-4(L)(6)(b) Subsection 14-16-5-12(H)(2)(f) (Electronic Signs Prohibited).
3-4(L)(6)(c) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-4(M) VOLCANO MESA – CPO-12

3-4(M)(1) Applicability
The CPO-12 standards apply to low-density residential development 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
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(M)(3) Setback Standards
For lots larger than 10,000 square feet, building setbacks shall be as follows:
3-4(M)(3)(a) Front, minimum: 25 feet.
3-4(M)(3)(b) Side, minimum: 15 feet.
3-4(M)(3)(c) Rear, minimum: 15 feet.

3-4(M)(4) Building Height
Standards in this Subsection 14-16-3-4(M)(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(M)(4)(a) Building height, maximum: 18 feet.
3-4(M)(4)(b) Building height may be increased to 26 feet on a maximum of 50 percent of the building footprint.

3-4(M)(5) Other Development Standards
3-4(M)(5)(a) Façade Design
1. No more than 60 linear feet of façade may occur without a change in material and/or a vertical or horizontal offset of at least 24 inches.
2. Each single-family detached dwelling shall address the street with 1 of the options below:
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 public right-of-way and a minimum of 6 feet wide and height between 6 feet, 8 inches and 8 feet, placed within the appropriate setback, connected by a courtyard wall at least 4 feet and no more than 5 feet high, and both designed and finished to complement the house in color and architectural style. Notwithstanding Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height), any wall or entry feature provided to meet this standard shall not require a Variance – ZHE.

c. A façade facing a public street containing at least 25 percent of its surfaces in clear, transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor.

3-4(M)(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. Where there is no setback from the property line, gutters and downspouts shall drain to the street or water harvesting area to avoid impact to abutting lots.

3-4(M)(5)(c) Residential Garage Access

1. Where alleys are available, residential garages for detached dwellings shall be accessed via the alley. On streets designated collector or lower, residential garages on corner lots shall be accessed from an alley or side street.

2. Townhouses shall use rear-loaded garages.

3. Garage types are limited by lot width, as described in Table 3-4-1 and illustrated below.

4. Garage Types D and E may be accessed from either front or side.
5. 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>
<thead>
<tr>
<th>Lot Width</th>
<th>Allowable Garage Types</th>
<th>Front Garage Setback from Front Façade (front-loaded), minimum</th>
<th>Side Garage Setback from Property Line (side-accessed), minimum</th>
<th>Rear Garage Setback from Property Line (rear-loaded), minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 40 ft.</td>
<td>A, D</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>2 ft.</td>
</tr>
<tr>
<td>≥ 40 ft.</td>
<td>A, B, C, D, E</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>2 ft.</td>
</tr>
</tbody>
</table>

**3-4(M)(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. Garage Type D shall have a minimum of 5 linear feet of windows on the front façade and be articulated to resemble the primary building.

2. 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.

3. 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.

4. The color of garage doors shall blend with or complement the exterior wall color in order to minimize the prominence of the garage door.

5. Where allowed, property owners intending to build garages on the property lot line shall submit a platted and filed maintenance easement agreement signed by the abutting property owner prior to being issued a building permit.

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

3-4(M)(6)(a) Subsection 14-16-3-6(E)(4) (All development within Volcano Mesa – CPO-12 is subject to color limitations in Northwest Mesa Escarpment – VPO-2).

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

3-4(M)(6)(c) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
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(D) (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(D) (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 located in a designated HPO zone shall comply with the Use-specific Standards in Subsection 14-16-4-3(E)(10).
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
3-5(F)(3)(a) 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 public right-of-way.

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 not allowed.
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 on the most used street abutting the façade of the building.
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 are found in the East Downtown Development Standards and Guidelines and are available online: http://documents.cabq.gov/planning/UDD/UDD-EDoDevelopmentStandardsGuidelines-May2018.pdf

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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-5(F)(6)(f) Subsection 14-16-6-5(J)(3) (Sign Review in HPOs).
3-5(G) EIGHTH & 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: http://www.cabq.gov/planning/documents/8forresterdesign.pdf

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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-5(G)(3)(d) Subsection 14-16-6-5(I)(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: http://www.cabq.gov/planning/documents/fourthwarddesign.pdf

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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-5(H)(3)(e) Subsection 14-16-6-5(J)(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: http://www.cabq.gov/planning/documents/HuningHighlandHistoricOverlayZoneGuidelines0811.pdf

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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-5(I)(3)(e) Subsection 14-16-6-5(J)(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 a minimum 9 feet by 25 feet 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.

3-5(J)(3)(b) Parking Lot Landscaping
The Rio Grande Boulevard – CPO-10 provisions in Subsection 14-16-3-4(K)(5)(b) (Parking Lots), shall apply within this HPO-5.

3-5(J)(3)(c) Signs
1. Prohibited Signs
   a. Signs that flash or blink or signs with visible bulbs, neon tubing, luminous paint, or plastics (with the exception of vinyl lettering).
   b. Moving signs or streamers.
2. On-premises Signs
   a. Establishments facing Old Town Plaza or within a 150 foot radius of the exterior boundaries of the Plaza Park may only have wall or canopy signs.
   b. Establishments in other locations may have wall, canopy, freestanding, or projecting signs.
   c. No more than 2 signs are allowed for any 1 establishment, except that an establishment with frontage on 2 or more streets will be allowed a total of 3 signs. A composite
group of small signs integrated into 1 framed unit shall be considered 1 sign.

d. No wall sign's area shall exceed 8 square feet except that a wall sign on a street-facing façade on a street designated as an arterial or a collector street in the LRTS Guide that is wholly visible from an arterial street shall not exceed 16 square feet.

e. For any sign other than a wall sign, the sign area shall not exceed 3 square feet on each of 1 or 2 sides.

f. No sign shall exceed the height of the façade, eaves, or fire wall of a building, whichever is lower.

g. Signs posted in windows or on doors are allowed, provided that they do not exceed a combined total of 1.5 square feet in area, and no individual window or door sign is more than 16 square inches.

h. Premises with 2 or more buildings, at least 1 of which does not face the public right-of-way, are allowed an additional sign, provided that all of the following provisions are met:
i. Sign height shall not exceed 10 feet above grade.

ii. Sign area shall not exceed ½ square foot for each establishment located on the premises.

iii. Total sign area shall not exceed 20 square feet.

iv. Only wall signs or freestanding signs are allowed; freestanding signs cannot be located less than 150 feet from the exterior boundaries of the Plaza Park.

v. Additional signs in this category may be approved by the LC for premises with more than 1 entry from the public right-of-way or adjacent property where the LC determines that there is not reasonable public notice of businesses on the premises without such additional signs.

i. Restaurants serving food prepared on premises for consumption on or off premises are allowed an additional wall sign of up to 6 square feet.

3. Off-premises Signs

a. Signs may be located no more than 20 feet from the intersection point of the public right-of-way lines of 2 streets or alleys or the intersection of a public right-of-way and a parking lot with over 20 parking spaces.

b. The sign area relating to any 1 business shall not exceed 1/2 square foot.

c. Sign height shall not exceed 10 feet.
3-5(J)(4) Additional Standards and Guidelines


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

3-5(J)(5)(a) Subsection 14-16-3-4(K) (Rio Grande Boulevard – CPO-10).
3-5(J)(5)(b) Subsection 14-16-4-3(D)(34)(a) (Outdoor Display or Storage).
3-5(J)(5)(c) Subsection 14-16-4-3(D)(34)(c) (General Retail, Small Allowed in MX-T).
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)(4)(a) (Neon Signs along Central Avenue).
3-5(J)(5)(g) Subsection 14-16-5-12(F)(4)(b)2 (Portable Signs Prohibited).
3-5(J)(5)(h) Subsection 14-16-5-12(H)(2) (Electronic Signs Prohibited).
3-5(J)(5)(i) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-5(J)(5)(j) Subsection 14-16-6-5(F)(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](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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).
3-5(K)(3)(d) Subsection 14-16-6-5(J)(3) (Sign Review in HPOs).
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, Wireless Telecommunications Facilities located in a designated VPO zone or view corridor identified in Subsection 14-16-4-3(E)(j) shall comply with the standards in that subsection, in addition to relevant Use-specific Standards in Subsection 14-16-4-3(E)(10).

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(N) (Variance – ZHE) or Subsection 14-16-6-6(M) (Variance – EPC), which require a public hearing.
3-6(D) COORS BOULEVARD – VPO-1

3-6(D)(1) Applicability
The VPO-1 standards apply 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 Lines
Lines that begin at the east edge of the Coors Boulevard right-of-way and follow a 45 degree angle to the road alignment, 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 Coors Boulevard right-of-way 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 Coors Boulevard right-of-way 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).

![View Frame Diagram]

**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).

![View Plane Diagram]

**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) Height, Bulk, and Massing**

All development within this VPO-1 shall meet all of the following requirements.
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. 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 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 (see figure below).

3-6(D)(5)(b) 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).

3-6(D)(5)(c) Projects containing several buildings shall provide variety in building size and massing. Lower, smaller buildings shall be located closer to Coors Boulevard, with larger, taller buildings located farther back on the property, to the maximum extent practicable (see figure below).

3-6(D)(6) Colors
The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective
Part 14-16-3: Overlay Zones

3-6: View Protection Overlay Zones

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)(6)(a) Allowable colors include the browns and greens existing within the Bosque.

3-6(D)(6)(b) Trim materials on façades constituting less than 10 percent of the façade’s opaque surface may be any color.

3-6(D)(7) Site Landscaping Within Coors Boulevard Setback

3-6(D)(7)(a) Any private landscaping other than trees shall not be higher at maturity than the view plane.

3-6(D)(7)(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)(8) 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 EPC pursuant to Subsection 14-16-6-6(M).

3-6(D)(9) Cross-references

3-6(D)(9)(a) Subsection 14-16-3-4(C) (Coors Boulevard – CPO-2).

3-6(D)(9)(b) Subsection 14-16-3-4(C)(3) (Coors Boulevard – CPO-2 Setback Standards).

3-6(D)(9)(c) Subsection 14-16-5-12(G)(1)(e) (Off-premises Signs Prohibited).

3-6(D)(9)(d) Subsection 14-16-6-4(O)(2)(e) (Deviations to Overlay Standards Not Allowed).

3-6(D)(9)(e) Subsection 14-16-6-6(M) (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, Volcanic Escarpment, and Volcano Mesa.

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.

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 abutting building located within the Height Restriction sub-area and shall not block views to or from the escarpment, as shown in view plane exhibits.

3-6(E)(3)(c) Additional height may be requested through a Variance – EPC pursuant to Subsection 14-16-6-6(M).

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 3 feet to 4 feet of drop in ground elevation from a base elevation established at the
escarpment face (i.e. where the 9 percent slope line begins). Buildings may also be depressed below the natural grade.

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 (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.

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.

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(O)(2)(e) (Deviations to Overlay Standards Not Allowed).

3-6(E)(7)(b) Subsection 14-16-6-6(M) (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 provide additional uses, restrictions, or review procedures.

4-1(A)(1)  A blank cell in TABLE 4-2-1 indicates that the use is not allowed in that zone district.

4-1(A)(2)  Definitions of each land use may allow another land use listed in the table as incidental to the defined use. Otherwise, multiple uses are allowed on a property pursuant to Subsection 14-16-4-1(D).

4-1(A)(3)  Additional uses of property or restrictions on the use of property 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 property in Part 14-16-3.

4-1(A)(3)(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)(3)(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). 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 and shall be subject to any use-specific or other standards deemed appropriate and necessary by the relevant decision-making body. 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)(3)(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.
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.

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.

**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.

**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. an accessory use 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 of 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(I) (Temporary Use Permit).
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)(2) (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

#### Table 4-2-1: Allowable Uses

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
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**PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS**

**RESIDENTIAL USES**

- Household Living
  - Dwelling, single-family detached:
    - Permissive Primary (P)
    - Conditional Primary (C)
    - Permissive Accessory (A)
    - Conditional Accessory (CA)
  - Dwelling, mobile home:
    - Conditional Accessory (CA)
  - Dwelling, cluster development:
    - Conditional Accessory (CA)
  - Dwelling, cottage development:
    - Conditional Accessory (CA)
  - Dwelling, two-family detached (duplex):
    - Conditional Accessory (CA)
  - Dwelling, townhouse:
    - Conditional Accessory (CA)
  - Dwelling, live-work:
    - Conditional Accessory (CA)
  - Dwelling, multi-family:
    - Conditional Accessory (CA)

**Group Living**

- Assisted living facility or nursing home:
  - Conditional Accessory (CA)
- Community residential facility, small:
  - Conditional Accessory (CA)
- Community residential facility, medium:
  - Conditional Accessory (CA)
- Community residential facility, large:
  - Conditional Accessory (CA)
- Group home, small:
  - Conditional Accessory (CA)
- Group home, medium:
  - Conditional Accessory (CA)
- Group home, large:
  - Conditional Accessory (CA)
- Sorority or fraternity:
  - Conditional Accessory (CA)

**CIVIC AND INSTITUTIONAL USES**

- Adult or child day care facility:
  - Conditional Accessory (CA)
- BioPark:
  - Conditional Accessory (CA)
- Cemetery:
  - Conditional Accessory (CA)
- Community center or library:
  - Conditional Accessory (CA)
- Correctional facility:
  - Conditional Accessory (CA)
- Daytime gathering facility:
  - Conditional Accessory (CA)
- Elementary or middle school:
  - Conditional Accessory (CA)
- Fire or police station:
  - Conditional Accessory (CA)
- High school:
  - Conditional Accessory (CA)
- Hospital:
  - Conditional Accessory (CA)
- Museum or art gallery:
  - Conditional Accessory (CA)
- Overnight shelter:
  - Conditional Accessory (CA)
- Parks and open space:
  - Conditional Accessory (CA)
### 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

#### Part 14-16-4: Use Regulations

#### 4-2: Allowable Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
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#### COMMERCIAL USES

**Agriculture and Animal-related**

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#### Food, Beverage, and Indoor Entertainment

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#### Lodging

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#### Motor Vehicle-related

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#### Offices and Services

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### Table 4-2-1: Allowable Uses

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<tr>
<td>Helipad</td>
<td></td>
<td>CA</td>
<td>CA</td>
<td>A</td>
<td>4-3(D)(39)</td>
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<td>Park-and-ride lot</td>
<td></td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>A</td>
</tr>
</tbody>
</table>

**Note:**
- **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**

**Use-specific Standards**
- **4-3(D)(6)**
- **4-3(D)(10)**
- **4-3(D)(14)**
- **4-3(D)(18)**
- **4-3(D)(23)**
- **4-3(D)(24)**
- **4-3(D)(25)**
- **4-3(D)(26)**
- **4-3(D)(27)**
- **4-3(D)(28)**
- **4-3(D)(29)**
- **4-3(D)(30)**
- **4-3(D)(31)**
- **4-3(D)(32)**
- **4-3(D)(33)**
- **4-3(D)(34)**
- **4-3(D)(35)**
- **4-3(D)(36)**
- **4-3(D)(37)**
- **4-3(D)(38)**
- **4-3(D)(39)**
- **4-3(D)(40)**
### Table 4-2-1: Allowable Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
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<tr>
<td>Zone District &gt;&gt;</td>
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<td>R-A</td>
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<td>R-1</td>
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<td>R-MC</td>
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<td>R-T</td>
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<td>R-ML</td>
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<td>R-MH</td>
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<td>MX-T</td>
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<td>MX-L</td>
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<td>MX-M</td>
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<td>NR-C</td>
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<td>NR-BP</td>
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<td>NR-LM</td>
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<td>NR-GM</td>
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<td>NR-SU</td>
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<tr>
<td>A</td>
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</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>NR-PO</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### INDUSTRIAL USES

**Manufacturing, Fabrication, and Assembly**
- Artisan manufacturing: A A A A A A A A A A P P P P P P P A A 4-3(E)(1)
- Natural resource extraction: P P P P P P P P P P P P P P P P P P P 4-3(E)(4)
- Special manufacturing: C C C C C C C C C C C C C C C C C C C C C C 4-3(E)(5)

**Telecommunications, Towers, and Utilities**
- Geothermal energy generation: A A A A A A A A A A A A A A A A A A A 4-3(E)(6)
- Wind energy generation: A A A A A A A A A A A A A A A A A A A 4-3(E)(10)
- Wireless Telecommunications Facility: A A A A A A A A A A A A A A A A A A A 4-3(E)(11)
- Architecturally integrated: A A A A A A A A A A A A A A A A A A A 4-3(E)(12)
- Co-location: A A A A A A A A A A A A A A A A A A A 4-3(E)(13)
- Freestanding: A A A A A A A A A A A A A A A A A A A 4-3(E)(14)
- Roof-mounted: A A A A A A A A A A A A A A A A A A A 4-3(E)(15)
- Public utility co-location: A A A A A A A A A A A A A A A A A A A 4-3(E)(16)
- Wireless Utility co-location: A A A A A A A A A A A A A A A A A A A 4-3(E)(17)

#### Waste and Recycling
- Recycling drop-off bin facility: A A A A A P P P P P P 4-3(E)(18)
- Solid waste convenience center: A A A A C C P P P P 4-3(E)(19)
- Waste and/or recycling transfer station: P P P P P P P P P P P P P P P P P P P 4-3(E)(21)

#### Wholesaling and Storage
- Above-ground storage of fuels or feed: C C C C C C C C C C C C C C C C C C C C C C 4-3(E)(22)
- Outdoor storage: C C C C C C C C C C C C C C C C C C C C C C 4-3(E)(23)
- Warehousing: C C C C C C C C C C C C C C C C C C C C C C 4-3(E)(24)
- Wholesaling and distribution center: C C C C C C C C C C C C C C C C C C C C C C 4-3(E)(25)

#### ACCESSORY AND TEMPORARY USES

**ACCESSORY USES**
- Agriculture sales stand: A A A A A A A A A A A A A A A A A A A 4-3(F)(1)
- Animal keeping: A A A A A A A A A A A A A A A A A A A 4-3(F)(2)
- Automated Teller Machine (ATM): A A A A A A A A A A A A A A A A A A A 4-3(F)(3)
- Drive-through or drive-up facility: CA A CA A A A A A A A A A A A A A A A A 4-3(F)(4)
- Dwelling unit, accessory: A A A A A A A A A A A A A A A A A A A 4-3(F)(5)
### Table 4-2-1: Allowable Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling unit, accessory without kitchen</td>
<td>CA</td>
<td>CA</td>
<td>A</td>
<td>A A A A A A A A A A</td>
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<tr>
<td>Family care facility</td>
<td>A A A A A A</td>
<td>A A A A A</td>
<td>A</td>
<td>4-3(F)(6)</td>
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<tr>
<td>Family home daycare</td>
<td>CA</td>
<td>CA</td>
<td>A</td>
<td>4-3(F)(7)</td>
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<tr>
<td>Garden</td>
<td>A A A A A A</td>
<td>A A A A A A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hobby breeder</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td>A A A A A A</td>
<td>A A A A A</td>
<td>A</td>
<td>4-3(F)(9)</td>
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<tr>
<td>Independent living facility</td>
<td>A A A A A A</td>
<td>A A A A A</td>
<td>A</td>
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<tr>
<td>Mobile food truck</td>
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<td>A A A A A A</td>
<td>A A A A A A</td>
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<td>Mobile vending cart</td>
<td>A A A A A A</td>
<td>A A A A A</td>
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<td>4-3(F)(12)</td>
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<td>Outdoor animal run</td>
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<td>CA</td>
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<tr>
<td>Outdoor dining area</td>
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<td>A A A A A A</td>
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<tr>
<td>Parking of more than 2 truck tractors for 2 hours</td>
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</tr>
<tr>
<td>Parking of non-commercial vehicle</td>
<td>A A A A A A</td>
<td></td>
<td></td>
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<tr>
<td>Parking of recreational vehicle, boat, and/or recreational trailer</td>
<td>A A A A A A</td>
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<tr>
<td>Second kitchen in a dwelling</td>
<td>A A A A A A</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Other use accessory to non-residential primary use</td>
<td>A A A A A A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other use accessory to residential primary use</td>
<td>A A A A A A</td>
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#### TEMPORARY USES

<table>
<thead>
<tr>
<th>Use</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circus</td>
<td>T T T T T</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Construction staging area, trailer, or office</td>
<td>T T T T T T T T T T T T T T T T T T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling unit, temporary</td>
<td>T T T T T T T T T T T T T T T T T T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fair, festival, or theatrical performance</td>
<td>T T T T T T T T T T T T T T T T T T</td>
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<tr>
<td>Garage or yard sale</td>
<td>T T T T T T T T T T T T T T T T T T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hot air balloon takeoff/landing</td>
<td>T T T T T T T T T T T T T T T T T T</td>
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<td></td>
<td></td>
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<tr>
<td>Open air market</td>
<td>T T T T T T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park-and-ride facility, temporary</td>
<td>T T T T T T T T T T T T T T T T T T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real estate office or model home</td>
<td>T T T T T T T T T T T T T T T T T T</td>
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<tr>
<td>Seasonal outdoor sales</td>
<td>T T T T T T T T T T T T T T T T T T</td>
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<tr>
<td>Temporary use not listed</td>
<td>T T T T T T T T T T T T T T T T T T</td>
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<td></td>
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</tbody>
</table>
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

4-3(B)(1) Dwelling, Single-family Detached

4-3(B)(1)(a) In the R-1 zone district, 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.

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 Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) or the manufactured home installation code.
4. All development standards applicable to other detached single-family 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 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

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 site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50, except in the Los Duranes – CPO-6, where the number of dwelling units shall not exceed 20.

4-3(B)(2)(d) The cluster development project site shall include a 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.

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. The common open space shall have a minimum length and width of 35 feet.
3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.
4. No structure is allowed in the common open space except if necessary for its operation and maintenance.
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.

4-3(B)(2)(e) The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot and the common open space on a separate subdivided lot or easement.

4-3(B)(2)(f) Maintenance for common open space areas is the responsibility of the property owner, unless those areas are dedicated the City. See Section 14-16-5-13(B) (Maintenance Standards).

4-3(B)(2)(g) If the zone district allows two-family detached (duplex) dwellings, a cluster development may include that dwelling type.

4-3(B)(3) Dwelling, Cottage Development

4-3(B)(3)(a) Minimum project size for a cottage development is 1 acre, and the maximum project size is 2 acres.

4-3(B)(3)(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)(3)(c) The development may contain a shared indoor community space for all residents in the development to use for activities, cooking, and/or dining.

4-3(B)(3)(d) Homeowners association or other recorded documents shall require that any the sale of individual dwelling units also include...
4-3(B)(3)(e) 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)(f) Maximum project density shall be measured in square feet of residential gross floor area, rather than in the number of dwelling units. The total residential gross floor area shall be no more than the total residential gross floor area that would be allowed on an equal size property in the same zone district platted into standard lots, calculated based on a standard dwelling unit size of 2,000 square feet. If the development includes community building space, such building area is not included in the maximum square footage calculation.

Example:
On a 1 acre site in the R-A zone district, which has a minimum lot size of 10,890 square feet (1/4 acre) and allows 1 dwelling unit per lot, 4 dwelling units would be allowed on the site based on the zone district.

To calculate the maximum square footage allowed on the site, multiply the 4 dwelling units allowed by 2,000 square feet. The site would be allowed 8,000 square feet of gross floor area that can be used for dwellings.

Any combination of dwelling units of different sizes that total no more than 8,000 square feet, would be allowed. For example, 8 dwelling units of 1,000 square feet each would be allowed.

4-3(B)(3)(g) The maximum size of each dwelling unit is 1,200 square feet of gross floor area.

4-3(B)(3)(h) In the R-A and R-1 zone districts, the minimum size of each dwelling unit is 650 square feet of gross floor 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...
Part 14-16-4: Use Regulations

4-3(B): Residential Uses

4-3: Use-specific Standards

4-3(B)(5): Dwelling, Townhouse

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.

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.

For properties on which the rear lot line abuts an R-A or R-1 zone district, no townhouse dwelling may contain more than 3 dwelling units.

In any Mixed-use zone district west of the Rio Grande on properties abutting a Major 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 or Premium Transit Corridor.

4-3(B)(6): Dwelling, Live-work

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.

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.

The building and lot may not be used for the following business activities 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.

A wall sign no more than 8 square feet in size or as allowed by the underlying zoning, whichever is greater, located no higher than the top of the ground floor of the building is allowed.
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.

4-3(B)(7)(b) In any Mixed-use zone district west of the Rio Grande on properties abutting a Major 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 or Premium Transit Corridor.

4-3(B)(7)(c) In the MX-L and MX-M zone districts in the North I-25 – CPO-9, 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, Medium, or Large

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 shall be located a minimum of 1,500 feet from any other community residential facility or group home.

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 shall be located a minimum of 1,500 feet from any other community residential facility or group home.

4-3(B)(9)(c) The total number of community residential facilities and group homes shall not exceed 30 in each 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
This use shall be located a minimum of 1,500 feet from any other daytime gathering facility.

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 or 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(C)(7) Overnight Shelter
This use shall be located a minimum of 1,500 feet from any other overnight shelter.

4-3(C)(8) Parks and Open Space

4-3(C)(8)(a) Subzone A (City-owned or City-operated Parks)
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.
4-3(C)(8)(b) Subzone B (City-owned or City-operated Major Public Open Space)
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) Subzone C (Privately Owned and Managed Parks and Open Spaces)
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 a City-approved Site Plan for the property are allowed provided that the property owner complies with any conditions attached to that approval.
4. Recreational facilities (including but not limited to play areas, playgrounds, and basketball courts) that are open for public use 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 must 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 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) **Subzone 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 uses, including but not limited to recreational, educational, and overnight shelter facilities, are allowed, provided that the following conditions are met:

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.

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>
<thead>
<tr>
<th>Chemical Name</th>
<th>CASRN</th>
<th>Soil Exposure Direct Contact Residential Maximum (mg/kg)</th>
</tr>
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<tbody>
<tr>
<td>Arsenic, Inorganic</td>
<td>7440-38-2</td>
<td>5.5</td>
</tr>
<tr>
<td>Cadmium (Diet)</td>
<td>7440-43-9</td>
<td>98</td>
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<tr>
<td>Mercuric Chloride (and other Mercury salts)</td>
<td>7487-94-7</td>
<td>32</td>
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<tr>
<td>Lead and Compounds</td>
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<tr>
<td>Mercury (elemental)</td>
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<td>Zinc and Compounds</td>
<td>7440-66-6</td>
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</tr>
</tbody>
</table>

4-3(D)(2) Equestrian Facility
This use shall be located at least 330 feet from any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(3) General Agriculture
Livestock and birds are allowed, provided 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 open 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. Animals under 4 months old are not counted.

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 shall be at least 50 feet from any residential dwelling.

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 a building.

4-3(D)(4)(b) In the MX-L and MX-M zone districts, any building that contains this use shall not be located within 25 feet of any Residential zone district or lot containing a residential component in any Mixed-use zone district.

4-3(D)(4)(c) In the NR-C, NR-LM and NR-GM zone districts:
   1. This use must be conducted in 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.
   2. When located in a building, this use shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in a Mixed-use zone district.
   3. Any outdoor elements of this use shall not be located within 50 feet of any Residential zone district or lot containing a Residential use in a Mixed-use zone district.

4-3(D)(5) Veterinary Hospital

4-3(D)(5)(a) In the 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.

4-3(D)(5)(b) In the MX-M and NR-C zone districts, outside exercise runs are allowed, provided 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 of any Residential zone district; lot containing any Residential use in any Mixed-use zone district; religious institution; or elementary, middle, or high school.

4-3(D)(6)(b) Within of 1,000 feet of another premises containing an adult entertainment or adult retail use.

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**

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 may include the retailing of related goods, such as shirts, caps, recipe books, mugs, and glasses as an incidental activity.

4-3(D)(8)(c) 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)(d) In the MX-T zone district, these uses are limited to 10,000 square feet of gross floor area.

4-3(D)(8)(e) 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 must be accessory to a restaurant.

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**

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) Guest stays are limited to a maximum of 30 consecutive days.

4-3(D)(12)(b) 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)(c) 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)(d) 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)(e) 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.

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 lot 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 public right-of-way.

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 from any camp site without an individual sewer connection.

4-3(D)(13)(i) Toilets and lavatories shall be provided as required by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code 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) A car wash building and any associated outdoor uses shall not be located within 50 feet of any Residential zone district or any lot containing a Residential use in any Mixed-use zone district.

4-3(D)(15)(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(D)(15)(c) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.

4-3(D)(15)(d) This use is prohibited in the following mapped areas as noted.
   1. Downtown Neighborhood Area – CPO-3
   2. Sawmill/Wells Park – CPO-11
   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) Vehicle repair shall be conducted within a building.

4-3(D)(16)(e) Any building that contains vehicle repair shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(16)(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)(16)(g) 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).

4-3(D)(16)(h) This use is prohibited within 330 feet of Major Public Open Space.

4-3(D)(17) Light Vehicle Fueling Station

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) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.

4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.

4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.

4-3(D)(17)(g) 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)(h) 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)(i) 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)(j) 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)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.

4-3(D)(17)(l) 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)(m) This use is prohibited within 330 feet of Major Public Open Space.

4-3(D)(17)(n) This use is regulated as noted in the following mapped 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. Sawmill/Wells Park – CPO-11
   This use is prohibited in the MX-L zone district.

**4-3(D)(18) Light Vehicle Repair**

4-3(D)(18)(a) Outdoor storage of inoperative vehicles is limited to 2 vehicles at any time, and no inoperative vehicle shall be parked outdoors for more than 14 consecutive days in a 12-month period.

4-3(D)(18)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(18)(c) Painting and major automotive repair shall be conducted within a building.

4-3(D)(18)(d) Any building that contains painting or major automotive repair shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(18)(e) This use is prohibited within 330 feet of Major Public Open Space.

4-3(D)(18)(f) 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, accessory outdoor vehicle display, storage or incidental maintenance or servicing areas must be screened from any adjacent Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(D)(19)(b) In the MX-H zone district, outdoor display or storage of vehicles, or incidental maintenance and servicing of vehicles outdoors is prohibited.

4-3(D)(19)(c) In other zone districts where this use is allowed, accessory outdoor display, storage, and sales areas are prohibited within 50 feet 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.
4-3(D)(19)(d) 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 outdoor areas where vehicles are stored 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).

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 temporary use of the property. No repair of motor vehicles, sales of motor vehicles, or other uses are allowed on the property.
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 mapped 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.

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 12 consecutive months, 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 Zoning Enforcement Officer 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 outdoor areas 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).

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:

1. Within 330 feet of any other facility that dispenses methadone as a primary activity.
2. Within 330 feet of a lot containing a religious institution.
3. Within 500 feet of an R-1 zone district.
4. Within 500 feet 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:

1. Within 500 feet of any other syringe exchange facility.
2. Within 500 feet of a lot containing a religious institution.
3. Within 500 feet of a Residential zone district or a residential component of a Mixed-use zone district.
4. Within 1,000 feet 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 street designated as a local street in the LRTS Guide.
2. Bail bond businesses may not be located on the same parcel as another bail bond business.
3. Unless located within 500 feet of a courthouse, a bail bond business may not be located closer than 1 mile to any other bail bond business.

4. If a bail bond business is abandoned, discontinued, or ceases continuous operation for more than 12 consecutive months, 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 of a courthouse.

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 at least 50 feet from any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

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 a building. No outdoor storage of goods or vehicles is allowed.

4-3(D)(28)(b) An opaque wall or fence at least 6 feet and no more than 8 feet high, or a vegetated buffer at least 50 feet in width, 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)(c) Security fencing shall not include razor wire or barbed wire.

4-3(D)(28)(d) Public access to any storage units within 100 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district is not allowed between 10:00 P.M. and 7:00 A.M.

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-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 parcel, shall not face the primary street frontage.

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 vegetated buffer at least 6 feet and no more than 8 feet high.

4-3(D)(30)(b) A screen located less than 500 feet from an arterial street shall be located, oriented, or shielded so that the picture surface cannot be seen from the arterial street.

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. See Section 14-16-2-7.1.C (Airport Protection Overlay Zone Use Regulations).

4-3(D)(32) Building and Home Improvement Materials Store

4-3(D)(32)(a) All outdoor storage, display, and sales areas 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).

4-3(D)(32)(b) If this use also meets the definition of a large retail facility, the Use-specific Standards in Subsection 14-16-4-3(D)(34) (General Retail) for large retail facilities also apply.
4-3(D)(33) 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 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)(34) General Retail
4-3(D)(34)(a) Outdoor Display or Storage
1. This use may not include an outdoor storage or display area 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 as regulated by Subsection 2 below for the Old Town – HPO-5.
2. In the Old Town – HPO-5, the following standards apply:
   a. Outdoor retail sales and related display of “handcrafted items” is allowed provided that the installation is on specified portions of the public sidewalk and allowed in accordance with Section 13-3-2-4 of ROA 1994 (Old Town Solicitations).
   b. Limited outdoor display of retail goods is allowed provided:
      i. The display of retail goods on tables, cases, racks, kiosks, boards, or blankets is prohibited.
      ii. The display of retail goods on second-story railings is prohibited.
      iii. 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 business shall not be greater than 15 square feet.
   c. The display of chile ristras is not restricted.

4-3(D)(34)(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 driveway 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 at least 50,000 square feet but no more than 90,000 square feet of gross floor area are required to be located adjacent to and have primary and full access to a street designated as a collector or higher and having at least 2 through traffic lanes.
   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 adjacent to and have primary and full access to a street designated as a collector or higher and having at least 4 through traffic lanes.
   iii. Large retail facilities containing over 125,000 square feet of gross floor area are required to be located within 700 feet of the intersection of 2 roadways, both of which are designated as at as a collector or higher and shall have full access to these roadways. One of the adjacent roadways shall have at least 4 through traffic lanes and another adjacent roadway shall have at least 6 through traffic lanes or shall be designated a limited access principal arterial and have a minimum of 4 lanes.

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 driveways (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 driveway 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.

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. The walkway shall be shaded by means of trees, a trellis or similar structure, or a combination thereof. 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 square footage 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)(34)(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 driveway 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 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)(34)(c) General retail, small is allowed as a permissive primary use in the MX-T zone district in the Old Town – HPO-5.

4-3(D)(35) Grocery Store
   4-3(D)(35)(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)(34)(b) (Large Retail Facilities) also apply.
   4-3(D)(35)(b) In the MX-L zone, this use is limited to establishments of no more than 15,000 square feet of gross floor area.
   4-3(D)(35)(c) In the MX-M zone, this use is limited to establishments of no more than 70,000 square feet of gross floor area.

4-3(D)(36) Liquor Retail
   4-3(D)(36)(a) Alcohol sales for off-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)(36)(b) Alcohol sales for on-premises consumption is also allowed as an incidental activity provided that the establishment complies with all New Mexico state law requirements.
   4-3(D)(36)(c) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), 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)(36)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(36)(e) In the MX-L zone district, this use is prohibited, except in the following mapped 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 Street Area
6. South Yale Area
4-3(D)(36)(f) In the MX-M zone district, this use is permissive, except in the following mapped areas, where it is prohibited unless accessory to a grocery store as noted.

1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. North 4th Street Area
5. South Yale Area
4-3(D)(36)(g) Nob Hill/Highland Area
This use is prohibited in the following mapped area.

4-3(D)(36)(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)(37) Pawn Shop

4-3(D)(37)(a) This use shall not be located within 1 mile of another pawn shop location.

4-3(D)(37)(b) If a pawn shop use is abandoned, discontinued, or ceases continuous operation for more than 12 consecutive months, 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)(38) Airport

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)(39) Helipad

4-3(D)(39)(a) This use shall comply with all applicable state and federal regulations regarding design, location, construction, and public safety.

4-3(D)(39)(b) This use must be located at least 500 feet from any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(39)(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.

4-3(D)(39)(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)(39)(e) In any Non-residential zone district, this use is permissive for emergency medical service or law enforcement.

4-3(D)(39)(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)(40) Park-and-Ride Lot

This use must comply with all standards in Section 14-16-5-5 (Parking and Loading).

4-3(D)(41) Railroad Yard

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(E) INDUSTRIAL USES

4-3(E)(1) Artisan Manufacturing

4-3(E)(1)(a) All activities must be conducted within a building.

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) Light Manufacturing

4-3(E)(2)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted in a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of enclosed structures.

4-3(E)(2)(b) An outdoor storage area incidental to the light manufacturing use is allowed but must be screened from view from each property boundary as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

4-3(E)(2)(c) This use may include a sales/display room for items manufactured on the property.

4-3(E)(2)(d) The property containing this use shall meet edge buffer requirements in Subsection 14-16-5-6(E).

4-3(E)(2)(e) If this property is located with frontage on 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)(2)(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)(3) Heavy Manufacturing

4-3(E)(3)(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)(3)(b) This use may be conducted outside of a building.

4-3(E)(3)(c) This use may include a sales/display room for items manufactured on the property.

4-3(E)(3)(d) An outdoor storage area incidental to this use is allowed but must be screened from view from each property boundary as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

4-3(E)(3)(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 as a caretakers dwelling for a non-residential property.

4-3(E)(4) Natural Resource Extraction

4-3(E)(4)(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)(4)(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)(4)(c) Extraction working areas shall be set back at least 200 feet from each boundary of the site adjacent to any Residential zone district, and at least 100 feet from each boundary of the site with any other zone district.

4-3(E)(4)(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 as a caretakers dwelling for a non-residential property.

4-3(E)(4)(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)(5) Special Manufacturing

4-3(E)(5)(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)(5)(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)(5)(c) This use shall also comply with the Use-specific Standards in Subsection 14-16-4-3(E)(3), applicable to Heavy Manufacturing uses.

4-3(E)(6) Geothermal Energy Generation or Device

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) 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)(6)(c) Underground geothermal energy devices may be located anywhere on the property.

4-3(E)(6)(d) Where this use is listed as Permissible Primary, it may include utility-scale or private energy generation. Where this use is listed as Permissible Accessory, it must be for private energy generation.

4-3(E)(7) Solar Energy Generation or Device
This use is allowed per Section 47-3-4 NMSA 1978. Other state and federal rules may apply.
4-3(E)(8)  Utility, Electric

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)(6) or 14-16-4-3(E)(7) 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 permitted in the NR-GM zone.

4-3(E)(9)  Wind Energy Generation or Device

4-3(E)(9)(a)  All wind energy devices shall be located at least as far from each property boundary as the height of the device (including any tower on which it is mounted).

4-3(E)(9)(b)  Rooftop-mounted wind energy devices shall only be allowed on structures with a valid building permit.

4-3(E)(9)(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(N) (Variance – ZHE) or 14-16-6-6(M) (Variance – EPC).

4-3(E)(9)(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(N) (Variance – ZHE) or 14-16-6-6(M) (Variance – EPC).

4-3(E)(10)  Wireless Telecommunications Facility

The following regulations shall apply to all WTFs in any zone district, unless specified otherwise:

4-3(E)(10)(a)  Concealment Required

1.  All proposed WTFs, excluding co-locations of antennas on existing unconcealed towers and public utility co-locations, shall use concealed technology.

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 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 to the maximum extent practicable.

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)(10)(b) Maximum Height


2. Co-locations on any existing unconcealed WTF tower or existing structure: 75 feet.

4-3(E)(10)(c) Setbacks and Separation

1. Feestanding WTFs are prohibited in the following locations:
   a. Within 100 feet of the property line of any Residential zone district.
   b. Within 50 feet of an existing right of way.
   c. Within any setback required by the underlying zone district.

2. This use shall be located a minimum of 1,000 feet from 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.

4-3(E)(10)(d) Lighting and Signage

1. Only security lighting or lighting required by a state and/or federal agency is allowed, provided 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 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)(10)(e) Abandonment
All WTFs that are not in use for 3 consecutive 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 facility owner shall notify the City when removal of the facility occurs.

4-3(E)(10)(f) 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)(10)(g) 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)(10)(h) Co-locations and Public Utility Co-location
1. Co-locations and public utility co-locations are encouraged. Co-location on a concealed WTF shall maintain the concealed nature of the facility. Otherwise, such co-locations or public utility co-locations are not subject to the concealment requirements prescribed by Subsection 4-3(E)(10)(a) above, 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 co-locations are allowed in any zone districts 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 co-location or public utility co-location 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 ¼ mile radius meets the minimum engineering requirements and/or lacks available space to support the proposed WTF.
Part 14-16-4: Use Regulations

4-3(E): Industrial Uses

4-3: Use-specific Standards

4-3(E)(10): Wireless Telecommunications Facility

b. That co-location or public utility co-location 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)(10)(i) Landscaping and Screening

1. All freestanding WTFs shall be surrounded by an opaque wall or fence at least 6 feet and not more than 9 feet high.

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.

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)(10)(j) Location near View Corridors

Only co-locations, public utility co-locations, and architecturally integrated WTFs are allowed within 660 feet of either of the following:

1. Any 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 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)(10)(k) Location near Major Public Open Space

Only co-locations, public utility co-locations, and architecturally integrated WTFs are allowed within 1,320 feet of the property line.
4-3(E)(11) Recycling Drop-off Bin Facility
This use is prohibited within 330 feet of Major Public Open Space.
4-3(E)(12) **Solid Waste Convenience Center**
This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(13) **Salvage Yard**
4-3(E)(13)(a) All activities shall be conducted within 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.

4-3(E)(13)(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)(14) **Waste and/or Recycling Transfer Station**
This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(15) **Outdoor Storage**
4-3(E)(15)(a) This use shall comply with the provisions in Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(E)(15)(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)(16) **Warehousing**
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)(17) **Wholesaling and Distribution Center**
4-3(E)(17)(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)(17)(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(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. No
accessory use may continue after the primary use of the property 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 it does not exceed 4 square feet in the R-A zone district or 2 square foot in any other Residential zone district.

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 or (HEART) Ordinance), 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 open 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.

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 (a) above, this use is prohibited adjacent to Major Public Open Space.

4-3(F)(4)(e) This use is prohibited in the following mapped areas as noted.

1. Downtown Area
   This use is prohibited in the following mapped area.

2. Downtown Neighborhood Area – CPO-3
   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-11
   This use is prohibited in the MX-L and NR-LM zone districts in the Sawmill/Wells Park – CPO-11.

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-12
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)  One (1) accessory dwelling unit is allowed per lot.

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)  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)(d)  A detached accessory dwelling unit shall comply with any applicable provisions of Subsection 14-16-5-11(C)(2) (Garages)

4-3(F)(5)(e)  A garage that is accessed from the side (i.e. the garage door is perpendicular to the front façade of the primary building), the street-facing façade of the garage shall be articulated to resemble the façade of the primary building and shall include at least 5 linear feet of windows.

4-3(F)(5)(f)  Rear-loaded residential garages shall be set back a minimum of 3 feet from an alley or street.

4-3(F)(5)(g)  Accessory Buildings).

4-3(F)(5)(h)  When accessory to a Permissive Primary use in any Non-residential zone district, this use is limited to lodging for 1 caretaker of the property.

4-3(F)(5)(i)  Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions in the following mapped areas, where they are allowed as a permissive or conditional accessory use, as noted below. Where it is a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required.

1.  Barelas – CPO-1
   Accessory dwelling units are a conditional accessory use in the Barelas – CPO-1.
2. 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.

3. 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.

4. Huning Highland Area
Accessory dwelling units are a conditional accessory use in the following mapped area.
5. Sawmill/Wells Park – CPO-11
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-11.

6. South Broadway Area
Accessory dwelling units are a conditional accessory use in the following mapped area.

7. University Neighborhoods Area
Accessory dwelling units are a conditional accessory use in the following mapped area.

8. Volcano Mesa – CPO-12
Accessory dwelling units are a permissive accessory use in the Volcano Mesa – CPO-12. 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)(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.

4-3(F)(7)  Family Home Daycare
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 Ordinance), 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 not allowed as home occupations:
1. Any use in the Agricultural or Animal-related category.
2. Any use in the Food, Beverage, and Indoor Entertainment category.
5. Commercial services.
6. Construction contractor facility and yard.
7. Crematorium.
8. Mortuary.
9. Adult retail.
10. Liquor retail.
Part 14-16-4: Use Regulations

4-3: Use-specific Standards

4-3(F): Accessory Uses

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, except that one 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.

4-3(F)(9)(h) No provision for off-street parking or loading facilities, other than requirements for the residence in the applicable dwelling district, shall be allowed. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway to serve home occupations shall be allowed.

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:
1. Indefinitely, if they do not occupy any required off-street parking spaces for the primary land use of the property.

2. Up to 7 consecutive days, if they do not occupy more than 10 percent of the required off-street parking spaces for the primary land use on the property.

3. For the amount of time specified on an approved Temporary Use Permit, if they occupy more than 10 percent of required off-street parking spaces for the primary land use on the 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 (Traffic Code).

4-3(F)(11)(g) This use is allowed to operate on private property in any Residential zone district, provided:

   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 and maintained 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:

   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 hours of operation of on-premises uses.

   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 and maintained 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.

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)(13) Outdoor Animal Run
4-3(F)(13)(a) This use may be operated outside an enclosed structure.
4-3(F)(13)(b) Where outdoor animal runs are allowed, they 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
4-3(F)(14)(a) The outdoor dining area shall be accessory to the immediately abutting primary use, and the items sold for consumption in the outdoor dining area shall be sold in the immediately abutting primary use.
4-3(F)(14)(b) A decorative wall, fence, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use, which shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.
4-3(F)(14)(c) If the use is located on a public sidewalk:
1. The owner or operator of the immediately abutting primary use shall be required to obtain a sidewalk encroachment permit from the City.
2. The depth of the area enclosed by a wall, fence, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area at least 6 feet in width.
3. The area enclosed by a wall, fence, or barrier shall not contain any utility vault.
4. 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.

4-3(F)(14)(d) The use shall not include any open flames or other safety or health hazards, with the exception of tabletop candles.

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 wholly or partially 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 corner 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 not allowed 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
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 primary use in any use category other than Residential.

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 use in the Residential use category.

4-3(G) TEMPORARY USES

Temporary uses require a Temporary Use Permit pursuant to Subsection 14-16-6-5(I) 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(G) 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 must be located at least 300 feet from any Residential zone district or residential component of any Mixed-use zone district.

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 consecutive days before site construction begins.

4-3(G)(2)(b) This use may only be located on the lot for the following timeframes:

1. If associated with a construction project, from 30 consecutive days before construction begins to 30 consecutive days after issuance of a certificate of occupancy for a structure, or 30 consecutive 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 consecutive days before to 7 consecutive days after the approved event.

3. If neither Subsection 1 nor 2 above applies, then not longer than a period of 30 consecutive 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 consecutive 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) Where temporary dwelling units are allowed, the construction trailer or office may be used as a temporary dwelling unit provided 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 on the
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 consecutive days before construction begins to 30 consecutive days after 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 consecutive days before to 7 consecutive 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 consecutive days.

4-3(G)(4) Fair, Festival, or Theatrical Performance
Limited to 7 consecutive 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) Garage or Yard Sale
4-3(G)(5)(a) The duration of any sale shall not exceed 3 consecutive days.
4-3(G)(5)(b) For low-density residential development: no more than 2 sales within a 12-month period.
4-3(G)(5)(c) For multi-family residential development: no more than 4 sales within a 12-month period.

4-3(G)(6) 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).

4-3(G)(7) Open Air Market
May only be operated for up to 60 consecutive days.

4-3(G)(8) 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)(9) Real Estate Office or Model Home
4-3(G)(9)(a) This use may not begin, and any structure containing the use may not be installed, more than 30 consecutive days before site construction begins.
4-3(G)(9)(b) This use must terminate, and any structure containing the use must be removed from the site, no later than 30 consecutive days after issuance of the certificate of occupancy for the last unit or portion of the development is issued.
4-3(G)(9)(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)(9)(d) One (1) wall, window, or yard sign of up to 4 square feet is allowed.

4-3(G)(9)(e) Where temporary dwelling units are allowed, the structure containing this use may also be used as a temporary dwelling unit provided it meets all applicable building and occupancy requirements for a temporary dwelling unit.

4-3(G)(10) **Seasonal Outdoor Sales**
This use is limited to a total of 45 days in any calendar year.

4-3(G)(11) **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. A traffic management plan may be required.
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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 and to ensure that residential development, particularly low-density residential development, reinforces the scale and character of residential areas in those portions of the city designated as Areas of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

5-1(B) APPLICABILITY

5-1(B)(1) The standards of this Section 14-16-5-1 apply in any zone districts 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必须 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.
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.

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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Lot size, minimum[3]</td>
<td>10,890 sq. ft.</td>
<td>R-1A: 3,500 sq. ft.</td>
<td>R-1B: 5,000 sq. ft.</td>
<td>R-1C: 7,000 sq. ft.</td>
<td>R-1D: 10,000 sq. ft.</td>
<td>Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft.</td>
</tr>
<tr>
<td>Contextual</td>
<td>See Subsection 14-16-5-1(C)(2)</td>
<td>N/A</td>
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</tr>
<tr>
<td>Lot width, minimum</td>
<td>75 ft.</td>
<td>R-1A: 25 ft.</td>
<td>R-1B: 37.5 ft.</td>
<td>R-1C: 50 ft.</td>
<td>R-1D: 70 ft.</td>
<td>Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft.</td>
</tr>
<tr>
<td>Contextual</td>
<td>See Subsection 14-16-5-1(C)(2)</td>
<td>N/A</td>
<td>N/A</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Usable open space, minimum[5]</td>
<td>N/A</td>
<td>N/A</td>
<td>400 sq. ft. / manufactured home space</td>
<td>N/A</td>
<td>Efficiency or 1 BR: 200 sq. ft. / unit 2 BR: 250 sq. ft. / unit ≥3 BR: 300 sq. ft. / unit</td>
<td>UC-MS-PT: 50% reduction</td>
</tr>
<tr>
<td>Setback Standards[6]</td>
<td>Front, minimum</td>
<td>20 ft.</td>
<td>R-1A: 10 ft.</td>
<td>R-1B, R-1C: 15 ft.</td>
<td>R-1D: 20 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Front, maximum</td>
<td>N/A</td>
<td>None</td>
<td>UC-MS-PT: N/A</td>
<td>UC-MS-PT: 10 ft. along 70% of primary street frontage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 5-1-1: Residential Zone District Dimensional Standards

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Side, maximum</td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>UC-MS-PT: Street side of corner lots: 15 ft.</td>
<td></td>
</tr>
<tr>
<td>Rear, minimum</td>
<td>25 ft. min</td>
<td>R-1A: 10 ft. R-1B, R-1C, R-1D: 15 ft.</td>
<td>10 ft.</td>
<td>15 ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Building Height

<table>
<thead>
<tr>
<th>Building height, maximum</th>
<th>26 ft.</th>
<th>35 ft.</th>
<th>45 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-MS-PT: Street side of corner lots: 65 ft.</td>
<td>No maximum for portions of building &gt;100 ft. from all lot lines</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[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.

[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 14-16-6-8E(1)(c).

[5] Usable open space requirements for R-ML and R-MH are for multi-family development only. Use-specific standards for some development types require usable open space pursuant to Subsections 14-16-4-3(8)(3)(i) (Dwelling, Cottage Development) and 14-16-4-3(8)(5)(a) (Dwelling, Townhouse).

[6] At corners and junctions with driveways or alleys, additional requirements related to clear sight triangles in the DPM may apply.

---

### 5-1(C)(2) Contextual Residential Development in Areas of Consistency

#### 5-1(C)(2)(a) Applicability

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:
5-1(C): Residential Zone Districts

5-1(C)(2): Contextual Residential Development in Areas of Consistency

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

In any Residential zone district in an Area of Consistency, the minimum and maximum lot sizes for construction of new low-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, in the block 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 that block.

2. 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 that block.

3. 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.

5-1(C)(2)(c) Setbacks

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 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 adjacent lot or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.

2. If both of the abutting lots facing the same street are low-density residential development, the front setback of any new
Part 14-16-5: Development Standards

5-1: Dimensional Standards

5-1(C): Residential Zone Districts

5-1(C)(2): Contextual Residential Development in Areas of Consistency

dwellings shall be between the closer and farther front setbacks of the 2 primary dwellings on the abutting lots (see illustration below).

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 per the standards in Table 5-1-1.
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. Section 14-16-2-4(E) (Mixed-use – Form-based Zone District (MX-FB)) includes additional dimensional standards for any MX-FB sub-zone.

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.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>MX-T</th>
<th>MX-L</th>
<th>MX-M</th>
<th>MX-H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usable open space, minimum[1]</td>
<td>Efficiency or 1 BR: 200 sq. ft./unit</td>
<td>2 BR: 250 sq. ft./unit</td>
<td>≥3 BR: 300 sq. ft./unit</td>
<td>UC-MS-PT: 50% reduction</td>
</tr>
<tr>
<td>Setbacks[2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, minimum</td>
<td>5 ft.</td>
<td>UC-MS-PT: 0 ft.</td>
<td>50% of front property line width must be occupied by the primary building constructed within 15 ft. of the property line. On a corner lot, the required 50% must begin at the corner.</td>
<td></td>
</tr>
<tr>
<td>Front, maximum</td>
<td>N/A</td>
<td>UC-MS-PT: 15 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side, minimum</td>
<td>0 ft.; Street side of corner lots: 5 ft.</td>
<td>UC-MS-PT: 0 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side, maximum</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, minimum</td>
<td>15 ft.</td>
<td>UC-MS-PT: Interior: N/A; Street side of corner lots: 15 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, maximum</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building height, maximum</td>
<td>35 ft.</td>
<td>45 ft.</td>
<td>65 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 35 ft.</td>
<td>UC-MS-PT: 65 ft.</td>
<td>UC-MS-PT: 75 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No maximum for portions of building &gt;100 ft. from all lot lines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 12 ft. Structured Parking Bonus</td>
<td>UC-MS-PT: 24 ft. Structured Parking Bonus</td>
<td>UC-MS-PT: 12 ft. Workforce Housing Bonus</td>
<td></td>
</tr>
</tbody>
</table>

[1] Usable open space requirements indicated in this table are for multi-family development only. Additional usable open space requirements in Subsections 14-16-4-3(B)(3)(j) (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 or alleys, additional requirements related to clear sight triangles in the DPM may apply.
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.

5-1(E)(1)(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)(1)(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 an Amendment to the Zoning Map to the NR-SU zone district.

Table 5-1-3: Non-residential Zone District Dimensional Standards

<table>
<thead>
<tr>
<th>Zone District</th>
<th>NR-C</th>
<th>NR-BP</th>
<th>NR-LM</th>
<th>NR-GM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot width, minimum</td>
<td>N/A</td>
<td>100 ft.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Building coverage, maximum</td>
<td>N/A</td>
<td>50%</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Setback Standards</strong>[^1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, minimum</td>
<td>5 ft.</td>
<td>20 ft.[^2]</td>
<td>5 ft.</td>
<td></td>
</tr>
<tr>
<td>UC-MS-PT: 0 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, maximum</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UC-MS-PT: 15 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side, minimum</td>
<td>0 ft.</td>
<td>10 ft.[^2]</td>
<td>0 ft.</td>
<td></td>
</tr>
<tr>
<td>UC-MS-PT: Interior: N/A; Street side of corner lots: 15 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side, maximum</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, minimum</td>
<td>0 ft.</td>
<td>10 ft.[^2]</td>
<td>0 ft.</td>
<td></td>
</tr>
<tr>
<td>UC-MS-PT: 15 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, maximum</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building height, maximum</td>
<td>35 ft.</td>
<td></td>
<td>65 ft.</td>
<td></td>
</tr>
<tr>
<td>UC-MS-PT: 55 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[^1]: Replaced
[^2]: Replaced
### 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.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>NR-C</th>
<th>NR-BP</th>
<th>NR-LM</th>
<th>NR-GM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No maximum for portions of building &gt;100 ft. from all lot lines</td>
<td>No maximum for portions of building &gt;100 ft. from front lot line</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[1] At corners and junctions with driveways or alleys, additional requirements related to clear sight triangles in the DPM may apply.

[2] No setback is required on sides abutting rail tracks or rail easements.

### 5-1(F) 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

<table>
<thead>
<tr>
<th>Structure or Feature</th>
<th>Conditions or Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encroachments into Required Setback Areas</td>
<td>May encroach any amount into a required side or rear setback, subject to the Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code).</td>
</tr>
<tr>
<td>Accessory building</td>
<td>As specified in Subsection 14-16-4-3(E)(9) (Wind Energy Generation or Device).</td>
</tr>
<tr>
<td>Accessory ground-mounted wind energy system</td>
<td>May encroach up to 2 ft. into a required setback, but not closer than 3 ft. from any lot line.</td>
</tr>
<tr>
<td>Architectural feature including awning, balcony, bay window, canopy, sill, chimney, belt course, cornice, and ornamental feature</td>
<td>May encroach into a required setback, but not closer than 3 ft. from any lot line.</td>
</tr>
<tr>
<td>Carport</td>
<td>As specified in Subsection 14-16-5-5(F)(2)(a)2 (Carports).</td>
</tr>
<tr>
<td>Dumpster enclosure</td>
<td>May encroach any amount into a required side or rear setback.</td>
</tr>
<tr>
<td>Evaporative cooler</td>
<td>May encroach up to 4 ft. into a required side or rear setback.</td>
</tr>
<tr>
<td>Freestanding sign</td>
<td>May encroach into a required setback, but not closer than 3 ft. from any lot line.</td>
</tr>
<tr>
<td>Ground-mounted solar collector</td>
<td>Allowed per Section 47-3-4 NMSA 1978.</td>
</tr>
<tr>
<td>Open or lattice-enclosed fire escape, fireproof outside stairway, and balcony opening upon smoke towers</td>
<td>May encroach up to 10 ft. into a required rear setback.</td>
</tr>
<tr>
<td>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</td>
<td>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.</td>
</tr>
<tr>
<td>Shade structure for low-density residential development</td>
<td>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.</td>
</tr>
</tbody>
</table>
### Table 5-1-4: Allowed Exceptions and Encroachments

<table>
<thead>
<tr>
<th>Structure or Feature</th>
<th>Conditions or Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall or fence</td>
<td>As specified in Section 14-16-5-7 (Walls and Fences).</td>
</tr>
<tr>
<td><strong>Exceptions to Building Height Limits</strong></td>
<td>Exempt from height limits for primary buildings.</td>
</tr>
<tr>
<td>Belfry, church spire or tower, flag pole, flue, monument, 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</td>
<td></td>
</tr>
<tr>
<td>Non-commercial or broadcast antenna</td>
<td>May be up to 65 feet.</td>
</tr>
<tr>
<td>Rooftop solar collector</td>
<td>Allowed per Section 47-3-4 NMSA 1978.</td>
</tr>
<tr>
<td>Shade structure</td>
<td>In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, may not exceed 12 ft. in height.</td>
</tr>
<tr>
<td>Wind generation device</td>
<td>As specified in Subsection 14-16-4-3(E)(9) (Wind Energy Generation or Device).</td>
</tr>
<tr>
<td>Wireless Telecommunications Facility (WTF)</td>
<td>As specified in Subsection 14-16-4-3(E)(10)(b) (Wireless Telecommunications Facility Maximum Height).</td>
</tr>
</tbody>
</table>

**5-1(G)  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(A) PURPOSE
The regulations in this Section 14-16-5-2 are established to minimize the impacts of development on the natural environment 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.

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

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:
- 5-2(C)(1)(a) Floodplains and flood hazard areas
- 5-2(C)(1)(b) Steep slopes
- 5-2(C)(1)(c) Unstable soils
- 5-2(C)(1)(d) Wetlands
- 5-2(C)(1)(e) Arroyos
- 5-2(C)(1)(f) Irrigation facilities (acequias)
- 5-2(C)(1)(g) Escarpments
- 5-2(C)(1)(h) Rock outcroppings
- 5-2(C)(1)(i) Large stands of mature trees
- 5-2(C)(1)(j) Archaeological sites

5-2(C)(2) Street crossings of irrigation ditches and drains shall be minimized to the maximum extent practicable.

5-2(C)(3) Street crossings of sensitive lands shall be minimized to the maximum extent practicable.

5-2(C)(4) 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 parcels than it would have if sensitive lands 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.
5-2(D)  ARCHAEOLOGICAL SITES

5-2(D)(1)  Applicability
This section 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).

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)  MAJOR ARROYO STANDARDS

5-2(E)(1)  Applicability
This section applies to development or redevelopment on parcels abutting a major arroyo.
5-2(E)(2) Drainage

5-2(E)(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(E)(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.

5-2(E)(3) Arroyo Right-of-Way and Trails

5-2(E)(3)(a) Accessory buildings shall be set back from the property line 2 feet for each foot of building height in excess of 6 feet.

5-2(E)(3)(b) Property owners shall dedicate property as shown in the Facility Plan for Arroyos for trails and/or arroyo right-of-way. Right-of-way for a trail and landscaping adjacent to the arroyo right-of-way shall average 20 feet in width.

5-2(E)(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(E)(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 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(E)(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(E)(3)(f) Access for wheelchair accessible trails in or along arroyos shall comply with ADA standards.

5-2(E)(4) Landscaping Adjacent to Arroyos

5-2(E)(4)(a) Disturbance to slopes and vegetation and cut and fill shall be minimized to the extent practicable and balanced against the need to provide for bikeways or other amenities within the arroyo easement and/or right-of-way.

5-2(E)(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 right-of-way.

5-2(E)(4)(c) Development shall landscape usable open space along the property line abutting the arroyo easement or right-of-way.
5-2(E)(4)(d) Parking lots abutting major arroyos shall provide a buffer pursuant to Subsection 14-16-5-6(F)(3).

5-2(E)(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 Arroyos or Major Public Open Space) and 14-16-5-7(F) (Retaining Wall Standards) and in the DPM.

5-2(F) IRRIGATION FACILITY (ACEQUIA) STANDARDS
5-2(F)(1) All subdivisions and site development shall comply with applicable requirements of Article 14-5 of ROA 1994 and the DPM.
5-2(F)(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(F)(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 (a) below.
5-2(F)(3)(a) 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.

5-2(F)(4) 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(F)(5) Street crossings of acequias shall be minimized to the maximum extent practicable.
5-2(G) LANDFILL BUFFERS

The standards and certification process described in this Subsection 14-16-5-2(G) are for development on sites on or within landfill buffer zones, as established in Subsection (1) below, and are not intended to affect planning or administrative processes that are not associated with physical changes to these sites other than to raise the awareness of procedures to be undertaken prior to development.

5-2(G)(1) Applicability

This Subsection 14-16-5-2(G) applies to landfill buffer zones, which comprise the landfills and the areas surrounding them based on minimum distances in Table 5-2-1, unless specified otherwise.

<table>
<thead>
<tr>
<th>Landfill</th>
<th>Minimum Buffer Zone Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atrisco</td>
<td>250 ft.</td>
</tr>
<tr>
<td>Coronado</td>
<td>Site specific</td>
</tr>
<tr>
<td>Eubank</td>
<td>500 ft., except those areas within Sandia Science and Technology Park Phase 1 area</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Nazareth</td>
<td>500 ft.</td>
</tr>
<tr>
<td>Riverside</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Russ Pitney</td>
<td>2,000 ft.</td>
</tr>
<tr>
<td>Sacramento</td>
<td>500 ft.</td>
</tr>
<tr>
<td>San Antonio</td>
<td>500 ft.</td>
</tr>
<tr>
<td>San Francisco Drive</td>
<td>500 ft.</td>
</tr>
<tr>
<td>Seay Brothers</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>South Broadway</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Southwest</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Swartzman</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>W.W.Cox</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Yale</td>
<td>500 ft.</td>
</tr>
<tr>
<td>Private Permitted Landfills(^{[1]})</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Private Unpermitted Landfills(^{[1]})</td>
<td>1,000 ft.</td>
</tr>
<tr>
<td>Illegal Dumpsites</td>
<td>1,000 ft.</td>
</tr>
</tbody>
</table>

\(^{[1]}\) Private permitted landfills have been permitted by the New Mexico Environment Department (NMED) Solid Waste Bureau, while private unpermitted landfills have not been permitted by the NMED Solid Waste Bureau.

5-2(G)(2) Standards

5-2(G)(2)(a) All development on any lot, any portion of which is in a landfill buffer zone, shall be subject to the Environmental Services Division of the City Environmental Health Department Interim Guidelines. The Environmental Services Division of the City Environmental Health Department or its consultant shall review all documentation concerning the development from professional engineers and the developers, owners, and other responsible parties, including any required public or private infrastructure improvements, to ensure compliance with the Interim Guidelines.

5-2(G)(2)(b) Development applications shall include input from a professional engineer with expertise in landfills and landfill gas issues to
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5-2: Site Design and Sensitive Lands

5-2(G)(2)(c) If landfill gas is present at the property in question or there is a potential for the property or other properties to be impacted by migrating landfill gas in the future, any Site Plan, Infrastructure Improvements Agreement (IIA), building permit, or other permit for activity resulting in physical changes to the property shall include risk abatement measures that are adequate to address any existing and/or future risk related to landfill gas. The portion of the construction plans associated with the development activity that deals with landfill gas abatement measures shall be certified by a professional engineer with landfill gas experience; noted on any associated plat, Master Development Plan, Site Plan, IIA, or permit; and reviewed and signed-off by staff or a designated consultant of the Environmental Services Division of the City Environmental Health Department.

5-2(G)(2)(d) Work orders for construction of public infrastructure will not be issued by the City Department of Municipal Development until the City Environmental Health Department has verified that the risk abatement measures are properly detailed on infrastructure construction plans.

5-2(G)(2)(e) Any removal of landfill materials during development, including for grading or associated with required off-site infrastructure, must be coordinated with the New Mexico Environment Department – Solid Waste Bureau.

5-2(G)(2)(f) Certificates of occupancy will not be issued by the City Planning Department until the City Environmental Health Department has verified that the risk abatement measures are properly detailed on the building permit plans and properly constructed.

5-2(G)(3) Certification Requirements
Certification for development in a landfill buffer zone requires all of the following:

5-2(G)(3)(a) An assessment performed by the professional engineer with expertise in landfills and landfill gas to determine the presence and/or potential for future presence and extent of landfill gas at the property. The scope of work undertaken concerning the assessment of landfill gases and/or the risk abatement measures at the property must be sufficient for the professional engineer to render an unqualified opinion concerning the presence and/or potential for future presence and extent of landfill gases at the property, and identify risk abatement measures sufficient to eliminate any hazards or potential hazards associated with landfill gases.
5-2(G)(3)(b) A commitment by the owner, developer, or responsible party to follow abatement measures and acknowledgment that the commitment is a condition of development approval. In the case of a large corporation, this commitment shall be included in the certification letter signed by a representative with the authority to commit the corporation to implementing the risk abatement measures.

5-2(G)(3)(c) Construction plans detailing the risk abatement measures submitted to the City Planning Department with the building permit plans.

5-2(G)(3)(d) Copies of landfill certification documentation.

5-2(G)(3)(e) Any associated plats, Master Development Plans, Site Plans, IIAs, permits, or as-built construction drawings shall include the following disclosure statement.

“The subject property is located (near, on) a (former, existing) landfill. Due to the subject property being (near, on) a (former, existing) 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) shall be consulted prior to development of the site.”

5-2(G)(3)(f) If a determination is made that there is no landfill gas at the property and there is no future risk from landfill gas, the assessment report shall state how such a determination was made and shall be certified by a professional engineer with landfill gas experience. The “no risk” certification shall include the required documentation in Subsections (a), (d), and (g) above.

5-2(G)(3)(g) A stamped certification from a professional engineer licensed to practice in New Mexico certifying that the construction of the project has been completed in compliance with the risk abatement measures as detailed on original construction plans. Any changes in the original design of the risk abatement measures shall be coordinated with the landfill gas professional engineer and City Environmental Health Department prior to implementation of the change.

5-2(H) MAJOR PUBLIC OPEN SPACE EDGES

5-2(H)(1) Properties within 330 feet of Major Public Open Space

These standards apply to development within 330 feet of Major Public Open Space in order to enhance and protect Major Public Open Space. For additional standards regulating adjacent properties, see Subsection 14-16-5-2(H)(2) below.

Projects within 330 feet of Major Public Open Space shall do all of the following:

5-2(H)(1)(a) 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.

5-2(H)(1)(b) Colors shall blend with the surrounding natural environment and generally include yellow ochres, browns, dull reds, and grey greens.

1. Trim materials on façades constituting less than 20 percent of the façade’s opaque surface may be any color.
2. Use native and/or naturalized vegetation for landscaping materials.

5-2(H)(1)(c) Screen mechanical equipment pursuant to Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

5-2(H)(1)(d) Design lighting pursuant to Section 14-16-5-8 (Outdoor Lighting).

5-2(H)(1)(e) Design signage per Subsections 14-16-5-12(C)(4) and Section 14-16-5-12(H)(2)(e) and locate signs to minimize visibility from Major Public Open Space.

5-2(H)(1)(f) 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(H)(2) Properties Adjacent to Major Public Open Space

In addition to the standards that apply within 330 feet of Major Public Open Space in Subsection 14-16-5-2(H)(1) above, the following standards apply to development adjacent to Major Public Open Space.

5-2(H)(2)(a) Development on properties 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 not allowed 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 20 feet may be substituted as approved by the Open Space Superintendent.

2. Locate on-site open space to be contiguous with the Major Public Open Space, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.

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 Section 14-16-5-4(H).

8. Design grading per Section 14-16-5-4(J).

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(H)(2)(b) Development on properties 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 EPC per Section 14-16-6-6(H).

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.
Development on properties of any size adjacent to the Petroglyph National Monument shall:

1. Comply with the requirements of Subsections (1) and (2) above.
2. Comply with the applicable standards in Section 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2).
3. Comply with the Wireless Telecommunications Facilities concealment requirements in Section 14-16-4-3(E)(10)(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(F) and 14-16-5-12(F)(4)(b)2.

5-2(I) PREVENTING AND MITIGATING CONSTRUCTION IMPACT
See the DPM for standards.
5-3  ACCESS AND CONNECTIVITY

5-3(A) PURPOSE
The regulations in this Section 14-16-5-3 are established 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
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 American 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
5-3(C)(2)(a) To the maximum extent practicable, new streets in Areas of Change shall include right-of-way necessary to accommodate convenient and safe access by users of all ages and abilities, including pedestrians, bicyclists, motorists, and transit riders to allow comfortable, convenient, and universally accessible street
5-3(C)(3): Driveways and Access

Development shall comply with the driveways and access standards in the DPM.

5-3(C)(3)(b) No new curb cuts may be added in the following mapped area within the University Heights 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 parcel or sites over 5 acres in size adjacent to existing bikeways shall provide at least 1 access point to the bikeways to allow residents and users of the development to easily and safely access those bikeways to the maximum extent practicable. Access location and design shall be coordinated with City Parks and Recreation Department.

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, exclusive of the exception noted in Subsection (b) below.

5-3(D)(1)(b) A sidewalk at least 4 feet wide shall be provided on at least 1 side of new residential subdivision streets, or on private residential streets that are converted to public streets, in the Los Duranes –
CPO-6. A sidewalk on such a street that serves 10 or fewer dwelling units may be accommodated within the minimum vehicular right-of-way.

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 elsewhere in this IDO:

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 or parcel.

5-3(D)(3) On-site Pedestrian Connections
All non-residential, mixed-use, and multi-family 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. 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 that extends to the boundary of the subject parcel.
   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.
3. In any Mixed-use zone district and for general retail in the NR-LM zone district, the following requirements shall apply:
   a. Walkways shall be installed along the street-facing façade with a pedestrian entrance. Walkways shall meet the standards of the DPM, except in the following situations:
   b. For all mixed-use and non-residential developments 10,000 square feet or less, walkways shall be 8 feet wide.
   c. For buildings greater than 10,000 square feet up to and including 50,000 square feet, walkways shall be 10 feet wide.
   d. For buildings greater than 50,000 square feet, the width of the sidewalk shall increase at the rate of 1 foot in width per 10,000 square feet of building size to a maximum required width of 15 feet.
   e. 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 sidewalk along the façade is a minimum of 8 feet.
   f. 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 clear path.

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, 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 standards in the Metropolitan Transportation Plan.
Long Range Transportation System (LRTS) Guide and DPM, intended to create a hierarchy of street classifications for arterials, connectors, and local streets spaced adequately for a complete network that provides circulation throughout the city to accommodate various travel modes.

5-3(E)(1)(b) Detailed Design
1. Detailed intersection spacing, geometry, and horizontal alignment for streets shall meet the criteria specified in the DPM.
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 LRTS Guide 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.

5-3(E)(1)(c) Right-of-Way 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 LRTS Guide and there is no adopted future street line, the arrangement of streets in a subdivision shall do one of the following:
   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 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
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.

2. Street lights on major local and local streets will normally be required to be installed at the applicant’s expense and shall be at locations approved by the Development Review Board (DRB).

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 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 and the responsibility for operation and maintenance shall be indicated on the plat. Any legal
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5-3: Access and Connectivity

5-3(E)(2): Connections to Adjacent Land

Where adjacent land has been subdivided with stub streets ending adjacent to a new subdivision, or with a local street ending at a street dividing the new subdivision, the new subdivision streets shall be designed to align the streets in the adjacent subdivision to allow through circulation between the 2 adjacent subdivisions.

5-3(E)(2)(b) Where adjacent land has not been platted, residential subdivisions shall be designed so that at least one local street within each 1,000 feet of boundary length is constructed as a stub street intended as a future through connection to the adjacent parcel, unless this requirement is adjusted by the DRB based on considerations of traffic safety or traffic congestion.

5-3(E)(3) Driveways 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 and access points shall be constructed to the standards of the DPM.
3. Driveway 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 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 highway unless no alternative access is feasible.
2. Multi-family 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. Driveways 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 to the maximum extent practicable and shall be designed to comply with the standards of the DPM. Right-of-way and pavement widths for those streets may be increased up to 12 feet on adopted bike routes and lanes by the DRB based on considerations of bicycle, pedestrian, and motor vehicle safety.
5-4(A) PURPOSE
The regulations in this Section 14-16-5-4 are established 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 development lot or parcel.

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 parcels, building sites, tracts, or lots, 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.

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(I) (Subdivision of Land – Minor) and 14-16-6-6(J) (Subdivision of Land – Major).

5-4(C) COMPLIANCE WITH ZONING REQUIREMENTS

5-4(C)(1) All lots and parcels 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.

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.
5-4(C)(1)(b) Nonconforming property may be replatted without requiring a lot size Variance if the replat meaningfully decreases the degree of already existing nonconformity.

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, 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 or Site Plan is required prior to platting action on unsubdivided land. Subsequent platting must conform to the approved plan.

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

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>
<thead>
<tr>
<th>Table 5-4-1: Summary of Block Lengths in the DPM</th>
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<tbody>
<tr>
<td><strong>Location</strong></td>
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<tr>
<td>Streets in Center &amp; Corridor Areas</td>
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<tr>
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<td>Urban Center</td>
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<td>Streets in Other Areas</td>
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<td>Collectors and Above</td>
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<tr>
<td>Local Streets</td>
</tr>
</tbody>
</table>
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 other designated 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).

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 Variance – DRB for an alternative layout and access provisions is approved pursuant to Subsection 14-16-6-6(L).

5-4(F)(2)(b) Residential lots shall avoid layouts where the rear lot line is adjacent to an arterial or collector street to the maximum extent practicable. Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.

5-4(F)(2)(c) In the case of cluster or cottage development or manufactured home communities in zone districts where those uses are allowed, the provisions in Subsections (a) and (b) above apply to the entire project site, not to individual lots within the project site.

5-4(F)(3) Lot Dimensions

5-4(F)(3)(a) Lot sizes shall comply with all applicable standards in this IDO, including but not limited to Section 14-16-5-1 (Dimensional Standards).

5-4(F)(3)(b) The Planning Director is authorized to make those adjustments to required lot dimensions shown in Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands).

5-4(F)(3)(c) Through lots shall be avoided to the maximum extent practicable.

5-4(F)(3)(d) 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(I) (Subdivision of Land – Minor) and 14-16-6-6(J)(6-J) (Subdivision of Land – Major), as applicable.

5-4(F)(3)(e) 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 Parcels Prohibited

No subdivision shall result in any remainder parcel or tract 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 the adopted facility plans and current ABCWUA policy on water and sanitary sewer line extensions.

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) To the maximum extent practicable, the developer shall incorporate best management practices for low-impact development stormwater management to minimize stormwater runoff and increase on-site infiltration as described in the DPM.

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 Variance pursuant to Subsection 14-16-6-6(L) 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 Variance – DRB is granted pursuant to Subsection 14-16-6-6(L) if it is determined that no significant public purpose would be served by requiring that the new construction to be placed underground and that 1 or more of the following conditions exists:

5-4(I)(2)(a) The immediate or adjacent area is presently served by overhead lines.
5-4(I)(2)(b) Subsurface conditions make underground lines economically unreasonable.

5-4(I)(3) **Distribution Lines Over 40 Kilovolts**
Electrical lines that carry 40 kV or more are not regulated by this IDO, but rather the Facility Plan for Electric System Transmission and Generation, as amended.

5-4(I)(4) **Safety Clearances from Buildings and Other Structures**
Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety. 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 new subdivision above the grade of nearby property shall be avoided to the maximum extent practicable. Significant cuts near the edges of proposed new subdivisions to lower the grade within the development shall be avoided to the maximum extent practicable.

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 FEMA Special Flood Hazard Area (A zones) without an approved drainage report and financial guarantees for the permanent improvements shall be prohibited.
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(I) (Subdivision of Land – Minor) or Section 14-16-6-6(J) (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.

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 rights-of-way or easements for public infrastructure or private facilities.

5-4(L)(2) Easements or 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 and described below:

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) Easements or rights-of-way that will accommodate single public water or sewer lines shall be a minimum of 20 feet in width.

5-4(L)(2)(c) ABCWUA easements shall exclude other underground utilities, unless specifically allowed and approved on a case-by-case basis by the ABCWUA. ABCWUA easements shall not include storm drain facilities.

5-4(L)(3) Utility easements may be required along any lot line.

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(I) (Subdivision of Land – Minor) or Subsection 14-16-6-6(J) (Subdivision of Land – Major).

5-4(M) IMPACT FEES

Development may be subject to impact fees listed in Article 14-19 of ROA 1994 (Impact Fees), as applicable.

5-4(N) MONUMENTATION

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

5-4(O) IMPROVEMENTS REQUIRED

5-4(O)(1) The subdivider shall install and construct all improvements required by this Section 14-16-5-4 and the DPM. Required improvements shall be installed and constructed as shown on the approved preliminary plat and as 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(O)(2) Construction of some or all infrastructure may be waived by the DRB for bulk land subdivisions 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(P) INFRASTRUCTURE IMPROVEMENTS AGREEMENT**
Upon approval of a plat and/or Site Plan, and prior to recording, the subdivider shall execute an Infrastructure Improvements Agreement (IIA) to guarantee completion of required improvements. The format and required contents of the IIA shall comply with Subsections 14-16-6-6(I) (Subdivision of Land – Minor) and 14-16-6-6(J) (Subdivision of Land – Major), as applicable, and the DPM.

**5-4(Q) 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.
5-5 PARKING AND LOADING

5-5(A) PURPOSE
The purpose of this Section 14-16-5-5 is 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 14-16-5-5(C) (Off-street Vehicle 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

2. McClellan Park Area

3. Old Town – HPO-5

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 parcel is not reduced.

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.

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 VEHICLE 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, Credits, and Allowances). This final number shall be used to calculate the required motorcycle parking in Subsection 14-16-5-5(D) and the required bicycle parking in Subsection 14-16-5-5(E).

5-5(C)(1)(c) When a computation 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, Credits, and Allowances), 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 14-16-5-6(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)(6) (Parking Maximums).
## Table 5-5-1: Off-street Parking Requirements

**UC-MS-PT** = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan

**AC** = Activity Centers 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

<table>
<thead>
<tr>
<th>Use</th>
<th>IDO Parking Requirement</th>
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<td>Household Living</td>
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<td>Dwelling, single-family detached</td>
<td>1 space / DU up to 2 BR</td>
</tr>
<tr>
<td></td>
<td>2 spaces / DU with 3 or more BR</td>
</tr>
<tr>
<td>Dwelling, mobile home</td>
<td>2 spaces / mobile home</td>
</tr>
<tr>
<td>Dwelling, cluster development</td>
<td>1 space / DU up to 2 BR</td>
</tr>
<tr>
<td></td>
<td>2 spaces / DU with 3 or more BR</td>
</tr>
<tr>
<td>Dwelling, cottage development</td>
<td>1 space / DU R-A and R-1: 2 additional spaces / project for visitors.</td>
</tr>
<tr>
<td>Dwelling, two-family detached (duplex)</td>
<td>1 space / DU up to 2 BR</td>
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<tr>
<td>Dwelling, townhouse</td>
<td>2 spaces / DU with 3 or more BR</td>
</tr>
<tr>
<td>Dwelling, live-work</td>
<td>2 spaces / DU</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 1 space / DU</td>
</tr>
<tr>
<td>Dwelling, multi-family</td>
<td>1.5 spaces / DU</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 1 space / DU</td>
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<td><strong>Group Living</strong></td>
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<td>Assisted living facility or nursing home</td>
<td>Assisted living facility: 1 space / 3 beds</td>
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<tr>
<td></td>
<td>Nursing home: 1 space / 5 residential care beds, but not less than 2 spaces</td>
</tr>
<tr>
<td>Community residential facility</td>
<td>1 space / 4 persons design capacity</td>
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<tr>
<td>Group home</td>
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<tr>
<td>Sorority or fraternity</td>
<td>1 space / 3 persons design capacity</td>
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<td><strong>CIVIC AND INSTITUTIONAL USES</strong></td>
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<tr>
<td>Adult or child day care facility</td>
<td>1 space / 400 sq. ft. GFA</td>
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<tr>
<td>BioPark</td>
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<tr>
<td>Cemetery</td>
<td>No requirement</td>
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<tr>
<td>Community center or library</td>
<td>2 spaces / 1,000 sq. ft. GFA</td>
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<tr>
<td>Correctional facility</td>
<td>3 spaces / 1,000 sq. ft. GFA</td>
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<tr>
<td>Daytime gathering facility</td>
<td>No requirement</td>
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<tr>
<td>Elementary or middle school</td>
<td>2 spaces / classroom</td>
</tr>
<tr>
<td>Fire or police station</td>
<td>2 spaces / 1,000 sq. ft. GFA</td>
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<tr>
<td>High school</td>
<td>1 space / 4 seats in main auditorium or 3 spaces / classroom, whichever is greater</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 space / 3 patient beds or 4 spaces / 1,000 sq. ft. GFA, whichever is greater</td>
</tr>
<tr>
<td>Museum or art gallery</td>
<td>3 spaces / 1,000 sq. ft. GFA, but not less than 2 spaces</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA, but not less than 2 spaces</td>
</tr>
<tr>
<td>Overnight shelter</td>
<td>No requirement</td>
</tr>
<tr>
<td>Parks and open space</td>
<td></td>
</tr>
<tr>
<td>Religious institution</td>
<td>1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[1]</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[1]</td>
</tr>
</tbody>
</table>
### Table 5-5-1: Off-street Parking Requirements

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan  
AC = Activity Centers 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

<table>
<thead>
<tr>
<th>Use</th>
<th>IDO Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sports field</td>
<td>4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch the recreation</td>
</tr>
<tr>
<td>University or college</td>
<td>1 space / 500 sq. ft. GFA of office, research, and library area plus 1 space / 200 sq. ft. GFA of largest auditorium space</td>
</tr>
<tr>
<td>Vocational school</td>
<td>3 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>COMMERCIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Agriculture and Animal-related</td>
<td></td>
</tr>
<tr>
<td>Agriculture, general</td>
<td>No requirement</td>
</tr>
<tr>
<td>Community garden</td>
<td>No requirement</td>
</tr>
<tr>
<td>Equestrian facility</td>
<td>No requirement</td>
</tr>
<tr>
<td>Kennel</td>
<td>2.5 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Nursery</td>
<td>2 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>2.5 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Other pet services</td>
<td></td>
</tr>
<tr>
<td><strong>Food, Beverage, and Indoor Entertainment</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Auditorium or theater         | 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]                                                |
| Bar                           | 8 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                                                                                                                           |
| 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                                                                                                                           |
| Tap room or tasting room      | 8 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                                                                                                               |
| 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                                                                                                                           |
### Table 5-5-1: Off-street Parking Requirements

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan

AC = Activity Centers 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

<table>
<thead>
<tr>
<th>Use</th>
<th>IDO Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light vehicle repair</td>
<td>1 space / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Light vehicle sales and rental</td>
<td>2 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Outdoor vehicle storage</td>
<td>No requirementT</td>
</tr>
<tr>
<td>Paid parking lot</td>
<td></td>
</tr>
<tr>
<td>Parking structure</td>
<td></td>
</tr>
<tr>
<td><strong>Offices and Services</strong></td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td>3 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>UC-MS-PT: 2 spaces / 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Blood services facility</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Club or event facility</td>
<td>1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[^1]</td>
</tr>
<tr>
<td>UC-MS-PT: 1 space / 1,500 sq. ft. GFA or 1 space / 6 seats in main assembly area, whichever is greater[^2]</td>
<td></td>
</tr>
<tr>
<td>Commercial services</td>
<td>3 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Construction contractor facility and yard</td>
<td>No requirement</td>
</tr>
<tr>
<td>Crematorium</td>
<td>1 space / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Medical or dental clinic</td>
<td>5 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>UC-MS-PT: 3 spaces / 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Mortuary</td>
<td>1 space / 1,000 sq. ft. GFA or 1 space / 4 seats in main assembly area, whichever is greater[^3]</td>
</tr>
<tr>
<td>Office</td>
<td>3.5 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Maximum (UC-MS-PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Personal and business services, small</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Personal and business services, large</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Research or testing facility</td>
<td>1.5 space / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Self-storage</td>
<td>1 space / 3,000 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>Outdoor Recreation and Entertainment</strong></td>
<td></td>
</tr>
<tr>
<td>Amphitheater</td>
<td>1 space / 4 seats in main assembly area[^4]</td>
</tr>
<tr>
<td>Balloon Fiesta Park events and activities</td>
<td>Per parking study or adopted Master Plan.</td>
</tr>
<tr>
<td>Drive-in theater</td>
<td>No requirement</td>
</tr>
<tr>
<td>Fairgrounds</td>
<td>4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities</td>
</tr>
<tr>
<td>Residential community amenity</td>
<td>3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2</td>
</tr>
<tr>
<td>Stadium or racetrack</td>
<td>1 space / 4 seats in main assembly area[^5]</td>
</tr>
<tr>
<td>Other outdoor entertainment</td>
<td>3 spaces / 1,000 sq. ft. GFA plus requirements in Table 5-5-2</td>
</tr>
<tr>
<td><strong>Retail Sales</strong></td>
<td></td>
</tr>
<tr>
<td>Adult retail</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Bakery goods or confectionery shop</td>
<td>2 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Building and home improvement materials store</td>
<td>2 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Farmers’ market</td>
<td>No requirement</td>
</tr>
</tbody>
</table>

[^1]: Minimum Off-street Parking Table

[^2]: Urban Centers, Main Street areas, and Premium Transit areas

[^3]: Activity Centers as identified in the ABC Comp Plan

[^4]: Dwelling Unit

[^5]: Bedroom
### Table 5-5-1: Off-street Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>IDO Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>General retail</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td></td>
<td>UC-MS-PT: 2.5 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Grocery store</td>
<td>Maximum (UC-MS-PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Liquor retail</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Pawn shop</td>
<td>4 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>Determined by airport management</td>
</tr>
<tr>
<td>Freight terminal or dispatch center</td>
<td>No requirement</td>
</tr>
<tr>
<td>Helipad</td>
<td>No requirement</td>
</tr>
<tr>
<td>Park-and-ride lot</td>
<td>No requirement</td>
</tr>
<tr>
<td>Railroad yard</td>
<td>No requirement</td>
</tr>
<tr>
<td>Transit facility</td>
<td>Determined by transportation authority</td>
</tr>
<tr>
<td><strong>INDUSTRIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Manufacturing, Fabrication, and Assembly</strong></td>
<td></td>
</tr>
<tr>
<td>Artisan manufacturing</td>
<td>3 spaces / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Light manufacturing</td>
<td>1 space / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Heavy manufacturing</td>
<td>1 space / 5,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Natural resource extraction</td>
<td>No requirement</td>
</tr>
<tr>
<td>Special manufacturing</td>
<td>1 space / 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>Telecommunications, Towers, and Utilities</strong></td>
<td></td>
</tr>
<tr>
<td>Geothermal energy generation</td>
<td>No requirement</td>
</tr>
<tr>
<td>Solar energy generation</td>
<td></td>
</tr>
<tr>
<td>Utility, electric</td>
<td></td>
</tr>
<tr>
<td>Utility, other major</td>
<td></td>
</tr>
<tr>
<td>Wind energy generation</td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunications Facility (All)</td>
<td></td>
</tr>
<tr>
<td><strong>Waste and Recycling</strong></td>
<td></td>
</tr>
<tr>
<td>Recycling drop-off bin facility</td>
<td>No requirement</td>
</tr>
<tr>
<td>Solid waste convenience center</td>
<td></td>
</tr>
<tr>
<td>Salvage yard</td>
<td></td>
</tr>
<tr>
<td>Waste and/or recycling transfer station</td>
<td></td>
</tr>
<tr>
<td><strong>Wholesaling and Storage</strong></td>
<td></td>
</tr>
<tr>
<td>Above-ground storage of fuels or feed</td>
<td>No requirement</td>
</tr>
<tr>
<td>Outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td></td>
</tr>
<tr>
<td>Wholesaling and distribution center</td>
<td>1 space / 2,000 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>ACCESSORY AND TEMPORARY USES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ACCESSORY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Agriculture sales stand</td>
<td>No requirement</td>
</tr>
<tr>
<td>Animal keeping</td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>No requirement[2]</td>
</tr>
</tbody>
</table>
### Table 5-5-1: Off-street Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>IDO Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-through or drive-up facility</td>
<td>No requirement.</td>
</tr>
<tr>
<td>Dwelling unit, accessory</td>
<td>1 space / accessory dwelling unit</td>
</tr>
<tr>
<td>Dwelling, accessory without kitchen</td>
<td>No requirement</td>
</tr>
<tr>
<td>Family care facility</td>
<td></td>
</tr>
<tr>
<td>Family home daycare</td>
<td>No requirement</td>
</tr>
<tr>
<td>Garden</td>
<td></td>
</tr>
<tr>
<td>Hobby breeder</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Independent living facility</td>
<td>1 space / DU</td>
</tr>
<tr>
<td>Mobile food truck</td>
<td>No requirement</td>
</tr>
<tr>
<td>Mobile vending cart</td>
<td>No requirement</td>
</tr>
<tr>
<td>Outdoor animal run</td>
<td></td>
</tr>
<tr>
<td>Outdoor dining area</td>
<td>5 spaces / 1,000 sq. ft. GFA outdoor seating space</td>
</tr>
<tr>
<td>Parking of more than 2 truck tractors and 2 semitrailers for more</td>
<td>No requirement</td>
</tr>
<tr>
<td>than 2 hours</td>
<td></td>
</tr>
<tr>
<td>Parking of non-commercial vehicle</td>
<td>No requirement</td>
</tr>
<tr>
<td>Parking of recreational vehicle, boat, and/or recreational trailer</td>
<td>No requirement</td>
</tr>
<tr>
<td>Second kitchen in a dwelling</td>
<td>1 additional space required</td>
</tr>
<tr>
<td>Other use accessory to non-residential primary use</td>
<td>No requirement</td>
</tr>
<tr>
<td>Other use accessory to residential primary use</td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>TEMPORARY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Circus</td>
<td>4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities</td>
</tr>
<tr>
<td>Construction staging area, trailer, or office</td>
<td>No requirement</td>
</tr>
<tr>
<td>Dwelling unit, temporary</td>
<td>1 space / DU</td>
</tr>
<tr>
<td>Fair, festival, or theatrical performance</td>
<td>4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities</td>
</tr>
<tr>
<td>Garage or yard sale</td>
<td></td>
</tr>
<tr>
<td>Hot air balloon takeoff/landing</td>
<td>No requirement</td>
</tr>
<tr>
<td>Open air market</td>
<td></td>
</tr>
<tr>
<td>Park-and-ride facility, temporary</td>
<td></td>
</tr>
<tr>
<td>Real estate office or model home</td>
<td>2 spaces / 1,000 sq. ft. GFA of office</td>
</tr>
<tr>
<td>Seasonal outdoor sales</td>
<td>4 spaces / 1,000 sq. ft. of stall area and customer circulation area</td>
</tr>
</tbody>
</table>

[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>
<thead>
<tr>
<th>Activity</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miniature Golf</td>
<td>2 spaces / hole</td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td>1 space / tee plus 1 space / 15 sq. ft. of hitting area</td>
</tr>
<tr>
<td>Golf Course</td>
<td>4 spaces / hole</td>
</tr>
<tr>
<td>Court Sports</td>
<td>3 spaces / court</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>1 space / 3 persons design capacity</td>
</tr>
<tr>
<td>Batting Cage</td>
<td>1 space / 2 batting spaces</td>
</tr>
<tr>
<td>Skate Facility</td>
<td>4 spaces / 1,000 sq. ft. of skating surface</td>
</tr>
<tr>
<td>Amusement Park</td>
<td>1 space / 300 sq. ft. GFA plus 1 space / 5,000 sq. ft. of outdoor area</td>
</tr>
<tr>
<td>Unlisted Uses</td>
<td>As determined by Planning Director per Section 14-16-5-5(C)(4)</td>
</tr>
</tbody>
</table>

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 Vehicle 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 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, Credits, and Allowances**

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 shown in this Subsection 14-16-5-5(C)(5). These factors may be applied individually or in combination, but the cumulative reduction in off-street spaces shall not exceed 50 percent of the parking spaces required by Table 5-5-1 and Table 5-5-2 unless the applicant
Part 14-16-5: Development Standards
5-5: Parking and Loading

5-5(C): Off-street Vehicle Parking
5-5(C)(5): Parking Reductions, Credits, and Allowances

satisfies the requirements of Subsections 14-16-5-5(C)(5)(g) (Public Parking) or 14-16-5-5(C)(5)(i) (Parking Study).

5-5(C)(5)(a) General Reductions for Urban Centers and Main Street Areas
Where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for UC or MS areas, a 10 percent reduction in required off-street parking requirements shall apply to properties in those Center and Corridor 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 operating hours and peak business periods.

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 residential dwelling units and 15,000 square feet of gross floor area for retail and a child care center designed for 50 children.

Step 1: Identify basic parking requirements from Table 5-5-1.
40 units times 1 space per dwelling unit = 40 spaces.
15,000 sq. ft. times 2.5 spaces per 1,000 sq. ft. = 37.5 space; rounded to 37.
50 child capacity times 1 space per 15 persons capacity = 3.33 spaces; rounded to 3 spaces.

Step 2: Add up the 2 largest parking requirements: 40+38 = 78 spaces.

Step 3: Divide by the factor in Table 5-5-3.
For multi-family residential and retail the factor is 1.2.
78 divided by 1.2 = 65 spaces.

Step 4: Add the third (smallest) parking requirement without adjustment:
65+3 = 68 spaces = final adjusted parking requirement.
Part 14-16-5: Development Standards
5-5: Parking and Loading

5-5(C): Off-street Vehicle Parking

5-5(C)(5): Parking Reductions, Credits, and Allowances

### Table 5-5-3: Shared Parking Reduction Factors

<table>
<thead>
<tr>
<th>Property Use</th>
<th>Multi-family Residential</th>
<th>Civic or Institutional</th>
<th>Food, Beverage, and Indoor Entertainment or Lodging</th>
<th>Retail</th>
<th>Other Non-residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family Residential</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civic or Institutional</td>
<td>1.1</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food, Beverage, and Indoor Entertainment or Lodging</td>
<td>1.1</td>
<td>1.2</td>
<td>1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>1.2</td>
<td>1.3</td>
<td>1.3</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Other Non-residential</td>
<td>1.3</td>
<td>1.5</td>
<td>1.7</td>
<td>1.2</td>
<td>1.0</td>
</tr>
</tbody>
</table>

5-5(C)(5)(c) Reduction for Proximity to Transit

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 of any transit stop or transit station with a peak service frequency of 15 minutes or better.

2. The minimum number of off-street parking spaces required may be reduced by 50 percent if the proposed development is located within a Premium Transit Area.

3. 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.

4. 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) Electric Vehicle Charging Station Credit

1. Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as 2 vehicle parking spaces toward satisfaction of minimum off-street parking requirements.

2. When a new parking lot containing more than 200 off-street spaces is 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(C)(5)(e) 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 a minimum off-street parking requirements.

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 a minimum off-street parking requirements.

5-5(C)(5)(f) 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. 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.

3. 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.

4. 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)(5)(g) Off-site Parking Allowance

1. The provision of required parking at an off-site parking area is allowed for 100 percent of the required parking spaces, except that those required to satisfy the Americans with Disabilities Act must be provided on the site of the building or use.

2. Off-site parking must meet the location standards in Subsection 14-16-5-5(F)(1)(a)11 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.

5-5(C)(5)(h) Public Parking Allowance

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)(i) Parking Study Allowance
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 Maximums
Parking maximums shown in Table 5-5-1 apply to parking lots, not to spaces provided in parking structures.

5-5(C)(7) Accessible Parking
5-5(C)(7)(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, Credits, and Allowances) – 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)(7)(b) Accessible parking spaces shall be located, sized, and constructed as required by the DPM.

5-5(D) MOTORCYCLE PARKING
5-5(D)(1) In addition to parking spaces required by Table 5-5-1, all uses except residential uses shall provide the minimum number of off-street parking spaces for motorcycles, mopeds, and motor scooters listed in Table 5-5-4 on site.

Table 5-5-4: Motorcycle Parking Requirements

<table>
<thead>
<tr>
<th>Total Parking Spaces Required by Table 5-5-1</th>
<th>Number Of Motorcycle Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 25</td>
<td>1 space</td>
</tr>
<tr>
<td>26 – 50</td>
<td>2 spaces</td>
</tr>
<tr>
<td>51 – 100</td>
<td>3 spaces</td>
</tr>
<tr>
<td>101-150</td>
<td>4 spaces</td>
</tr>
<tr>
<td>151-300</td>
<td>5 spaces</td>
</tr>
<tr>
<td>301 - 500</td>
<td>6 spaces</td>
</tr>
<tr>
<td>501 - 750</td>
<td>7 spaces</td>
</tr>
<tr>
<td>751 – 1,000</td>
<td>8 spaces</td>
</tr>
<tr>
<td>1,000 and above</td>
<td>8 spaces plus 1 space per each additional</td>
</tr>
</tbody>
</table>
Table 5-5-4: Motorcycle Parking Requirements

<table>
<thead>
<tr>
<th>Total Parking Spaces Required by Table 5-5-1</th>
<th>Number Of Motorcycle Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 spaces</td>
<td></td>
</tr>
</tbody>
</table>

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.

5-5(E) BICYCLE PARKING

5-5(E)(1) Unless specified otherwise in this IDO, all development and shall provide on-site parking spaces for bicycles in accordance with Table 5-5-5.

Table 5-5-5: Bicycle Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>IDO Bicycle Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential use</td>
<td>≥5 multi-family or live-work units: 3 spaces or 10% of required off-street parking spaces, whichever is greater</td>
</tr>
<tr>
<td>Sorority or fraternity</td>
<td>1 space / 3 persons design capacity</td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>2 spaces + 1 space / 6,000 sq. ft. GFA of conference, restaurant, bar, and banquet space</td>
</tr>
<tr>
<td>Elementary or middle school</td>
<td>3 spaces or 1 space / 10 students design capacity, whichever is greater</td>
</tr>
<tr>
<td>High school</td>
<td>3 spaces or 1 space / 10 students design capacity, whichever is greater</td>
</tr>
<tr>
<td>Vocational school</td>
<td>3 spaces or 1 space / 10 students design capacity, whichever is greater</td>
</tr>
<tr>
<td>Non-residential uses not listed in this table</td>
<td>3 spaces or 10% of required off-street parking spaces, whichever is greater</td>
</tr>
</tbody>
</table>

5-5(E)(2) The required bicycle parking spaces may be reduced or eliminated by the Planning Director based on site-specific conditions, including but not limited to isolation from other development and connectivity of the site to bicycle trails and facilities.

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 of a primary pedestrian entrance. Sites with multiple primary pedestrian entrances shall have distributed bicycle parking locations.

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.
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 including any portion of the off-street 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 or driveway located in any Residential or Mixed-use zone district shall be used for the storage of commercial vehicles.

6. 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.

7. Required parking spaces for single-family and two-family detached and cluster development shall be located on the same lot as the residential use they serve.

8. Required parking spaces for townhouse or cottage development, in a designated communal or shared parking area located on a lot abutting at least 1 of the lots served by such parking.

9. Required parking spaces for multi-family residential or for any Residential use other than those listed in Subsections 7 and 8 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.
10. Mixed-use and non-residential developments with at least 200 linear 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.

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 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)(5)(g) (Off-site Parking Allowance) (see figures below).

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 apply 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
public right-of-way 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 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.

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, carports, parking lots, and parking structures, unless an specified otherwise elsewhere 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 districts except R-MC:

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in the DPM. The area of the front 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.

2. Carports
   a. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion of this structure may be located within 3 feet of a property line, and no carport wall may be built within any required setback area.
   b. Any carport in a required front or side setback requires a Variance – DRB pursuant to Subsection 14-16-6-6(L).
   c. Carports are prohibited within any front yard in the following mapped areas:
      i. Downtown Neighborhood Area – CPO-3
ii. Monte Vista and College View Historic District

d. Where carports are allowed, they shall meet clear sight triangle standards in the DPM.

3. 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 street designated as an arterial or collector in the LRTS Guide to use a local residential street for more than 150 feet to access the non-residential property, to the maximum extent practicable.

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:
   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)(1) (Landscaping, Buffering, and Screening), 14-16-5-8 (Outdoor Lighting), and 14-16-5-9 (Neighborhood Edges), and standards related to those sections 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.


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. Parking areas must be set back:
   a. From the front lot line: 30 percent of the lot depth, minimum.
   b. From other street frontages: 10 feet minimum.
   c. From rear lot lines: 5 feet minimum.

2. Vehicular access is allowed only from side-street or alley.

3. Parking structures shall have ground floor uses along all side street frontages and 3 foot minimum high opaque walls or vegetative screening at side and rear property lines. If the side or rear property line is adjacent to a residentially zoned lot, the wall of the parking structure must be entirely solid, without opening.

5-5(F)(4)(b) Eighth & Forrester – HPO-2

1. For single-family and two-family residential development, circular driveways are not allowed.

2. Tandem parking is allowed in driveways for single-family and two-family residential 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 public-right-of-way.
3. Parking on the street-facing side of corner buildings is not allowed.

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 façade facing a public street shall be designed to conceal the view of all parked cars below the hoodline and to conceal internal light sources when viewed from the public street.

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 shall be integrated with the parking structure.

5-5(G)(4) Additional Standards in All 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 street-facing façade of the parking structure shall have a minimum floor-to-ceiling height of 13 feet for a depth of at least 30 feet from the street to allow for conversion to a pedestrian-active use when the market supports that use.

5-5(G)(4)(b) Parking structure ramps shall not be visible from any public street.

5-5(H) OFF-STREET LOADING

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>
<thead>
<tr>
<th>Zone District</th>
<th>Required Loading Spaces</th>
<th>Minimum Size of Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential Zone Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses in the Lodging, Offices and Services, and Retail Sales categories</td>
<td>Minimum: 1 space / 50,000 sq. ft. ground floor GFA or part thereof</td>
<td>First required space: 12 ft. x 65 ft. Remaining spaces: 10 ft. x 25 ft.</td>
</tr>
<tr>
<td>Other non-residential uses</td>
<td>Minimum: 1 space / 50,000 sq. ft.</td>
<td>Access and maneuvering areas shall</td>
</tr>
</tbody>
</table>
### 5-5(H): Location of Off-Street Loading Spaces

5-5(H)(2) **Location of Off-Street Loading Spaces**

- **5-5(H)(2)(a)** Loading spaces shall be located on the same lot or parcel as the use it serves, unless Subsection (b) below applies.

- **5-5(H)(2)(b)** Joint use of an off-street loading facility may be approved by the Planning Director provided the applicant provides documentation demonstrating the adequacy of the facility to serve anticipated loading needs; and an executed agreement 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 of the entrance.

5-5(H)(3) **Design and Layout of Off-Street Loading Areas**

Off street loading areas shall comply with the following standards and with all applicable standards in the DPM.

- **5-5(H)(3)(a)** Trucks using the loading area shall not be required to back into a public street to leave the site.

- **5-5(H)(3)(b)** Truck and loading operations shall not encroach into any pedestrian walkway, bicycle lane, public right-of-way, fire lane or building setback.

- **5-5(H)(3)(c)** Loading spaces shall not be located in a front or side setback abutting a public right-of-way and, to the maximum extent feasible, shall be located to the rear of a site and away from adjacent residential areas.

- **5-5(H)(3)(d)** For a site adjoining an alley that does not abut any Residential zone district, required loading spaces shall be accessed from the alley.

- **5-5(H)(3)(e)** The design and layout 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- Section 14-16-5-6 (Landscaping, Buffering, and Screening), 14-16-5-7 (Walls and Fences), and 14-16-5-9 (Neighborhood Edges), and standards related to those sections in the DPM.

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### Table 5-5-7: Off-Street Loading Space Requirements

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Required Loading Spaces</th>
<th>Minimum Size of Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Other Zone Districts</td>
<td>Minimum: 1 space / building on sites with adequate unbuilt lot area to accommodate a loading space meeting the standards of this Subsection 14-16-5-5(H)</td>
<td>9 ft. x. 25 ft. Access and maneuvering areas shall be provided to comply with the DPM</td>
</tr>
<tr>
<td>ground floor GFA or part thereof</td>
<td>Maximum: 2 spaces</td>
<td>be provided to comply with the DPM</td>
</tr>
</tbody>
</table>

---

Revised and Updated Through May 2018
Integrated Development Ordinance
City of Albuquerque, New Mexico
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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Minimum Required Stacking Spaces, per Establishment[1]</th>
<th>Measured from End of Queuing Lane To:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General</td>
<td>UC-MS</td>
</tr>
<tr>
<td>Bank or Automated Teller Machine (ATM)</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Light Vehicle Fueling Station</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Car Wash</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Restaurant</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Retail Store</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>Determined by the City Engineer based on anticipated demand</td>
<td></td>
</tr>
</tbody>
</table>

[1] Each stacking space shall be 20 ft. long unless specified otherwise in the DPM or by the City Engineer.

### 5-5(I)(1) Drive-through or Drive-up Facility Design

5-5(I)(1)(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.

5-5(I)(1)(b) Drive-through service windows shall be oriented away from pedestrian areas, residentially-zoned areas, and public streets to the maximum extent practicable.

5-5(I)(1)(c) Drive-through service windows and any associated order board shall be located at least 50 feet from any abutting Residential zone district or lot containing a Residential use in a Mixed-use zone district.

5-5(I)(1)(d) 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)(1)(e) For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building.

5-5(I)(1)(f) In UC-AC-MS-PT-MT areas and the MX-H zone district, no drive-through lanes shall be located between the front façade of the primary building and the front lot line or within a required side setback abutting a street.

5-5(I)(1)(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.
LANDSCAPING, BUFFERING, AND SCREENING

5-6(A) PURPOSE

The purpose of this Section 14-16-5-6 is to define and regulate landscape requirements that establish 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 multi-family, mixed-use, or non-residential primary building or 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 multi-family, mixed-use, or non-residential structure 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 multi-family, mixed-use, or non-residential primary building, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, as 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 14-16-5-5(I)(1), 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(C) **GENERAL LANDSCAPING STANDARDS**
The following standards apply to all landscaping, screening, or buffering required by this Section 14-16-5-5(I)(1).

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.
- **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.
- **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.
  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.
- **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 14-16-5-5(I)(1) 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 and Bonus).
  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(E) (Major Arroyo Standards) may count toward any required landscaping in this Section 14-16-5-5(I)(1) but shall be subject to Subsection 14-16-5-6(C) (General Landscaping Standards).

5-6(C)(3)(e) Any 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 14-16-5-5(I)(1) but shall be subject to standards in Subsection 14-16-5-6(C) (General Landscaping Standards).

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 and Sizing List 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.

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 in order to avoid water waste.

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 the City’s Water Conservation Ordinance, Street Tree Ordinance, and Pollen Ordinance, as applicable (ROA 1994, as amended).

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.

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**

5-6(C)(5)(a) All vegetated material required by this Section 14-16-5-5(I)(1) shall be planted in uncompacted soil.

5-6(C)(5)(b) Organic mulch, such as wood chips or pecan shells, is required as ground cover for the portion of any landscaped area surrounding the vegetation root ball, as well as beneath the entire tree canopy or dripline, in each required landscape area.

5-6(C)(5)(c) In DT-UC-MS areas, the use of gravel or crusher fines as ground cover is limited to a maximum of 50 percent of any outdoor space.

5-6(C)(5)(d) In all other areas, the use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of any outdoor space.

5-6(C)(5)(e) 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)(5)(f) Permeable weed barriers shall be used to optimize permeability and stormwater infiltration to the maximum extent practicable.

5-6(C)(6) **Minimum Plant Sizes at Installation**

All vegetation required by this Section 14-16-5-5(I)(1) shall meet the minimum size requirements in Table 5-6-1, unless specified otherwise elsewhere in this IDO.

<table>
<thead>
<tr>
<th>Plant material type (ANSI types)</th>
<th>Minimum size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous Street Trees</td>
<td>2 in. caliper 6 in. above grade</td>
</tr>
<tr>
<td>Deciduous Accent Trees</td>
<td>1.5 in. caliper 6 in. above grade or 6 ft. in height</td>
</tr>
<tr>
<td>Evergreen Tree</td>
<td>6 ft. in height</td>
</tr>
<tr>
<td>Multi-trunk Tree</td>
<td>Minimum 2 trunks with a combined caliper of 2 in.</td>
</tr>
<tr>
<td>Shrub</td>
<td>1 gallon container size</td>
</tr>
<tr>
<td>Ground cover and turf</td>
<td>Adequate to provide general ground cover within 1 growing season after planting</td>
</tr>
</tbody>
</table>
Part 14-16-5: Development Standards

5-6(C): General Landscaping Standards

5-6: Landscaping, Buffering, and Screening

5-6(C)(7) Plant Material Spacing

5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall not be placed closer than 3 feet from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections.

5-6(C)(7)(b) Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas.

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 as specified in the DPM 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 and may require an agreement with the City specifying maintenance, repairs, or liability responsibilities.

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 of the ROA 1994 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 of the centerline of a sewer or water line.
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 not allowed on any required landscape or buffer area.

5-6(C)(12) Existing Vegetation Credit and Bonus
5-6(C)(12)(a) If non-prohibited existing 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>
<thead>
<tr>
<th>Diameter at Breast Height (in.)</th>
<th>Number of Trees Credited</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥25</td>
<td>8</td>
</tr>
<tr>
<td>≥13 and &lt;25</td>
<td>6</td>
</tr>
<tr>
<td>≥8 and &lt;13</td>
<td>4</td>
</tr>
<tr>
<td>≥4 and &lt;8</td>
<td>2</td>
</tr>
<tr>
<td>&lt;4</td>
<td>1</td>
</tr>
<tr>
<td>Prohibited trees 8 in. or greater[1]</td>
<td>1</td>
</tr>
</tbody>
</table>

[1] Prohibited trees are those that do not appear on the Official Albuquerque Plant Palette and Sizing List 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) In the R-ML, R-MH, Mixed-use, and NR-SU zone districts, and on lots containing multi-family 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)(c) Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided the area includes vegetation required by this Section 14-16-5-6 to the maximum extent practicable in light of any applicable stormwater treatment requirements.

5-6(C)(13)(d) Permeable paving may be used for all pedestrian or multi-use sidewalks and sidewalks through required landscaped areas, and may be counted toward satisfaction of minimum vegetated area requirements.

5-6(C)(14) Irrigation Systems

5-6(C)(14)(a) All irrigation systems shall be designed to minimize the use of water.

5-6(C)(14)(b) All non-residential landscape irrigation shall have automatic timers and/or programmable settings to avoid overwatering.

5-6(C)(14)(c) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, 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.

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 the public right-of-way shall be the responsibility of such landowner. 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 the public right-of-way, 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 landowner to replace the plant materials.

5-6(C)(15)(d) Property owners acknowledge that approved landscaping and trees installed and maintained in the public right-of-way abutting private properties are the property of the City, and that the City reserves the right to remove it if necessary for a transportation project without compensation, but at no cost to the property owner. Landscaping installed in the abutting public right-of-way 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.
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
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 ft. on center unless specified otherwise in Part 6-6-2 of ROA 1994 (Street Trees).
5-6(D)(1)(b) Trees shall be planted to align with street frontage landscaping on abutting lots to the maximum extent practicable.

5-6(D)(1)(c) Only trees selected from the Official Albuquerque Plant Palette and Sizing List 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)(d) 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)(e) 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 along each 30 linear feet of each façade facing a City park or trail, Major Public Open Space, or major arroyo.

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

5-6(E)(1) General Requirements

5-6(E)(1)(a) Landscaped buffers are required 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) 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)(c) 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)(d) 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>
<thead>
<tr>
<th>Table 5-6-3: Edge Buffer – Development Type Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Type</td>
</tr>
<tr>
<td>Multi-family, mixed-use, or non-residential</td>
</tr>
<tr>
<td>Mixed-use or non-residential</td>
</tr>
<tr>
<td>Industrial development</td>
</tr>
</tbody>
</table>

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 in an R-A, R-1, R-MC, or R-T zone district with 1 or more residential dwellings, the following buffer shall be provided along the lot line, as specified for the relevant area below.

5-6(E)(2)(a) General
A landscape buffer area at least 15 feet wide shall be provided. One (1) deciduous or evergreen 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 of 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
1. An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided.
   a. The wall, fence, or vegetative screen shall be placed at least 6 feet inside the property line.
   b. If a wall or fence is provided, the side facing the R-A, R-1, R-MC, or R-T zone district shall be at least as finished in appearance as the side facing the proposed development. Three (3) small shrubs per 25 feet of lot line shall be provided between the wall and the property line of the R-A, R-1, R-MC, or R-T zone district.

2. For buildings over 30 feet in height, a landscape buffer area at least 10 feet wide shall be provided. One (1) deciduous tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity shall be provided for every 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

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 or R-MH zone districts with 1 or more multi-family residential dwellings, the following buffer shall be provided along the lot line, as specified for the relevant area below.

5-6(E)(3)(a) General
1. A landscape buffer area at least 20 feet wide shall be provided on the lot with the mixed-use or non-residential development. One (1) deciduous or evergreen 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 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

2. If a wall is constructed in a landscape buffer area next to a multi-family development in any R-ML or R-MH zone district, the wall shall be placed at least 3 feet inside the lot line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the multi-family use.

5-6(E)(3)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas
An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided. If a wall or fence is provided, the side facing the multi-family residential use shall be at least as finished in appearance as the side facing the mixed-use or non-residential development.

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.

2. Where light manufacturing, heavy manufacturing, special manufacturing, natural resource extraction, non-linear portions of an electric utility or other major utility, or any primary use in the Waste and Recycling category is developed on a lot abutting a vacant lot or a lot with a use other than one of these specified uses.
5-6(E)(4)(b) General
A landscape buffer area at least 25 feet wide shall be provided along the adjacent property line. One (1) deciduous or evergreen tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

5-6(E)(4)(c) Downtown, Urban Centers, and Main Street and Premium Transit Areas
1. An opaque wall or fence at least 6 feet tall shall be provided along any lot line abutting or across an alley from the non-industrial development. 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. If the adjacent non-industrial development includes residential uses, the wall shall be placed at least 3 feet inside the property line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the adjacent residential use.

2. If a wall is constructed in a landscape buffer area abutting any non-industrial use, the wall shall be placed at least 3 feet inside the lot line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the abutting non-industrial use.

Table 5-6-4: Edge Buffer – Development Area Summary

<table>
<thead>
<tr>
<th>Lot in Area of Change Next to Specific Standards</th>
<th>General Buffering</th>
<th>Buffering in DT-UC-MS-PT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of Consistency in R-A, R-1, R-MC, or R-T</td>
<td>14-16-5-6(E)(2)</td>
<td>Landscaped buffer area ≥15 ft.</td>
</tr>
<tr>
<td>Area of Consistency in R-ML or R-MH</td>
<td>14-16-5-6(E)(3)</td>
<td>Landscaped buffer area ≥20 ft.</td>
</tr>
<tr>
<td>Area of Consistency in Mixed-use, NR-C, or NR-PO</td>
<td>14-16-5-6(E)(4)</td>
<td>Landscaped buffer area ≥25 ft.</td>
</tr>
</tbody>
</table>

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.

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(F) (Parking, Drive-throughs Or Drive-ups, 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 driveways 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 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 from a tree trunk.
   3. The minimum size of tree planters within off-street parking areas shall be 60 square feet per tree; the open tree planter area may be reduced to 36 square feet if the surface of a parking or vehicle circulation area adjacent to the tree planter.
is of a permeable material, and combined with the open tree planter area, meets the 60 square foot per tree requirement.

4. 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
In parking areas of 100 spaces or more, the ends of parking aisles need to be defined by landscaped islands. Required landscaping areas shall be no less than 8 feet in width, and areas for tree planting shall not be smaller than 36 square feet.

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 or above in the Metropolitan Transportation Plan Long Range Transportation System (LRTS) Guide.
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.

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) 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.

5-6(G)(3)(c) 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)(d) Screening
Where it is not practicable to locate the loading, service, and refuse areas pursuant to Subsections (a) and (b) above, they shall be screened from view by an opaque decorative wall or fence at least 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.

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 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

The standards in this Section 14-16-5-7 regulate 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

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 Subsection 14-16-6-5(J) (Wall or Fence Permit – Minor) or 14-16-6-6(N) (Variance – ZHE), as applicable.

5-7(B)(3) If the wall permit is approved pursuant to Subsection 14-16-6-5(J) (Wall or Fence Permit – Minor) or is granted a Variance pursuant to Subsection 14-16-6-6(M) (Variance – EPC) or 14-16-6-6(N) (Variance – ZHE), and the Permit or Variance 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 or Variance 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(M) (Variance – EPC) for walls associated with a Site Plan – EPC or Subsection 14-16-6-6(N) (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(E) (Major Arroyo Standards), 14-16-5-2(F) (Irrigation Facility (Acequia) Standards), and 14-16-5-2(H) (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).
5-7(C) WALL LOCATION

5-7(C)(1)  Walls may be constructed anywhere on a parcel, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the Development Process Manual (DPM).

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 or 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto 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.

5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table

Unless specified otherwise in this IDO, walls shall comply with the height standards in Table 5-7-1.

<table>
<thead>
<tr>
<th>Zone Category</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-residential (NR-C, NR-BP)</th>
<th>Non-residential (NR-LM, NR-GM)</th>
<th>See also:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Wall Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall in the front yard or street side yard[1]</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>6 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Wall in other locations on the lot[2][3]</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>10 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Corner Lot Abutting Residential Zone District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;10 ft. from the lot line abutting the street[1]</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>6 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>≥10 ft. from the lot line abutting the street</td>
<td>8 ft.</td>
<td></td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Walls Abutting Major Arroyos and Major Public Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall in a rear or interior side yard abutting a major arroyo</td>
<td>6 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Wall in a rear or interior side yard abutting Major Public Open Space</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>10 ft.</td>
<td>5-7(D)(2)</td>
</tr>
</tbody>
</table>

[1] A Variance – ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2.

[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.

[3] 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)(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 200 feet.

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) Except where a Variance – ZHE is required pursuant to Subsection (d) below or where prohibited pursuant to Subsection (f) below, the 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(J) (Wall or Fence Permit – Minor).

5-7(D)(3)(d) In a Residential zone district or on a lot with low-density residential development in any other zone district that abuts a Residential zone district, where wall height 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 Variance – ZHE to be reviewed and decided based on the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall), except where a taller wall is prohibited pursuant to Subsection (f) below.
### Table 5-7-2: Options for a Taller Front or Side Yard Wall

<table>
<thead>
<tr>
<th>Wall Type and Location</th>
<th>Maximum Wall Height</th>
<th>Illustration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>View Fencing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;10 ft. from lot line abutting the street</td>
<td>5 ft.</td>
<td>5-7(D)(3)(d)1</td>
</tr>
<tr>
<td>≥10 ft. from lot line abutting the street</td>
<td>6 ft.</td>
<td>5-7(D)(3)(d)1</td>
</tr>
<tr>
<td><strong>Courtyard Walls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive</td>
<td>6 ft.</td>
<td>5-7(D)(3)(d)2</td>
</tr>
<tr>
<td><strong>Corner Lots</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;10 ft. from the lot line abutting the street</td>
<td>5 ft.</td>
<td>5-7(D)(2)</td>
</tr>
</tbody>
</table>

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)(e) Walls greater than 3 feet in height are not allowed in any front or street side yard on lots with low-density residential development in the following mapped areas, and no Variance to this provision is allowed in these areas.

1. Downtown Neighborhood Area – CPO-3
2. Monte Vista and College View Historic District

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 prohibited in and abutting any Residential zone district or lot containing a Residential use in any Mixed-use zone district, and shall not be visible from a public street, City park or trail, or Major Public Open Space. Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.

5-7(E)(2) Articulation and Alignment
Portions of walls that obtain approval or are required to exceed the maximum height limits in Section 14-16-5-7(D) (Maximum Wall Height) 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 graphic 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 graphic 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 throughout 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 throughout the length of the wall on at least 20 percent of the wall 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.
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 earthtone 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% 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 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 Lighting**

**5-8(A) Purpose**
The purpose of this Section 14-16-5-8 is 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
All exterior lighting for multi-family, mixed-use and non-residential development shall comply with the standards of this Section 14-16-5-8 unless specified otherwise in this IDO. The standards of this section shall apply to both new lighting and the replacement of fixtures (excepting lamp replacement), regardless of type, mounting, or location.

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.

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.
Part 14-16-5: Development Standards

5-8: Outdoor Lighting

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, spotlights, or floodlights are prohibited, except when used to illuminate alleys, parking structures, and working (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 lot or public right-of-way exceeding 200 foot lamberts.

5-8(C)(2) Notwithstanding Subsection (1) above, all searchlights, spotlights, and floodlights are prohibited within 500 feet 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).

5-8(C)(3) Lighting that is designed to be flashing, traveling, animated, or intermittent is prohibited, except for seasonal displays discontinued within 7 consecutive 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 exterior lighting subject to this Section 14-16-5-8 shall meet the following standards:

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 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 public right-of-way or any adjacent property 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 spill-over onto the area 10 feet beyond the property line shall not exceed 200 foot lamberts at the property line except where adjacent to walkways, bicycle paths, driveways, or public or private streets.

5-8(D)(4) 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, equipment yards, and parking lots.

5-8(D)(5) 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)(6) 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 a different standard is provided in this IDO.

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 the specific standards in Part 14-16-2 or Part 14-16-3, or the Use-specific Standards in Section 14-16-4-3 provide 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>
<thead>
<tr>
<th>Zone District</th>
<th>Maximum Height, ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential zone districts and HPO zones</td>
<td>16</td>
</tr>
<tr>
<td>Mixed-use zone districts</td>
<td>20</td>
</tr>
<tr>
<td>Non-residential zone districts</td>
<td>30</td>
</tr>
<tr>
<td>Within 100 feet of any Residential zone district</td>
<td>16</td>
</tr>
<tr>
<td>Adjacent to Major Public Open Space</td>
<td>20</td>
</tr>
</tbody>
</table>

5-8(D)(8) All exterior 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 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 exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.

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:
   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 is intended to preserve the residential neighborhood character of established low-density homes 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 any lot line adjacent to a Protected Lot shall step down to a maximum height of 30 feet (see figure below).

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 of any lot line adjacent to a Protected Lot shall step down to a maximum height of 30 feet (see figure below).

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**5-9(D) LIGHTING HEIGHT**
The standards in Section 14-16-5-8 (Outdoor Lighting) shall apply.

**5-9(E) SCREENING AND BUFFERING**

5-9(E)(1) For Regulated Lots, a special buffer landscape is required to minimize noise and sight impact of Non-residential development in Residential areas. Buffers shall meet the requirements in Subsection 14-16-5-6(E) (Edge Buffer Landscaping).
5-9(E)(2) Where parking or vehicle circulation areas on a Regulated Lot abut a Protected Lot, a minimum 6 foot high opaque wall or fence shall also be required to visually screen the parking or circulation area. Chain link fence with slats shall not constitute acceptable screening.

5-9(F) PARKING, DRIVE-THROUGHS OR DRIVE-UPS, AND LOADING

5-9(F)(1) Parking and Drive-throughs or Drive-ups
For Regulated Lots 10,000 square feet or larger, parking areas and drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 50 feet (see figure below). For parking areas, landscaping requirements in Subsection 14-16-5-6(F)(1) apply. For drive-throughs, requirements in Subsection 14-16-5-5(I) apply.

5-9(F)(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.

5-10 SOLAR ACCESS

5-10(A) PURPOSE
The standards in this Section 14-16-5-10 are 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 the R-A, R-1, R-MC, and R-T zone districts.

5-10(C) BUILDING HEIGHT
5-10(C)(1) The building height shall not exceed the following heights, determined by the distance cardinally south from the northern boundary of the lot as shown in Table 5-10-1, or angle plane equivalent. 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.
Table 5-10-1: Solar Rights Maximum Building Heights

<table>
<thead>
<tr>
<th>Distance from Northern Lot Line, ft.</th>
<th>Maximum Building Height, ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>10</td>
</tr>
<tr>
<td>6-10</td>
<td>11</td>
</tr>
<tr>
<td>11-15</td>
<td>14</td>
</tr>
<tr>
<td>16-20</td>
<td>17</td>
</tr>
<tr>
<td>21-25</td>
<td>20</td>
</tr>
<tr>
<td>26-30</td>
<td>23</td>
</tr>
<tr>
<td>31-35</td>
<td>25</td>
</tr>
<tr>
<td>36 or more</td>
<td>26</td>
</tr>
</tbody>
</table>

5-10(C)(2) The Zoning Enforcement Officer (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:

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, and solar access to those collector surfaces will not be impaired by the proposed construction.

5-10(C)(2)(c) 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(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
The standards in this Section 14-16-5-11 are 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 also provided to mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to 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 mapped areas, as noted.

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-11
R-1 and R-T zone districts in the Sawmill/Wells Park – CPO-11.

5-11(C)(2) Garages

5-11(C)(2)(a) A garage that is accessed from the side (i.e. the garage door is perpendicular to the front façade of the primary building), the street-facing façade of the garage shall be articulated to resemble the façade of the primary building and shall include at least 5 linear feet of windows.

5-11(C)(2)(b) Rear-loaded residential garages shall be set back a minimum of 3 feet from an alley or street.

5-11(C)(3) Accessory Buildings

5-11(C)(3)(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)(3)(b) An accessory building in any required setback shall not exceed the height of the primary building and any applicable height limitations imposed by Section 14-16-5-10 (Solar Access) unless it is in a required street side setback, where it shall not exceed the maximum height of a wall or fence allowed by Subsection 14-16-5-7(D).

5-11(C)(3)(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)(3)(d) An accessory building that is not covered by Subsection (c) above has no required setback from a lot line.

5-11(C)(3)(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)(3)(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)(3)(g) All accessory buildings must comply with the provisions in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code).

5-11(D) MULTI-FAMILY RESIDENTIAL DEVELOPMENT
All multi-family residential development in any Residential zone district and containing more than 50 dwelling units shall comply with all of the standards in this Subsection 14-16-5-11(D).

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 clear, transparent windows and/or doors.

5-11(D)(3) 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, which shall not be calculated as part of building height.

5-11(D)(4) 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 building 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 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).

5-11(E)(1) Ground Floor Height
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 height of 12 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 façade facing a public street shall incorporate at least 2 of the following features along at least 30 percent of the horizontal length of the façade. The features listed below shall be distributed along the façade so that each horizontal façade length of 40 linear feet contains at least 1 of the following features:
   a. Ground-floor clear, transparent display 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:
   a. Wall plane projections or recesses of at least 1 foot in depth, occurring at least every 100 linear feet and extending at least 25 percent of the length of the façade.
   b. A change in color, texture, or material occurring every 50 linear feet and extending 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 and projecting from the façade by at least 6 inches and repeating at minimum intervals of 30 feet.
   d. Three-dimensional cornice or base treatments.
   e. A projecting gable, hip feature, or change in parapet height for every 100 linear feet of the façade.
   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

1. Each ground floor façade facing a public street shall contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors, with the lower edge of window sills no higher than 30 inches above the finished floor (see figure below).
   a. Signs or graphics covering windows or doors must comply with the provisions in Table 5-12-2.
   b. For commercial or office uses, interior space must be visible to a depth of 20 feet from the façade.

2. Each second floor and higher façade facing a public street or alley shall contain a minimum of 30 percent of its surface in clear, transparent windows and/or doors (see figure below).

3. Except in Urban Center areas, street-facing façades shall change a minimum of every 50 linear feet in height, setback, or material. Planters, portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather shall be provided along no less than 50 percent of the length of street-facing façades.

4. Each side or rear façade adjacent to any Residential or Mixed-use zone district shall have a similar level of façade articulation, materials, and detailing as the façade facing a public street, except where constructed at property lines where fire walls are allowed by building and fire codes.
5-11(E)(3) **Outdoor Seating and Gathering Areas**

5-11(E)(3)(a) **General**

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:

1. 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.
2. At least 25 percent of the required seating and gathering areas shall be shaded from the sun.
3. The seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.
4. The required seating and gathering area shall be linked to the primary entrance of the primary building and the public sidewalk or internal driveway 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 ground floor area shall provide at least 1 outdoor seating and gathering area for every 30,000 square feet of ground floor area, meeting all of the following standards:

1. Each required seating and gathering area shall be at least 400 square feet in size for each 30,000 square feet of building gross floor area and shall be visible from a public street.
2. At least 25 percent of the required seating and gathering areas shall be shaded from the sun.
3. The 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 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
Parking structures shall meet the design standards in Section 14-16-5-5(G) (Parking Structure Design).
5-12(A) PURPOSE
The purpose of the regulations in this Section 14-16-5-12 is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types. 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 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, as regulated by the DPM.
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 consecutive 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(F) (Sign Permit).

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(F) (Sign Permit):

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(F).

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 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,
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
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)(3) Clearance
5-12(E)(3)(a) Any part of a sign extending over a public right-of-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(I) (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 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 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 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 shall not extend more than 2 feet above the wall of a building, except in the following mapped areas, as noted.

1. East Downtown – CPO-4
   Rooftop signs are allowed pursuant to Subsection 14-16-5-12(F)(3)(a) (Standards Applicable in Mapped Areas).

2. East Downtown – HPO-1
   Rooftop signs are allowed pursuant to Subsection 14-16-5-12(F)(3)(b) (Standards Applicable in Mapped 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.

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 of any Residential zone district, all of the following provisions apply.

1. Illuminated signs are prohibited on lots with low-density residential development.

2. No more than 1 sign per premises with multi-family residential, 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 of any Residential zone district and visible from that zone district.

2. The sign is not within 330 feet of Major Public Open Space.

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.

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

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.

#### Table 5-12-1: On-premises Signs in Residential Zone Districts

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zone District</th>
<th>R-A</th>
<th>R-MC</th>
<th>R-1, R-T</th>
<th>R-ML, R-MH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall Sign[^1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, maximum</td>
<td>Low-density residential development: 1 / dwelling Multi-family residential development: 1 / building / street frontage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td>2 sq. ft.</td>
<td>Low-density residential: 2 sq. ft. Multi-family residential: 24 sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Window Sign</td>
<td>Not allowed</td>
<td>Limited to signs not discernible from a public right-of-way.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yard Sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, maximum</td>
<td>1 / dwelling in lieu of wall sign if dwelling is more than 30 ft. from street Not allowed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td>2 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument Sign</td>
<td></td>
<td>Not allowed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, maximum</td>
<td>1 / street frontage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td>24 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, maximum</td>
<td>4 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Allowed and Nonconforming Non-residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building-mounted or Freestanding Sign</td>
<td>1 / street frontage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td>24 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, maximum</td>
<td>Freestanding sign: 6 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[^1]: For low-density residential development, wall signs can only be used for home occupation uses.
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

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zone District</th>
<th>Mixed-use Zone Districts, NR-C, NR-LM, NR-GM</th>
<th>NR-BP, NR-SU, NR-PO, PD, PC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, maximum</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td></td>
<td>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%</td>
<td>Per approved plan[^1]</td>
</tr>
<tr>
<td>Location</td>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Window Sign</td>
<td></td>
<td>No more than 15% of window and door areas may be covered with signs</td>
<td></td>
</tr>
<tr>
<td>Canopy Sign</td>
<td></td>
<td>1 / establishment frontage</td>
<td>Per approved plan[^1]</td>
</tr>
<tr>
<td>Number, maximum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Width, maximum</td>
<td></td>
<td>MX-FB: 1 / entry/exit</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>50% of building frontage width</td>
<td></td>
</tr>
<tr>
<td>Message Surface</td>
<td></td>
<td>Letters and images must be located on vertical surfaces, which may not exceed 18 in. height</td>
<td></td>
</tr>
<tr>
<td>Height, minimum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marquee Sign</td>
<td></td>
<td>1 / theater or performance venue frontage. A marquee sign is allowed in lieu of – not in addition to – an allowable wall sign.</td>
<td>Per approved plan[^1]</td>
</tr>
<tr>
<td>Number, maximum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td></td>
<td>Same as maximum size of wall sign it replaces.</td>
<td></td>
</tr>
<tr>
<td>Height of Message Surface, maximum</td>
<td></td>
<td>3 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MX-FB-AC, MX-FB-UD: full building frontage width</td>
<td></td>
</tr>
<tr>
<td>Projection, maximum</td>
<td></td>
<td>50% of the distance over any abutting sidewalk or 10 t. from the façade, whichever is less.</td>
<td></td>
</tr>
<tr>
<td>Projecting Sign</td>
<td></td>
<td>1 / establishment MX-H and MX-FB: 1 / establishment frontage A projecting sign is allowed in lieu of – not in addition to – an allowable freestanding sign.</td>
<td>Per approved plan[^1]</td>
</tr>
<tr>
<td>Number, maximum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td></td>
<td>Same as maximum size of freestanding sign it replaces.</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zone District</th>
<th>Mixed-use Zone Districts, NR-C, NR-LM, NR-GM</th>
<th>NR-BP, NR-SU, NR-PO, PD, PC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Projection, maximum</strong></td>
<td></td>
<td>30 in. from the façade</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>In DT area and on N. 4th Street (as mapped in Subsection 14-16-5-12(G)(1)(e)10), if lower edge of sign is ≥12 ft. above sidewalk:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 50% of the distance over any abutting sidewalk</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 75% of the distance over any abutting sidewalk on Central Avenue between 1st and 8th Streets</td>
<td></td>
</tr>
<tr>
<td><strong>Rooftop Sign</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, maximum</td>
<td></td>
<td>1 / building</td>
<td>Per approved plan[1]</td>
</tr>
<tr>
<td></td>
<td>Rooftop signs are only allowed in mapped areas pursuant to Subsection 14-16-5-12(F)(3) (Standards Applicable in Mapped Areas).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, maximum</td>
<td></td>
<td>15 ft. or 25% of the height of the building, whichever is less.</td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td></td>
<td>75 sq. ft.</td>
<td></td>
</tr>
<tr>
<td><strong>Freestanding Sign</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, maximum</td>
<td></td>
<td>1 / premises / street frontage. A freestanding sign is allowed only where the street frontage is at least 100 linear ft. or 1 / Joint Sign Premises, pursuant to Subsection 14-16-5-12(F)(2)(a).</td>
<td></td>
</tr>
<tr>
<td>Size, maximum</td>
<td></td>
<td>MX-T, MX-FB-ID: 50 sq. ft.</td>
<td>Per approved plan[1]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MX-L: 100 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 100 sq. ft. at allowable locations abutting a local or collector street.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>200 sq. ft. at allowable locations abutting an arterial street or interstate highway.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>300 sq. ft. at allowable locations within 200 feet of a through lane of an interstate highway and visible from the interstate highway.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MX-L: 18 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 26 ft.</td>
<td></td>
</tr>
</tbody>
</table>

[1] Per approved NR-BP Master Development Plan; NR-SU, PD, or PC Site Plan – EPC, or NR-PO Master Plan as applicable.
[2] 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)(a) 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 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(F).

5-12(F)(3) Standards Applicable in Mapped Areas
In addition to other standards for on-premises signs, this Subsection 12-16-5-12(F)(3) applies as noted in the following mapped 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 Central Avenue right-of-way.
   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 utility facilities. 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(F) 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, provided they comply with the standards in Table 5-12-3.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number, maximum</td>
<td>1 / establishment</td>
</tr>
<tr>
<td>Number of sides, maximum</td>
<td>2</td>
</tr>
<tr>
<td>Size, maximum</td>
<td>6 sq. ft. / side</td>
</tr>
<tr>
<td>Width, maximum</td>
<td>2.5 ft.</td>
</tr>
<tr>
<td>Height, maximum</td>
<td>3 ft.</td>
</tr>
<tr>
<td>Location</td>
<td>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, 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.</td>
</tr>
<tr>
<td>Construction</td>
<td>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 cables, brackets, wires, or props shall be allowed. No sign that requires electricity or any other power source shall be allowed.</td>
</tr>
<tr>
<td>Pedestrian clear passage</td>
<td>Sign shall be removed during non-business hours of the establishment and stored inside the business and away from public view and shall be removed when weather conditions create potentially hazardous conditions.</td>
</tr>
</tbody>
</table>

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 mapped areas.
   a. Coors Boulevard – CPO-2
   b. North I-25 – CPO-9, in the Alameda Boulevard Sub-area
   c. Old Town – HPO-5

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(F)(4) (Alternative Signage Plan).

5-12(F)(5)(a) The 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.

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 area covered by the Alternative Signage Plan.

2. No Alternative Signage Plan may allow a taller sign on a parcel than would otherwise be allowed by any Overlay zone regulating that parcel.

3. No Alternative Signage Plan may allow an electronic sign in an area where electronic signs are not allowed 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 of any Residential zone district or for a sign that is visible from any Residential zone district.

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 mapped areas:

1. Coors Boulevard – CPO-2
2. Downtown Area
3. East Downtown – CPO-4
4. East Downtown – HPO-1
5. East Gateway Area

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 Street Area

11. North I-25 – CPO-9, in the Alameda Boulevard Sub-area
12. Rio Grande Boulevard – CPO-10
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

16. Uptown Area
Part 14-16-5: Development Standards

5-12: Signs

5-12(G)(2): Standards

17. Volcano Mesa – CPO-12

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

<table>
<thead>
<tr>
<th>Topic</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type allowed</td>
<td>MX-L</td>
</tr>
<tr>
<td>Area of Change</td>
<td></td>
</tr>
<tr>
<td>Area of Consistency</td>
<td>Freestanding or Wall</td>
</tr>
<tr>
<td>Area of Consistency</td>
<td>Wall</td>
</tr>
<tr>
<td>Number, maximum</td>
<td>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)</td>
</tr>
<tr>
<td>Separation, minimum [1]</td>
<td>150 ft.</td>
</tr>
<tr>
<td>From Residential use</td>
<td></td>
</tr>
<tr>
<td>From other off-premises sign</td>
<td></td>
</tr>
<tr>
<td>From an existing on-premises sign of any type</td>
<td></td>
</tr>
<tr>
<td>From freestanding signs only</td>
<td></td>
</tr>
<tr>
<td>Setback, minimum</td>
<td>12 ft.</td>
</tr>
<tr>
<td>From public right-of-way</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5-12-4: Off-premises Signs in Mixed-use and Non-residential Zone Districts

<table>
<thead>
<tr>
<th>Topic</th>
<th>Zone District</th>
<th>MX-M, NR-C</th>
<th>MX-H, NR-LM, NR-GM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size, maximum</td>
<td>MX-L</td>
<td>72 sq. ft. plus 6 sq. ft. for add-on sign</td>
<td>Freestanding: 300 sq. ft. + 18 sq. ft. for add-on sign</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wall: Same as allowable on-premises sign</td>
<td>Wall: Same as allowable on-premises sign</td>
</tr>
<tr>
<td>Height, maximum</td>
<td>MX-L</td>
<td>15 ft. plus 3 ft. for add-on sign</td>
<td>26 ft. plus 5 ft. for add-on sign</td>
</tr>
<tr>
<td>Illumination</td>
<td></td>
<td>Not allowed</td>
<td>Same as allowable on-premises sign</td>
</tr>
<tr>
<td>Motion of sign or sign parts</td>
<td></td>
<td>Not allowed</td>
<td>Same as allowable on-premises sign</td>
</tr>
</tbody>
</table>

[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 public right-of-way.

### 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, 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 right-of-way of the following streets:

1. Alameda Boulevard.
2. Griegos Road.
4. Tramway Boulevard.
5. Unser Boulevard.
5-12(H)(2)(d) Within 660 feet of the outer edge of the 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 of Major Public Open Space.

5-12(H)(2)(f) In the following mapped 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 Street Area
   Electronic wall signs are prohibited in the following mapped area.

4. Sawmill/Wells Park – CPO-11
   Electronic signs are prohibited on any lot abutting Mountain Road in the Sawmill/Wells Park – CPO-11.
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 purpose 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.
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>
<thead>
<tr>
<th>Topic</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number, maximum</td>
<td>4 / premises</td>
</tr>
<tr>
<td>Height, maximum[1]</td>
<td>4 ft. above the top of the highest wall on the lot where the sign is placed.</td>
</tr>
<tr>
<td></td>
<td>8 ft. if no walls exist on the lot where the sign is placed.</td>
</tr>
<tr>
<td>Illumination</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Location</td>
<td>Not allowed on the wall of a residential building or accessory structure.</td>
</tr>
<tr>
<td></td>
<td>Not allowed 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.</td>
</tr>
</tbody>
</table>

[1] Maximum size and height apply to the total sign area that may be used for up to 4 signs.

Table 5-12-5: Illumination Measurement Distance

<table>
<thead>
<tr>
<th>Area of Sign (sq. ft.)[1]</th>
<th>Measurement Distance (ft.)</th>
<th>Area of Sign (cont.)[1]</th>
<th>Measurement Distance (cont.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>32</td>
<td>65</td>
<td>81</td>
</tr>
<tr>
<td>15</td>
<td>39</td>
<td>70</td>
<td>84</td>
</tr>
<tr>
<td>20</td>
<td>45</td>
<td>75</td>
<td>87</td>
</tr>
<tr>
<td>25</td>
<td>50</td>
<td>80</td>
<td>89</td>
</tr>
<tr>
<td>30</td>
<td>55</td>
<td>85</td>
<td>92</td>
</tr>
<tr>
<td>35</td>
<td>59</td>
<td>90</td>
<td>95</td>
</tr>
<tr>
<td>40</td>
<td>63</td>
<td>95</td>
<td>97</td>
</tr>
<tr>
<td>45</td>
<td>67</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>50</td>
<td>71</td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>55</td>
<td>74</td>
<td>378</td>
<td>200</td>
</tr>
<tr>
<td>60</td>
<td>77</td>
<td>672</td>
<td>250</td>
</tr>
</tbody>
</table>

[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)(2) Time Period
Temporary signs may be in place no longer than 15 consecutive 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 consecutive days prior to and 10 consecutive 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 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).

<table>
<thead>
<tr>
<th>Table 5-12-7: Construction Period Sign Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Topic</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Number, maximum</td>
</tr>
<tr>
<td>Height, maximum[1]</td>
</tr>
<tr>
<td>Height, individual sign</td>
</tr>
<tr>
<td>Width, maximum[1]</td>
</tr>
<tr>
<td>Illumination</td>
</tr>
</tbody>
</table>

| 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 | Facing any low-density residential development. On a street designated as a local street in the LRTS Guide. Within 100 ft. of any Residential zone district on a street designated as a collector street in the LRTS Guide. Within 50 ft. of any Residential use on a street designated as an arterial street in the LRTS Guide. |

[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

<table>
<thead>
<tr>
<th>Topic</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number, maximum</td>
<td>1 / transit shelter</td>
</tr>
<tr>
<td>Size, maximum</td>
<td>24 sq. ft.</td>
</tr>
<tr>
<td>Height, Maximum</td>
<td>7 ft.</td>
</tr>
<tr>
<td>Illumination</td>
<td>Shall comply with all standards for a sign of that type established in this IDO.</td>
</tr>
<tr>
<td>Allowed locations</td>
<td>On the public right-of-way or on private property abutting the right-of-way, with permission from the City Transit Department.</td>
</tr>
<tr>
<td>Prohibited locations</td>
<td>Facing any low-density residential development.</td>
</tr>
<tr>
<td></td>
<td>On a street designated as a local street in LRTS Guide.</td>
</tr>
<tr>
<td></td>
<td>Within 100 ft. of any Residential zone district on a street designated as a collector street in the LRTS Guide.</td>
</tr>
<tr>
<td></td>
<td>Within 50 ft. of any Residential use on a street designated as an arterial street in the LRTS Guide.</td>
</tr>
</tbody>
</table>
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 Section 20-11 of the New Mexico Administrative Code (NMAC).

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 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 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 boundary line of the site on which the use is located.

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 consecutive 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 residential buildings shall be maintained to comply with Article 14-3 of ROA 1994 (Uniform Housing Code).

5-13(B)(2)(b) All commercial and industrial buildings 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).
5-13(B)(3) City Landmarks

5-13(B)(3)(a) All landmarked structures shall receive reasonable maintenance and security for the purpose 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, lose, 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 (Trees, Vegetation, and Landscaping) and 9-8 (Weeds, Litter, and Snow) of ROA 1994.

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 consecutive 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.

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 consecutive 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 consecutive 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 consecutive days after notice from the City.

5-13(B)(10)(e) On-premises signs shall have content removed or be securely covered within 60 consecutive days of the termination of the use or business.

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 (Weeds, Litter and Snow) and 9-10 (Solid Waste Management and Recycling) of ROA 1994.
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 is held or a public 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>
<thead>
<tr>
<th>Application Type</th>
<th>Public Notice</th>
<th>Mtgs.</th>
<th>Review and Decision-making Bodies</th>
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<tbody>
<tr>
<td>Administrative Decisions</td>
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<td>Archaeological Certificate</td>
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### Table 6-1-1: Summary of Development Review Procedures

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<th>Mgs.</th>
<th>Review and Decision-making Bodies</th>
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<td>Site Plan – EPC</td>
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<td>Subdivision of Land – Minor</td>
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<td>Preliminary Plat</td>
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<td>Final Plat</td>
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<td>Variance – DRB</td>
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#### Policy Decisions

| Adoption or Amendment of Comprehensive Plan | X | X | X | X | R | <R> | <D> | 6-7(A) |
| Adoption or Amendment of Facility Plan | X | X | X | X | X | <R> | <D> | 6-7(B) |
| Adoption or Amendment of Historic Designation | X | X | X | X | X | X | <R> | <D> | 6-7(C) |
| Amendment to IDO Text | X | X | X | X | X | X | X | <R> | <D> | 6-7(D) |
| Annexation of Land | X | X | X | X | X | X | X | <R> | <D> | 6-7(E) |
| Zoning Map Amendment – EPC | X | X | X | X | X | X | X | <D> | <AR> | <AD> | 6-7(F) |
| Zoning Map Amendment – Council<sup>3</sup> | X | X | X | X | X | X | X | <R> | <D> | 6-7(G) |

<sup>1</sup> May include City Planning Department staff, Design Review Team, 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.

<sup>2</sup> When a LUHO decision on an appeal is reviewed by City Council, Council will only hold a hearing if it does not uphold the LUHO decision.

<sup>3</sup> See DPM for more details. Appeals go to the DPM Technical Standards Committee.

<sup>4</sup> Vacations of easements do not require published or posted sign notice.

<sup>5</sup> Includes creation or amendment of text or map for APO, CPO, or VPO Zones.
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 EPC and 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 archaeology.

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

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 technical standards have been met pertaining to land use, zoning, infrastructure, and transportation.

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 Environmental Planning Commission (EPC) is a 9-member board nominated by City Council (Council) members and appointed by the Mayor with the advice and consent of the 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 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 and Commissions).

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 Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the 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 Councilor shall have 60 consecutive days to submit 2 recommended appointments to fill that position. If the Councilor fails to submit 2 names within 60 consecutive days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the Council.

2. The Mayor shall then recommend 1 of the 2 individuals recommended by the Councilor for appointment with the advice and consent of the Council.

3. The Mayor shall deliver to the Council the Mayor’s recommendation from the 2 names submitted within 30 consecutive 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 Councilor who submitted the names may appoint one of the 2 recommended members, subject to the advice and consent of the 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, 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 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 lands in areas designated as flood hazard areas in Article 14-5 of ROA 1994.

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 Fee Ordinance) 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 the Impact Fee Ordinance, review the independent fee determination study for sufficiency, methodology, technical accuracy, and findings.

6-2(G)(3)(c) In accordance with the requirements of the Impact Fee Ordinance, establish the amount of the impact fee as a result of the independent study based on the procedures described in the applicable Impact Fee Ordinance 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, the Impact Fee Ordinance, and the DPM.

6-2(G)(5) Determine the availability and the amount of any refund of an impact fee.

6-2(G)(6) Calculate the additional impact fee due in the event of a change of use, redevelopment, or modifications of an existing use.

6-2(G)(7) Calculate and grant credits for contributions, dedications, or improvements that may be used to offset any impact fee otherwise due.
6-2(G)(8) Maintain separate interest-bearing accounts clearly identifying the payer and category of capital improvements within the service area in which the fee was collected.

6-2(G)(9) Ensure that a notice of impact fee assessment is included on the final plat.

6-2(H) LANDMARKS COMMISSION

The Landmarks Commission (LC) is a 7-member board appointed by the Mayor to promote the preservation of Albuquerque’s historic and architectural character and to administer the development requirements for designated City historic districts and landmarks pursuant to 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 Article 2-6-1 of ROA 1994 (Public Boards and Commissions).

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 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.

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 City Planning Department staff (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 Zoning Hearing Examiner (ZHE) conducts hearings and makes findings and final decisions on those types of applications shown as ZHE decision responsibilities in Table 6-1-1.
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 apply.

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 Plans, Master Plans, and Resource Management Plans. Rank 3 Metropolitan Redevelopment Area plans, adopted per Subsection 14-8-4-3(B) of ROA 1994 (Metropolitan Redevelopment Ordinance), 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 September. These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text).

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).

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 Council, pursuant to Subsection 14-16-6-3(E)(7) (Community Planning Area Assessments), 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(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(E)(4) for the annual IDO update process.

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 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 Citizens Academy on at least an annual basis to inform Neighborhood Association members and officials 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

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.

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)  NEIGHBORHOOD MEETING

6-4(C)(1) For those types of applications where Table 6-1-1 requires a meeting with a neighborhood, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application. In such cases, project applications will not be accepted until a 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 have at least 1 meeting with a Neighborhood Association whose boundaries include land within 1,320 feet of the project site. If no Neighborhood Association has land within that distance of the project site, no neighborhood meeting shall be required.

6-4(C)(3) A meeting request shall be sent to the 2 representatives on file at the Office of Neighborhood Coordination (ONC) for all applicable Neighborhood Associations via certified letter, return receipt requested, or via email with timestamp, read receipt requested. Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

6-4(C)(4) If the Neighborhood Association chooses to meet, the Neighborhood Association must respond within 15 consecutive days of the certified letter or email being sent. The meeting must be scheduled for a date within 30
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6-4: General Procedures

consecutive days of the meeting request being accepted by the Neighborhood Association. If the Neighborhood Association declines the meeting, the applicant may proceed pursuant to Subsection 14-16-6-4(C)(7).

6-4(C)(5) At the 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)(6) Where Table 6-1-1 requires that a neighborhood meeting be held, and a meeting was held, the applicant shall provide, as part of the project application, 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 must identify the site or project constraints that limit the ability to address those concerns.

6-4(C)(7) Where Table 6-1-1 requires that a neighborhood meeting be held, and a meeting was not held, the requirement for a 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 (7) above, and either no response was received within 15 consecutive days of the notice being sent, or the notified Neighborhood Association declined the meeting.

6-4(D) FACILITATED MEETINGS

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

6-4(D)(2) If a facilitated meeting is required by the City, the City shall assign a facilitator, who shall attempt to schedule the facilitated meeting within 15 consecutive days. The meeting shall occur within a period of 7 consecutive days prior to the next scheduled hearing or meeting of the decision-making body. If reasonable attempts have been made to accommodate the schedules of both the applicant and the Neighborhood Associations, and no meeting has occurred, the application may move forward in the relevant review/decision process.

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

6-4(E) WHO CAN FILE AN APPLICATION

6-4(E)(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(E)(1)(a) The owner of that property or an agent of the property owner with the written consent of the property owner. Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or 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.

6-4(E)(1)(b) The City. When the City initiates action, it does so without predetermining the approval or denial of the application.

6-4(E)(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(E)(1)(d) The property owners in a proposed CPO zone. Applications to create or amend a CPO zone shall only be accepted if they provide proof in writing that at least 51 percent of the property owners in the proposed CPO area agree.

6-4(E)(1)(e) The property owners in a proposed HPO zone.

6-4(E)(2) An application to adopt or amend the ABC Comp Plan may be filed by the City or by any resident or property owner in the City.

6-4(E)(3) An application to amend the text of this IDO may be filed by any resident or property owner in the City.

6-4(E)(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(E)(5) Annexation to the City may be accomplished by petition from 1 or more property owners.

6-4(E)(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(E)(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(E)(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(F) APPLICATION MATERIALS

6-4(F)(1) Each application shall include all forms and related 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(F)(2) The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence.

6-4(F)(3) Unless specified otherwise in this IDO, all applications shall be filed with the City Planning Department.

6-4(G) APPLICATION FEES

Each applicant shall pay any required application fee(s) established by the City for the type of application(s) being submitted.

6-4(G)(1) The City Council establishes application fees for applications listed in Table 6-4-1.

6-4(G)(2) The Planning Director may establish application fees for applications not listed in Table 6-4-1, as well as additional fees for research, investigation, analysis, public notice, facilitated meetings, inspection, enforcement, and issuance of official documents.

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

<table>
<thead>
<tr>
<th>Table 6-4-1: IDO Fee Schedule</th>
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<tbody>
<tr>
<td>Application Type</td>
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<tr>
<td><strong>Administrative Decisions</strong></td>
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<td>Historic Certificate of Appropriateness – Minor</td>
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<tr>
<td>Impact Fee Assessment</td>
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<tr>
<td>Sign Permit</td>
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<tr>
<td>Sign Erected without a Permit</td>
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<td>Annual Electronic Sign Fee</td>
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<td>Central Avenue Neon Sign</td>
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<td>Alternative Signage Plan</td>
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<tr>
<td>Site Plan – Administrative</td>
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<tr>
<td>Wall or Fence Permit – Minor</td>
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<tr>
<td>Wall or Fence Erected without an Approval</td>
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<tr>
<td><strong>Wireless Telecommunications Facility Approval</strong></td>
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<tr>
<td>Collocation</td>
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<td>New Facility</td>
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<th><strong>Decisions Requiring a Public Meeting or Hearing</strong></th>
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<td>Demolition Outside of an HPO</td>
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<td>Expansion of Nonconforming Use or Structure</td>
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<td>Historic Certificate of Appropriateness – Major</td>
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<td>Historic Design Standards and Guidelines</td>
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<td>Master Development Plan</td>
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Table 6-4-1: IDO Fee Schedule

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<td>Site Plan – EPC</td>
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<tr>
<td>Variance</td>
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<td>Variance – ZHE</td>
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<tr>
<td>Wireless Telecommunications Facility Waiver</td>
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<td>Deferral by applicant request for any of the above</td>
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**Policy Decisions**

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<td>Adoption or Amendment of Facility Plan</td>
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<td>Amendment to IDO Text</td>
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<td>Annexation of Land</td>
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<td>Zoning Map Amendment – EPC</td>
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<td>Zoning Map Amendment – Council</td>
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<td>Deferral by applicant request for any of the above</td>
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<td>decisions</td>
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### 6-4(H) APPLICATION COMPLETENESS

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

6-4(H)(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 consecutive 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(H)(4) No development application shall be reviewed for compliance with this IDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

6-4(H)(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(I) 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 consecutive days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

6-4(I)(1) City departments or agencies or other governmental or quasi-governmental agencies whose services, properties, facilities, interests, or operations may be affected.

6-4(I)(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(I)(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.

6-4(I)(4) City Aviation Department for applications that include development in the Airport Protection Overlay Zone.

6-4(J) TRAFFIC IMPACT STUDY REQUIREMENTS

6-4(J)(1) A Traffic Impact Study may be required per standards in the DPM. 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(J)(2) A scoping meeting with the City Engineer may be scheduled to determine whether a traffic impact is required.

6-4(J)(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(H).
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 Office of Neighborhood Coordination administrative instructions and the requirements of Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition Ordinance).

6-4(K)(1) 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 consecutive days before the hearing. If initial notice of a public hearing has been provided, additional notice shall not be required if the public hearing is begun and then continued to a specific date, or for an appeal of the decision.

6-4(K)(2) Mailed

6-4(K)(2)(a) Where Table 6-1-1 requires mailed notice, the applicant shall mail a notice to the 2 contact addresses submitted by a Neighborhood Association to the Office of Neighborhood Coordination as follows:

1. For applications related to a WTF: any Neighborhood Association within 1,320 feet of the subject property.
2. For applications related to a citywide Policy Decision: all Neighborhood Associations.
3. For all other applications: any Neighborhood Association whose boundaries include or are adjacent to the proposed project or facility.

6-4(K)(2)(b) 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 County Assessor, of property located partially or completely within 100 feet (excluding public rights-of-way) of the property listed in the application.

6-4(K)(2)(c) For the purposes of providing mailed notice, First Class Mail shall constitute reasonable attempt to notify, with the following exceptions:

1. In the case of applications for subject sites less than 10 acres to request an Annexation of Land or Zoning Map Amendment, the letters to property owners within 100 feet of the site must be sent by Certified Mail.
2. In the case of applications for subject sites 10 acres or more to request an Annexation of Land or Zoning Map Amendment, if the notice by First Class Mail to a property owner is returned undelivered, the City shall attempt to discover that owner's
most recent address, and the applicant shall remit the notice by Certified Mail, return receipt requested, to that address.

6-4(K)(2)(d)  Mailed notice shall be provided at the applicant’s expense.

6-4(K)(2)(e)  The applicant shall be required to provide evidence that required notices have been mailed at least 3 consecutive days before a weekly public meeting or hearing or at least 15 consecutive days before a monthly public meeting or hearing.

6-4(K)(2)(f)  Mailed notice is not required for appeals of those decisions where Table 6-1-1 requires mailed notice of the initial public hearing.

6-4(K)(2)(g)  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) (R-MC Zone District Standards).

6-4(K)(3)  **Posted Sign**

Where Table 6-1-1 requires posted notice, the applicant shall post at least 1 notice on each public right-of-way abutting the property that is the subject of the application, at a point clearly visible from that public right-of-way, for at least 15 consecutive days before the public meeting or hearing, as applicable, or for at least 15 consecutive days after an application for Sign – Admin is accepted as complete. Signs for such posted notices shall be furnished by the City. Posted notice is not required for appeals of those decisions where Table 6-1-1 requires posted notice of the initial public hearing.

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

Where Table 6-1-1 requires electronic mail notice, the applicant shall send an electronic notice to the e-mail addresses on file for each Neighborhood Association whose boundaries include or are adjacent to the property listed in the application. Electronic notice is not required for appeals of those decisions where Table 6-1-1 requires electronic notice of the initial public hearing.

6-4(K)(5)  **Web Posting**

Where Table 6-1-1 requires web 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)(6)  **Content of the Notice**

Each notice required by this Section 14-16-6-4(K) shall include the address of the property listed in the application; the name of the property owner; the name of the applicant; a short summary of the approval being requested (e.g. Conditional Use Approval to allow a particular use, amendment to the Official Zoning Map from an existing zone district to a specified district, the maximum height of proposed structures, the maximum number of proposed dwelling units, and the approximate gross square footage of any proposed non-residential uses, etc.); whether a public hearing will be required, and if so the date, time, and place of the public hearing; and an address, telephone number, or website where additional information about the application can be obtained.
**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 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 hearing unless the City receives written notice from each Neighborhood Association required to receive mailed notice that it has received notice and has no objection to the hearing proceeding as scheduled, or unless Subsection (d) below applies.

**6-4(K)(7)(d)** Failure to provide evidence of required mailed notice to any individual other than a Neighborhood Association representative may result in the postponement of further review of the application unless the City determines that those parties required to receive mailed notice have received notice of the public 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 hearings, or for appeal of the resulting decision.

**6-4(L) PUBLIC MEETINGS**

A public meeting is less formal than a public hearing. 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.

**6-4(M) PUBLIC HEARINGS**

**6-4(M)(1) Requirement**

The ZHE, DRB, LC, EPC, LUHO, and City Council shall conduct public hearings as necessary on those types of applications where Table 6-1-1 indicates that a public hearing will be held.
6-4(M)(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(M)(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(M)(3).

6-4(M)(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 filed with or otherwise received by the relevant decision-making body prior to the termination of public comment on the case.

6-4(M)(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 regular business hours.
6. A summary of actions taken shall be kept of all ZHE hearings, and they shall be kept available for public inspection.

6-4(M)(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(M)(4) Decisions

6-4(M)(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.
4. Defer the matter to a date no more than 60 consecutive 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 consecutive days following the opening of the public hearing, unless a longer continuance is requested by the applicant.

6-4(M)(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(U) for additional information on LUHO actions on appeals).

6-4(M)(5) Written Decisions

6-4(M)(5)(a) For decisions to continue or defer a hearing, written findings in support of the decision are not required.

6-4(M)(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(M)(5)(c) Each finding shall be supported by substantial evidence.

6-4(M)(5)(d) The ZHE and the LUHO shall make a decision and present findings and recommendations about each application within 15 consecutive days after the close of the public hearing.

6-4(M)(5)(e) The DRB, 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 consecutive days after the close of the public hearing.

6-4(M)(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.
Part 14-16-6: Administration and Enforcement

6-4: General Procedures

6-4(N): General Criteria for Review and Decision

6-4(M)(6)  Public Notice of Decision

6-4(M)(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(M)(6)(b) For decisions to continue or defer a hearing, the time and place shall be announced at the hearing without the need for the applicant or the City to provide additional notice.

6-4(N)  GENERAL CRITERIA FOR REVIEW AND DECISION

6-4(N)(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(N)(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 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(N)(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(N)(4) Any application identified in Table 6-1-1 may be denied to an applicant who meets any of the following criteria:

6-4(N)(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(N)(4)(b) Is in default or has defaulted on a written agreement with the City.

6-4(N)(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(O)  DEVIATIONS

When an application for a Site Plan is filed, the applicant may request a Deviation to development standards in the IDO, up to the limits listed in Table 6-4-2.
### Table 6-4-2: Allowable Deviations

<table>
<thead>
<tr>
<th>Standard</th>
<th>General</th>
<th>Maximum Allowable Deviation (Cumulative of Earlier Approved Deviations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, minimum</td>
<td></td>
<td>Maximum Allowable Deviation (Cumulative of Earlier Approved Deviations)</td>
</tr>
<tr>
<td>Lot width, minimum</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Front setback, minimum</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Side setback, minimum</td>
<td>15%</td>
<td>50%</td>
</tr>
<tr>
<td>Rear setback, minimum</td>
<td>10%</td>
<td>50%</td>
</tr>
<tr>
<td>Building height, maximum</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Off-street vehicle parking spaces, minimum</td>
<td>5%</td>
<td>15%</td>
</tr>
<tr>
<td>Wall and fence height</td>
<td>6 in.</td>
<td></td>
</tr>
<tr>
<td>Any other numerical standard</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Any standard cited in an application for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended)</td>
<td></td>
<td>The minimum deviation necessary to comply with the federal Fair Housing Act</td>
</tr>
</tbody>
</table>

6-4(O)(1) Requests for exceptions beyond these thresholds require a Variance to be reviewed and decided pursuant to the following:

6-4(O)(1)(a) Subsection 14-16-6-6(L) (Variance – DRB) for exceptions to standards 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 the DPM.

6-4(O)(1)(b) Subsection 14-16-6-6(M) (Variance – EPC) for exceptions to all other IDO standards associated with a Site Plan – EPC.

6-4(O)(1)(c) Subsection 14-16-6-6(N) (Variance – ZHE) for exceptions to all other IDO standards associated with a Site Plan – Administrative or Site Plan – DRB.

6-4(O)(2) The relevant decision-making body identified in Table 6-1-1 may approve a requested Deviation that is within the limits listed in Table 6-4-2 if that decision-making body determines that all of the following requirements are met:

6-4(O)(2)(a) The applicant’s site is subject to site constraints not generally shared by surrounding properties or the site was platted or developed in an unusual pattern when compared to abutting properties (e.g. the property was developed with orientation or access facing a different street than abutting lots) that would prevent the development of a permissive land use in a type of structure generally found on sites of a similar size in the surrounding area.

6-4(O)(2)(b) The site constraints were not created by the actions of the property owner or another interested party.

6-4(O)(2)(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(O)(2)(d) The approval of the requested deviations will not cause material adverse impacts on surrounding properties.

6-4(O)(2)(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(O)(3) 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(O)(4) Any Deviations granted associated with a Site Plan shall be noted on the approved Site Plan.

6-4(P) CONDITIONS ON APPROVALS

6-4(P)(1) If Table 6-1-1 authorizes the City staff to make a decision on an application, the City staff may impose conditions necessary to bring the application into compliance with the requirements of this IDO or other adopted City regulations.

6-4(P)(2) If Table 6-1-1 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:

6-4(P)(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(P)(2)(b) Where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any conditions imposed are roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

6-4(P)(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) REQUIRED IMPROVEMENTS AND FINANCIAL ASSURANCE

6-4(Q)(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(Q)(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 development impact fee and for which the applicant has or will be required to pay a development impact fee.

6-4(Q)(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(Q)(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.

6-4(R)  IMPACT FEES
Each applicant shall comply with Article 14-19 of ROA 1994, the DPM, Subsection 6-5(E), and any other relevant provision of this IDO regarding the payment of impact fees for the proposed development or land use.

6-4(S)  TIMING OF APPROVALS
6-4(S)(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(S)(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(S)(3)  In the case of an application for a permit or approval or an amendment to a permit or approval for a Wireless Telecommunications Facility, the City shall
6-4(T) FINALITY OF DECISIONS

6-4(T)(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(T)(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(T)(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(T)(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(U) APPEALS

6-4(U)(1) Appeal Bodies

6-4(U)(1)(a) Any decision by the City Planning Department staff (Historic Preservation Planner) on a Historic Certificate of Appropriateness – Minor may be appealed to the LC.

6-4(U)(1)(b) Any decision by the City Planning Department staff on an Impact Fee Assessment may be appealed to the EPC.

6-4(U)(1)(c) 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 and the EPC’s decision on an appeal of an Impact Fee Assessment, pursuant to Subsections (a) and (b) above, may be appealed to the City Council through the LUHO.

6-4(U)(1)(d) The LUHO shall do 1 of the following:

1. 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.
2. 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(U)(2) Who May Appeal

6-4(U)(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 6-4-3.
   a. Distances noted in feet in Table 6-4-3 are measured from the nearest lot line of the subject property. Where public right-of-way is greater than the specified distance, standing shall be granted to property owners adjacent to the subject property.
   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 6-4-3.
## Table 6-4-3: Standing for Appeals Based on Proximity to Subject Property

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Property Owners within Distance Specified</th>
<th>Neighborhood Associations within Distance Specified</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrative Decisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Archaeological Certificate</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Declaratory Ruling</td>
<td>14-16-6-4(U)(2)(a)3</td>
<td></td>
</tr>
<tr>
<td>Grading, Drainage, or Paving Approval</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Historic Certificate of Appropriateness – Minor</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Impact Fee Assessment</td>
<td>14-16-6-4(U)(2)(a)4</td>
<td></td>
</tr>
<tr>
<td>Sign Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternative Signage Plan</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Site Plan – Administrative</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Surface Disturbance Permit</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Wall or Fence Permit – Minor</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Wireless Telecommunications Facility Approval</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td><strong>Decisions Requiring a Public Meeting or Hearing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditional Use Approval</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Demolition Outside of an HPO</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Expansion of Nonconforming Use or Structure</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Historic Certificate of Appropriateness – Major</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Historic Design Standards and Guidelines</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Master Development Plan</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Site Plan – DRB</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Site Plan – EPC</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Subdivision of Land – Minor</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Subdivision of Land – Major</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Vacation of Easement or Right-of-way</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacation of Easement or Right-of-way – City Council</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Vacation of Easement or Right-of-way – DRB</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance – DRB</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td>Variance – EPC</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Variance – ZHE</td>
<td>100 ft.</td>
<td>Includes or Is Adjacent</td>
</tr>
<tr>
<td><strong>Wireless Telecommunications Facility Waiver</strong></td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td><strong>Policy Decisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption or Amendment of Comprehensive Plan</td>
<td>14-16-6-4(U)(2)(a)3</td>
<td></td>
</tr>
<tr>
<td>Adoption or Amendment of Facility Plan</td>
<td>14-16-6-4(U)(2)(a)4</td>
<td></td>
</tr>
</tbody>
</table>
Table 6-4-3: Standing for Appeals Based on Proximity to Subject Property

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Property Owners within Distance Specified</th>
<th>Neighborhood Associations within Distance Specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption or Amendment of Historic Designation</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Amendment to IDO Text</td>
<td>14-16-6-4(U)(2)(a)4</td>
<td></td>
</tr>
<tr>
<td>Annexation of Land</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Zoning Map Amendment – EPC</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
<tr>
<td>Zoning Map Amendment – Council</td>
<td>330 ft.</td>
<td>660 ft.</td>
</tr>
</tbody>
</table>

[1] This decision is not appealable because it is not a final decision.

6-4(U)(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-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(U)(3) Procedure

6-4(U)(3)(a) Filing an Appeal

1. An appeal must be filed with the Planning Director within 15 consecutive 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(U)(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 consecutive 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 consecutive 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 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(U)(3)(c) Environmental Planning Commission – Appeal of 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 consecutive 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 consecutive 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 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(U)(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 consecutive 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 consecutive 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 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(U)(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 consecutive days after the close of the hearing.

2. The City Council shall place the matter on the agenda of the next regular 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 consecutive days between the receipt of the recommendation and the City Council meeting. The parties may submit written comments to the Council regarding the LUHO’s recommendation and findings provided such comments are received by the Clerk of the City Council and all other parties of record no later than 4 consecutive days prior to the City Council meeting.

3. At that meeting, the 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 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 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 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 matter is scheduled for a hearing before the Council, the Clerk of the 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 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.

6. If the City Council holds a public hearing on the appeal, the City Council shall adopt written findings at the conclusion of that hearing or at the next scheduled meeting of the City Council; however, a 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(U)(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(U)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(U)(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(V) JUDICIAL REVIEW
A decision of the City Council is final but is subject to judicial review pursuant to New Mexico law.

6-4(W) EXPIRATION OF APPROVALS

6-4(W)(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(W)(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-
4 and shall be of no force or effect after that time has passed, unless any of the following applies:

6-4(W)(2)(a) 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 6-4-4 for the relevant type of permit or approval. For the purposes of this Subsection 14-16-6-4(W)(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(W)(3)(b).

6-4(W)(2)(b) The period of validity is extended pursuant to Subsection 14-16-6-4(W)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Period of Validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Decisions</td>
<td></td>
</tr>
<tr>
<td>Archaeological Certificate</td>
<td>Expires with associated development approval</td>
</tr>
<tr>
<td>Building Permit</td>
<td>1 year</td>
</tr>
<tr>
<td>Declaratory Ruling</td>
<td>Does not expire, unless the section(s) of the IDO to</td>
</tr>
<tr>
<td></td>
<td>which the ruling relates is amended.</td>
</tr>
<tr>
<td>Development Agreement</td>
<td>As stated in Development Agreement</td>
</tr>
<tr>
<td>Grading, Drainage, or Paving Permit</td>
<td>1 year</td>
</tr>
<tr>
<td>Historic Certificate of Appropriateness – Minor</td>
<td>1 year</td>
</tr>
<tr>
<td>Impact Fee Assessment</td>
<td>4 years</td>
</tr>
<tr>
<td>Sign Permit / Alternative Signage Plan</td>
<td>1 year</td>
</tr>
<tr>
<td>Site Plan – Administrative</td>
<td>5 years, unless at least 50% of the site area or 50% of</td>
</tr>
<tr>
<td></td>
<td>the approved gross square footage has been developed.</td>
</tr>
<tr>
<td>Surface Disturbance Permit</td>
<td>1 year</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>As stated in the Temporary Use Permit</td>
</tr>
<tr>
<td>Wall or Fence Permit – Minor</td>
<td>1 year</td>
</tr>
<tr>
<td>Wireless Telecommunications Facility Approval</td>
<td>5 years</td>
</tr>
<tr>
<td>Decisions Requiring a Public Meeting or Hearing</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Approval</td>
<td>1 year after issuance if use is not begun, or 1 year</td>
</tr>
<tr>
<td></td>
<td>after use is discontinued or fails to operate</td>
</tr>
<tr>
<td>Demolition Outside of an HPO</td>
<td>N/A</td>
</tr>
<tr>
<td>Expansion of Nonconforming Use or Structure</td>
<td>1 year</td>
</tr>
<tr>
<td>Historic Certificate of Appropriateness – Major</td>
<td>1 year</td>
</tr>
<tr>
<td>Historic Design Standards and Guidelines</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Master Development Plan</td>
<td>7 years</td>
</tr>
<tr>
<td>Site Plan – DRB</td>
<td>5 years</td>
</tr>
<tr>
<td>Site Plan – EPC</td>
<td>7 years</td>
</tr>
<tr>
<td>Subdivision of Land – Minor</td>
<td>Does not expire once timely recorded</td>
</tr>
<tr>
<td>Subdivision of Land – Major</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>1 year</td>
</tr>
<tr>
<td>Infrastructure Improvements Agreement</td>
<td>4 years after the execution of the agreement</td>
</tr>
<tr>
<td>Final Plat</td>
<td>Does not expire once timely recorded</td>
</tr>
<tr>
<td>Vacation of Easement or Right-of-way</td>
<td>1 year, if not platted</td>
</tr>
<tr>
<td>Variance – DRB</td>
<td>1 year, if not platted / Expire with associated Site Plan</td>
</tr>
</tbody>
</table>
Table 6-4-4: Permit and Approval Expirations

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Period of Validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance – EPC</td>
<td>Expires with associated Site Plan</td>
</tr>
<tr>
<td>Variance – ZHE</td>
<td>1 year</td>
</tr>
<tr>
<td>Wireless Telecommunications Facility Waiver</td>
<td>Does not expire</td>
</tr>
</tbody>
</table>

Policy Decisions

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Period of Validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption or Amendment of Comprehensive Plan</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Adoption or Amendment of Facility Plan</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Adoption or Amendment of Historic Designation</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Amendment to IDO Text</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Annexation of Land</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Zoning Map Amendment – EPC</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Zoning Map Amendment – Council</td>
<td>Does not expire</td>
</tr>
</tbody>
</table>

6-4(W)(3) Exceptions to Period of Validity

6-4(W)(3)(a) Any permit or approval of a type listed in Table 6-4-4 that was approved by the City before the effective date of this IDO, shall expire on 1 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(W)(3)(b) For a Site Plan – DRB, Site Plan – EPC, or Master Development Plan, any of the following may apply for determining its period of validity:

1. 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.
2. If the Site Plan or Master Development Plan was approved for land on which at least 75 percent of required on-site drainage infrastructure was in place at the time of approval, then at least 25 percent of the approved gross floor area for primary buildings on the property, or if the Plan defines more than one phase of development, then for the first defined phase, has been constructed.

6-4(W)(4) Extensions of Period of Validity

6-4(W)(4)(a) General Provisions

1. For each permit or approval for which Table 6-4-4 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 a time not to exceed the original period of validity for that permit or approval for good cause shown, provided that all of the following requirements are met:

a. The applicant or property owner files 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 via the same procedure required for the initial approval, except that no public hearing shall be required.

2. If an application to extend the validity of a permit or approval listed in Table 6-4-4 is received before the permit or approval expires, but the 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 Sign Permits for electronic signs may not be extended.

6-4(W)(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 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 least 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 relevant, 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) **AMENDMENTS OF APPROVALS**

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

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

6-4(X)(1)(a) This Section 14-16-6-4(X) 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 Variance from any of these standards, a separate Variance must be requested per the relevant procedure, as follows:

1. Section 14-16-6-6(L) (Variance – 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), or any DPM standard.
2. Section 14-16-6-6(M) (Variance – EPC) for exceptions to any IDO standard other than those listed in Subsection 1 above for approvals associated with a Site Plan – EPC.
3. Section 14-16-6-6(N) (Variance – ZHE) for exceptions to any IDO standard other than those listed in Subsection 1 above for any approval other than a Site Plan – EPC.

6-4(X)(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(X)(1)(c) Approvals granted prior to this IDO may be amended by the procedures in Subsection 14-16-6-4(Y).

6-4(X)(2) **Minor Amendments**

6-4(X)(2)(a) A minor amendment must meet all of the following criteria:

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 6-4-5 (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.

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 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 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. Other than those allowed within the threshold of a minor amendment pursuant to Table 6-4-4, the amendment does not affect a 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 the DPM, in which case DRB review is required through a Site Plan – DRB pursuant to Subsection 14-16-6-6(G).

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 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 property.

13. The amendment does not expand a nonconformity as regulated per Section 14-16-6-8 (Nonconformities).

6-4(X)(2)(b) 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 6-4-5: Allowable Minor Amendments

<table>
<thead>
<tr>
<th>Standard</th>
<th>Maximum Threshold (Cumulative of Earlier Approved Deviations and/or Amendments)</th>
<th>General</th>
<th>Lot ≤10,000 sq. ft. in any Mixed-use or Non-residential zone district in an Area of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building gross square footage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front setback, minimum</td>
<td></td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Side setback, minimum</td>
<td></td>
<td>15%</td>
<td></td>
</tr>
<tr>
<td>Rear setback, minimum</td>
<td></td>
<td>15%</td>
<td>50%</td>
</tr>
<tr>
<td>Building height, maximum</td>
<td></td>
<td>10%</td>
<td>50%</td>
</tr>
<tr>
<td>Wall and fence height</td>
<td></td>
<td>General: 10%</td>
<td></td>
</tr>
<tr>
<td>Any other numerical standard</td>
<td></td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Any standard cited in an application for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended)</td>
<td>The minimum deviation necessary to comply with the federal Fair Housing Act Amendments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6-4(X)(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.
AMENDMENTS OF PRIOR APPROVALS
Approvals granted prior to the effective date of this IDO may be amended as described in this Subsection 14-16-6-4(Y).

6-4(Y)(1) Site Development Plans
This Subsection 14-16-6-4(Y) addresses applications for amendments to site development plans approved prior to the effective date of this IDO.

6-4(Y)(1)(a) Minor Amendments
Minor amendments may be granted by the ZEO that meet the following requirements:
1. The existing site development plan specifies the requirements in place at the time of approval, and the requested change still meets the original requirement.
2. The requested change is within the thresholds for Administrative Amendments established in Table 6-4-5, cumulative of prior deviations or administrative amendments.

6-4(Y)(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.
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(Y)(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(Y)(3) Master Plans or Resource Management Plans
6-4(Y)(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 Council where more input is desired.

6-4(Y)(3)(b) Master Plans for private property shall be amended as site development plans pursuant to Subsection 14-16-6-4(Y)(1) above.
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) shall require 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 consecutive 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:
Part 14-16-6: Administration and Enforcement  6-5(A): Archaeological Certificate


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) DECLARATORY RULING

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.

6-5(C) GRADING, DRAINAGE, OR PAVING 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(C), the DPM, or Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control). In case of a conflict with any standards in this IDO, the standards and procedures of the DPM or the Flood Hazard and Drainage Control Ordinance shall prevail.

6-5(C)(1) Applicability

This Subsection 14-16-6-5(C) applies to all development that will involve site grading or paving, in order to address potential soil erosion, storm drainage, and air quality impacts that may occur from those activities. Standards and criteria for approval of these activities depend on the size, extent, and location of the activities.

6-5(C)(2) Procedure

6-5(C)(2)(a) Grading or paving activities that meet the thresholds for applicability of Environmental Protection Agency (EPA) regulations (generally one acre or larger) are reviewed under applicable standards from EPA regulations and the DPM and Flood Hazard and Drainage Control Ordinance regulations and are issued an erosion and sediment control permit.

6-5(C)(2)(b) Grading activities that are smaller or have less impact than the EPA thresholds, but do not qualify under Subsection c below, are reviewed pursuant to DPM and Flood Hazard and Drainage Control Ordinance regulations and receive a letter of approval from the City.

6-5(C)(2)(c) Grading activities that involve disturbance of less than one acre of land and relocation of less than 500 cubic yards and are not located adjacent to a watercourse or within a flood hazard zone do not require a letter of approval, but may be reviewed by the City Engineer.
6-5(C)(2)(d) Paving of 2,000 square feet or more require issuance of a Paving Permit by the City Engineer.

6-5(C)(2)(e) Paving of less than 2,000 square feet or more do not require issuance of a Paving Permit, but may be reviewed by the City Engineer.

6-5(C)(2)(f) Resurfacing of previously paved areas that does not involve land disturbance does not require a Paving Permit or review.

6-5(C)(2)(g) Regardless of the size of the project, grading, paving, or staging activities within a FEMA mapped floodplain require approval of a Floodplain Development Permit issued by the City Engineer.

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

See applicable provisions in the DPM and in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control).
6-5(D) 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(D).

6-5(D)(1) Applicability

6-5(D)(1)(a) This Subsection 14-16-6-5(D) shall require a Historic Certificate of Appropriateness – Minor to be duly approved prior 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(D)(1)(b) A Historic Certificate of Appropriateness – Minor shall not be required for any of the following activities:

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(D)(1)(c) Any application deemed minor by the City Planning Department staff (Historic Preservation Planner) shall be reviewed and decided per this Subsection 14-16-6-5(D). Those applications that include
major changes that warrant additional review at a public hearing by the LC shall be required to be reviewed and decided per Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

6-5(D)(2) **Procedure**

The Historic Preservation Planner shall review the application and make a decision on the Historic Certificate of Appropriateness – Minor.

6-5(D)(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(D)(3)(a) The change is consistent with the designation ordinance and specific development guidelines for the landmark or HPO zone.

6-5(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.

6-5(D)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

6-5(D)(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(D)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, to the maximum extent practicable. If replacement is necessary, the new material shall match the original as closely as possible in like material and design.
6-5(E) IMPACT FEE ASSESSMENT
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) or the DPM.

6-5(E)(1) Many types of development must pay an impact fee prior to construction or development.

6-5(E)(2) Standards and procedures for calculating and paying impact fees are generally governed by Article 14-19 of ROA 1994 (Impact Fees) and the DPM.

6-5(F) SIGN PERMIT
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 any sign that requires a Sign Permit per Subsection 14-16-5-12(D)(1). In addition, a sign may be approved for compliance with standards in the IDO as part of an application for a Master Development Plan or Site Plan.

6-5(F)(2) Procedure
6-5(F)(2)(a) General
1. The ZEO shall review the application and make a decision on the Sign Permit.
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(D) (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(F)(2)(b)  **Electronic Signs**

In addition to the general requirements in this Subsection 14-16-6-5(F), all of the following requirements must be met for electronic signs:

1. A Sign Permit 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 12 consecutive months after the date of issuance.

2. In an application to renew the permit 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 Sign Permit for an electronic sign.

6-5(F)(3)  **Review and Approval Criteria**

An application for a Sign Permit 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(F)(4)  **Alternative Signage Plan**

6-5(F)(4)(a)  **Applicability**

This Subsection 14-16-6-5(F)(4) 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(F)(4)(b)  **Procedure**

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(F)(4)(c)  **Review and Decision Criteria**

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(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(G).

6-5(G)(1) Applicability

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

6-5(G)(1)(b) A Site Plan – Administrative may only be approved for development that does not require new major public infrastructure.

6-5(G)(1)(c) This Subsection 14-16-6-5(G) applies to:

1. A single lot or parcel that is less than 5 acres or abutting lots or parcels 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 grocery stores, which may be approved administratively with no more than 70,000 square feet of gross floor area.
   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:
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 Temporary Use Permit when a Site Plan is required pursuant to a Use-specific Standard in Section 14-16-4-3.

d. All electric utility facilities 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 where the all of the following apply:
   i. Only allowable uses as specified in Table 4-2-1, except for any co-located 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. All City BioPark facilities, which are regulated by the BioPark Master Plan and managed by City Cultural Services.

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

6-5(G)(2) Procedure

6-5(G)(2)(a) The ZEO shall review the application and make a decision on the Site Plan – Administrative. An initial review with comments shall be completed within 10 business days of the receipt of a complete application.

6-5(G)(2)(b) For properties in the NR-PO zone district, the ZEO shall coordinate the review with Parks and Recreation and/or Cultural Services staff, as relevant.

6-5(G)(2)(c) The ZEO may also grant Deviations to IDO standards as part of this approval within the thresholds established per Section 14-16-6-4(O) (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(N) (Variance – ZHE).
6-5(G)(2)(d) 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)(e) Any request for a Variance 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) or to DPM standards requires review and approval by the DRB per Subsection 14-16-6-6(L) (Variance—DRB).

6-5(G)(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.

6-5(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.

6-5(H) SURFACE DISTURBANCE PERMIT
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. However, standards and procedures for obtaining a Surface Disturbance Permit are generally governed by the City Environmental Health Department, whose applicable standards and procedures would prevail over the IDO or DPM. In case of a conflict between the provisions of this Subsection 14-16-6-5(H) and the standards and procedures of the DPM, the DPM shall prevail.

6-5(H)(1) Applicability
This Subsection 14-16-6-5(H) requires the issuance of a Surface Disturbance Permit before surface disturbance of an area equal to or greater than ¾ of an acre.

6-5(H)(2) Procedure
6-5(H)(2)(a) Discuss the project with a representative of the City Environmental Health Department, Air Quality Program, to determine need for the Surface Disturbance Permit and appropriate site-specific dust control measures.

6-5(H)(2)(b) Obtain required signatures from the permittee, owner, operator, and/or responsible person as indicated on the application form. For surface disturbance equal to or less than 25 acres, allow up to 10 business days for application review. For surface disturbance greater than 25 acres, allow up to 20 business days for application review.

6-5(H)(3) Review and Decision Criteria
An application for a Surface Disturbance Permit shall be approved by the Environmental Health Department if it complies with the standards and
requirements of the Air Quality Regulations adopted by the Albuquerque-Bernalillo County Air Quality Control Board and found in Title 20, Chapter 11, Part 20 NMAC as amended.

6-5(I) **TEMPORARY USE PERMIT**

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(I).

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

This Subsection 14-16-6-5(I) applies to uses that require a Temporary Use Permit per Table 4-2-1 and associated Use-specific Standards in Subsection 14-16-4-3(G) (Temporary Uses).

6-5(I)(2) **Procedure**

The applicant shall have the following responsibilities.

6-5(I)(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 purpose of understanding access, location of temporary lavatories or other temporary provisions, and the location of any structures or signage.

6-5(I)(2)(b) Obtain required signatures from abutting property owners specifying that they have been notified of the use and allowed duration.

6-5(I)(2)(c) Keep documentation of the Temporary Use Permit available on-site for the duration of the temporary use.

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

An application for a Temporary Use Permit 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.
6-5(J) WALL OR FENCE PERMIT – 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(J).

6-5(J)(1) Applicability
This Subsection 14-16-6-5(J) 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 walls that require a Variance – ZHE pursuant to Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height).

6-5(J)(2) Procedure
6-5(J)(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(D) (Historic Certificate of Appropriateness – Minor), and a recommendation sent to the ZEO.

6-5(J)(2)(b) The ZEO shall review the application and make a decision on the Wall or Fence Permit – Minor.

6-5(J)(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(J)(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(J)(3)(b) Other requests for a taller wall or fence require the approval of a Variance, pursuant to Subsection 14-16-6-6(M) (Variance – EPC) for walls or fences associated with a Site Plan – EPC or Subsection 14-16-6-6(N) (Variance – ZHE) for walls or fences associated with any other request.

6-5(J)(3)(c) 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.

6-5(J)(3)(d) 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(K)  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(K) or the DPM.

6-5(K)(1)  Applicability
A Wireless Telecommunications Facility 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(K)(1)(a)  This Subsection 14-16-6-5(K) applies to any of the following:
1. All new WTFs.
2. All co-locations on public utilities.
3. All co-locations on concealed WTFs.
4. All antenna co-locations on unconcealed WTFs, which became nonconforming upon adoption of the concealment requirement in 2008 (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 Wireless Telecommunications Facility.

6-5(K)(1)(b)  Any unconcealed WTF erected prior to January 15, 1999 (Council Bill O-54; Enactment O-9-1999) provided a building permit was issued for that antenna or tower, co-locations of antennas on existing unconcealed towers and public utility co-location are exempted from the concealment provisions of Subsection 14-16-4-3(E)(10)(a) (Wireless Telecommunications Facility).

6-5(K)(2)  Procedure
6-5(K)(2)(a)  The Planning Director shall review the application and make a decision on the Wireless Telecommunications Facility Approval. An administrative review shall be completed within 60 consecutive days of the receipt of a complete application. An incomplete application shall be deemed withdrawn if the deficiencies are not corrected within 60 consecutive days of notice of the deficiencies.

6-5(K)(2)(b)  Variances to the standards in Section 14-16-4-3(E)(10) (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(O) (Wireless Telecommunications Facility Waiver) before a WTF Approval may be granted.

6-5(K)(2)(c)  Applications for upgrades to an existing WTF 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(O) (Wireless Telecommunications Facility Waiver), before a WTF approval may be granted.

6-5(K)(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)(10) (Wireless Telecommunications Facility) and all applicable standards in this IDO, the DPM, and federal law and regulations.
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 filed 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 12 consecutive months, 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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(A)(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(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.
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) It will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

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 mapped 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).

6-6(B)(1)(a) Downtown Area

6-6(B)(1)(b) Downtown Neighborhood Area – CPO-3
6-6(B)(1)(c) East Downtown – CPO-4
6-6(B)(1)(d) Nob Hill/Highland Area
6-6(B)(2)  Procedure

6-6(B)(2)(a) City staff (Historic Preservation Planner) shall review the demolition permit application within 15 days after receipt of the application in order to determine whether to approve the demolition administratively or to recommend review and decision by the Landmarks Commission (LC).

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 hold 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) 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 consecutive 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)(d) 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 consecutive days of the 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, as to a structure...
that otherwise meets the requirements for the 120-day demolition review period, there is no feasible alternative to demolition.

3. If the Commission 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)(e) 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 filed with 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 or special 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.

6-6(B)(2)(f) 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)(g) 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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(C)(2)(b) The ZHE shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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 of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.

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.

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(D).

6-6(D)(2) Procedure
6-6(D)(2)(a) Applicants shall review their proposed projects with the City Planning Department staff (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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(D)(2)(c) The LC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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 12 consecutive months, during which time the City shall make every effort to find a means of preserving the structure. By the end of the 12-month moratorium, if the City Council determines 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, 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(D) (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 City Planning Department staff (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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(F)(2)(b) The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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(M) (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(G) (Zoning Map Amendment – Council).

6-6(F)(2)(f) The DRB shall review any application for Subdivision of Land within a Master Development Plan area for compliance with the approved Master Development Plan.
6-6(F)(2)(g) Site Plans for development within a Master Development Plan area shall be reviewed for compliance with the approved Master Development Plan.

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 extent practicable.

6-6(F)(3)(d) The Master Development Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

6-6(G) 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(G) or the DPM.

6-6(G)(1) Applicability
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(G) applies to:

6-6(G)(1)(a) Any application that does not qualify for consideration as a Site Plan – Administrative under Subsection 14-16-6-5(G) and is not located in the NR-SU or PD zone districts, which require review of a Site Plan – EPC pursuant to Subsection 14-16-6-6(H).

6-6(G)(1)(b) Any application for a site 5 acres or greater that is not adjacent to Major Public Open Space, which requires review of a Site Plan – EPC under Section 14-16-6-6(H).

6-6(G)(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.
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 DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(G)(2)(b) The DRB shall conduct a public meeting on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(G)(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(G)(2)(d) The DRB may grant Deviations to IDO standards as part of this approval within the thresholds established per Section 14-16-6-4(O) (Deviations).

6-6(G)(2)(e) The DRB may grant a Variance 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), or the DPM as part of this approval per Subsection 14-16-6-6(L) (Variance – DRB).

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

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

6-6(G)(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(G)(3)(b) The City’s existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.
6-6(H) 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(H) or the DPM.

6-6(H)(1) Applicability

6-6(H)(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(H)(1)(b) This Subsection 14-16-6-6(H) applies to the following:

1. Any application within the MX-FB or NR-PO zone districts that does not qualify for consideration as a Site Plan – Administrative under 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 site 5 acres or greater adjacent to Major Public Open Space.
4. Any application for development for which the applicant requests EPC review, provided the Planning Director concurs with that request.
5. Any application for an electric utility within any zone district where EPC approval is required by the Facility Plan for Electric Transmission.
6. Any application involving a major utility as a primary use of the site, unless specified otherwise in an adopted Facility Plan.

6-6(H)(2) Procedure

6-6(H)(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(H)(2)(b) The City Planning Department staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
6-6(H)(2)(c) The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(H)(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(H)(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(H)(2)(f) The EPC may grant a Variance to IDO standards as part of this approval per Section 14-16-6-6(M) (Variance – EPC).

6-6(H)(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(H)(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(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.

6-6(H)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

6-6(H)(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(H)(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 extent practicable.

6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.
6-6(I)  **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(I) or the DPM.

6-6(I)(1)  **Applicability**

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

6-6(I)(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 on or in an adjacent street or parcel of land.
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.
10. Is on land zoned PC with a Framework Plan.

6-6(I)(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(I)(2)  **Procedure**

6-6(I)(2)(a)  The DRB shall review the application and shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(I)(2)(b)  The DRB may grant a Variance to a DPM standard as part of this approval per Subsection 14-16-6-6(L) (Variance – DRB).
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6-6(I)(2)(c) 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(O) (Deviations).

6-6(I)(2)(d) Final Plats shall include a list of any Variances and Deviations granted as an exhibit or note.

6-6(I)(2)(e) 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(I)(2)(f) The applicant shall record the plat with the Bernalillo County Clerk within 5 business days 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.

6-6(I)(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(I)(3)(a) 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) Any Variances 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(O) (Deviations) are documented in the application.
### 6-6(J)  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(J) or the DPM.

#### 6-6(J)(1) Applicability

This Section 14-16-6-6(J) 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(I), with the following exceptions:

6-6(J)(1)(a) Approval of a subdivision of land 5 acres or greater adjacent to Major Public Open Space that does not have a Site Plan – EPC.

6-6(J)(1)(b) Approval of a subdivision of land that is zoned NR-SU or PD that does not have a Site Plan – EPC.

6-6(J)(1)(c) Approval of a subdivision of land that is zoned NR-BP that does not have a Master Development Plan.

6-6(J)(1)(d) Approval of a subdivision of land that is zoned PC that does not have a Framework Plan.

#### 6-6(J)(2) Procedure

6-6(J)(2)(a) Deviations and Variances

1. 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(O) (Deviations).

2. The DRB may grant a Variance to standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-6-5 (Parking and Loading), or the DPM per Subsection 14-16-6-6(L) (Variance – DRB).

6-6(J)(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 file 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. 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.

3. 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(J)(2)(c) Preliminary Plat

1. Within one year after DRB issuance of a Letter of Advice on a Sketch Plat, the applicant shall file a Preliminary Plat that meets all standards and requirements of this IDO and the DPM.

2. Any request for a Variance from the development standards applicable to the subdivision 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 the DPM shall be reviewed and decided per Subsection 14-16-6-6(L) (Variance – DRB), shown on the Preliminary Plat, and considered simultaneously with the review and approval of the Preliminary Plat.

3. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

4. The DRB shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(J)(2)(d) 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 infrastructure improvements agreement 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(J)(2)(e) Infrastructure Improvements Agreement

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

1. The IIA shall specify the time period within which the improvements necessary to provide required access, public services, and public amenities required of the applicant are to
be completed, which time period will end not later than 2 years after execution of the IIA.

2. An IIA for sidewalks that have received an adjustment for temporary deferral of installation shall have a time period that will end 4 years after execution of the IIA, unless extended by the 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 12 months for good cause shown.

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(J)(2)(f) Final Plat

1. Within one year after DRB approval, or approval with conditions, of a Preliminary Plat, the applicant shall file 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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

3. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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(J)(2)(g) 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(J)(3) Review and Decision Criteria

6-6(J)(3)(a) An application for a Preliminary Plat shall be approved if it meets all of the following criteria:

1. Is consistent with the ABC Comp Plan, as amended.
2. 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(J)(3)(b) An application for a Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.
6-6(K) **VACATION OF EASEMENT OR RIGHT-OF-WAY**

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 all applications to vacate a public right-of-way or easement, including but not limited to streets, alleys, and easements that are owned by or under the control of the City, as well as applications to vacate a private way or easements shown on a recorded plat.

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

6-6(K)(2)(a) Notwithstanding the provisions of Table 6-1-1, published and posted sign notice are not required when the application is for vacation of a public easement that does not involve a public right-of-way, provided that the Planning Director is satisfied that all benefitted and burdened parties are clearly and completely defined and agree to the vacation.

6-6(K)(2)(b) The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(K)(2)(c) The DRB shall conduct a public hearing on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(K)(2)(d) The DRB shall make a decision on any application, unless it meets the criteria in Subsection (e) below.

6-6(K)(2)(e) 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 Council committee if the proposed vacation involves any of the following:

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 public right-of-way.

6-6(K)(2)(f) If a street, alley, drainageway, or other public right-of-way is vacated, the abutting zone districts are extended automatically to the former centerline of the vacated public right-of-way.

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

An application for a Vacation of Easement or Right-of-way shall be approved if it meets any of the following criteria:
6-6(K)(3)(a) The public welfare does not require that the public right-of-way or easement be retained.

6-6(K)(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.

6-6(L) VARIANCE – 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(L).

6-6(L)(1) Applicability

This Subsection 14-16-6-6(L) applies to

6-6(L)(1)(a) Any application for a Variance 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), or the DPM.

6-6(L)(2) Procedure

6-6(L)(2)(a) General

1. Where a Variance is requested for a carport in a required front or side setback 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, the application shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(D) (Historic Certificate of Appropriateness – Minor), and a recommendation sent to the DRB.

2. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

3. The DRB shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

4. A Variance – DRB may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).

5. A notice of any Variances or Deviations granted associated with a subdivision shall be placed on the final plat and on a
separately recorded document, and any Variances or Deviations granted associated with a Site Plan shall be noted on the approved Site Plan.

6-6(L)(2)(b) Bulk Land Subdivision
Where a Variance is requested based on a bulk land subdivision, all of the following procedures shall be followed in addition to the procedures in Subsection (a) above:

1. The use of the land for development and/or building purposes shall require review during the Subdivision or Site Plan approval process. Approval of a Variance for a bulk land transfer does not indicate that land within that transfer complies with applicable Subdivision or Site Plan standards.

2. The plat shall reflect the applicant’s agreement that building permits shall not be issued for any area where the Variances apply before further subdivision and that recording of a final subdivision plat for the subject area has been completed.

6-6(L)(3) Review and Decision Criteria
This Subsection 14-16-6-6(L)(3) includes criteria for all applications that require a Variance – DRB. Variances associated with certain requests have additional or different criteria. Variances to sidewalk or front yard parking requirements have specific criteria in addition to the general criteria, listed in Subsections (b) and (c) below, respectively. Variances for carports in a required front or side setback have specific criteria in Subsection (d) below and do not have to meet the general criteria in Subsection (a) below.

6-6(L)(3)(a) General
Except as indicated in (d) below, an application for a Variance – DRB shall be approved if it complies with the following criteria, as applicable:

1. Any of the following applies:
   a. There are special circumstances applicable to the subject property 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, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
   b. 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.

c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.

d. 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.

e. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

2. The 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.

4. The Variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

5. The Variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

6. The Variance will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

7. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.

8. The Variance does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in 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(O) (Deviations) and is granted by the DRB as part of this approval.

9. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

10. The Variance for Sidewalk Requirements meets the criteria in (b) below.

11. The Variance for Front Yard Parking meets the criteria in (c) below.

6-6(L)(3)(b) Variance to Sidewalk Requirements

A request for a Variance to sidewalk requirements, shall be approved if it meets all of the applicable criteria in Subsection (a) above and all of the following criteria:
a. 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 or area.

b. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.

c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

6-6(L)(3)(c) **Variance for Front Yard Parking**
A Variance to the maximum front yard parking area requirements in Subsection 14-16-5-5(F)(2)(a)1 shall be granted if it meets all of the applicable criteria in Subsection (a) above and if each dwelling unit within 300 linear feet of the property has no more than 1 on-street parking space.

6-6(L)(3)(d) **Variance for a Carport in a Required Front or Side Setback**
A Variance to allow a carport in a required front or side setback shall be approved if all of the following criteria are met:

1. The proposed carport would strengthen or reinforce the architectural character of the surrounding area.

2. The proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

3. The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)2 (Carports).

4. No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.

5. The carport is not taller than the primary building on the lot.
6-6(M) 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(M) or the DPM.

6-6(M)(1) Applicability

6-6(M)(1)(a) This Subsection 14-16-6-6(M) applies to all requests for Variances from any development standard in this IDO other than Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) requested as part of a Site Plan – EPC application.

6-6(M)(1)(b) This Subsection 14-16-6-6(M) applies to requests for Variances to standards in the Coors Boulevard – VPO-1 for setback, structure height, or structure bulk and massing.

6-6(M)(1)(c) This Subsection 14-16-6-6(M) applies to requests for Variances to the 15-foot structure height limit in the Height Restriction Sub-Area of the Northwest Mesa Escarpment – VPO-2 for one of the following variations in structure height:

1. A Variance for up to 4 feet of additional height for non-residential structures may be allowed in order to screen rooftop equipment.

2. A Variance to allow up to 26 feet above natural grade may be granted for low-density residential developments of 1 dwelling unit per acre or less that are set back a minimum of 200 feet from the escarpment face (i.e. 9 percent or greater slopes).

6-6(M)(2) Procedure

6-6(M)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(M)(2)(b) The EPC shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures) as part of the associated Site Plan – EPC review and decision.

6-6(M)(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(M)(2)(d) Any Variances granted associated with a Site Plan shall be noted on the approved Site Plan.
6-6(M)(2)(e) Requests for a Variance to structure heights in Subsection 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2) shall at a minimum include all of the following:

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 plane exhibits 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(M)(3) Review and Decision Criteria

6-6(M)(3)(a) Except as indicated in Subsections (b) and (c) below, an application for a Variance – EPC shall be approved if it meets all of the following criteria:

1. There are special circumstances applicable to the subject property 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, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
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(M)(3)(b) The EPC shall approve an application for a Variance from the standards for setback, structure height, or structure bulk and
massing in Subsection 14-16-3-6(D) (Coors Boulevard – VPO-1) if it meets all of the following criteria:

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(M)(3)(c) The EPC shall approve 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) if it meets all of the following criteria.

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.

6-6(N) VARIANCE – ZHE

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 an IDO standard other than the following:

1. Standards in Section 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading), or in the DPM (which require a (Variance – DRB per Section 14-16-6-6(L)).

2. Variances to IDO standards requested in applications for a Site Plan – EPC (which requires a Variance – EPC per Subsection 14-16-6-6(M)).
Part 14-16-6: Administration and Enforcement

6-6: Decisions Requiring a Public Meeting or Hearing

6-6(N): Variance – ZHE

3. Variances to standards in Section 14-16-3-6 (View Protection Overlay Zones) shall only be granted by the EPC pursuant to Subsection 14-16-6-6(M) (Variance – EPC).

6-6(N)(1)(b) This Subsection 14-16-6-6(N) applies to all applications for walls or fences that require a Variance – ZHE pursuant to Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height).

6-6(N)(2) Procedure

6-6(N)(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).

6-6(N)(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(D) (Historic Certificate of Appropriateness – Minor), and a recommendation sent to the ZHE.

6-6(N)(2)(c) 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(N)(2)(d) The ZHE shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(N)(3) Review and Decision Criteria

6-6(N)(3)(a) General

Except as indicated in Subsections (b) and (c) below, an application for a Variance – ZHE shall be approved if it meets all of the following criteria:

1. There are special circumstances applicable to the subject property 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, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

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) Variance in the APO Zone

1. An application for a Variance from a standard in the APO 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 all of the following criteria:
   a. The request meets the requirements of this Subsection 14-16-6-6(N).
   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(N)(3)(c) Variance for a Taller Front or Side Yard Wall

An application for a Variance for a wall in the front or street side yard of a lot in a Residential zone district or on a lot with low-density residential development abutting a Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if it meets all of the following criteria:

1. The proposed wall would strengthen or reinforce the architectural character of the surrounding area.

2. The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

3. The wall is proposed on a lot that meets any of the following criteria:
   a. The lot is at least ½ acre.
   b. The lot fronts a street designated as a collector or above in the LRTS Guide.
   c. At least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard.

4. 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) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:
   a. 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.

b. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

### 6-6(O) **WIRELESS TELECOMMUNICATIONS FACILITY WAIVER**

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).

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

This Subsection 14-16-6-6(O) 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(O)(2) **Procedure**

6-6(O)(2)(a) The City Planning Department staff shall review the application for a Waiver and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(O)(2)(b) The EPC shall hold a public hearing and make a decision on the application for a Waiver pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures) 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(O)(3) **Review and Decision Criteria**

6-6(O)(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 either ameliorate the adverse impacts 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 permit the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO.
6-6(O)(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(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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(A)(2)(b) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(A)(2)(c) The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(B)(2)(c) The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-6-4 (General Procedures).

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 City Planning Department staff (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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(C)(2)(c) The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(C)(2)(d) The LC shall adopt specific design standards and guidelines for the HPO zone or City landmark within 60 consecutive days following 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

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 the text of a Character Protection Overlay zone or View Protection Overlay zone, which are processed as part of a Zoning Map Amendment – Council pursuant to Subsection 14-16-6-7(G).

6-7(D)(1)(b) Applications to create or amend a Historic Protection Overlay zone, which are processed pursuant to Subsection 14-16-6-7(C).

6-7(D)(2) Procedure

6-7(D)(2)(a) The 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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(D)(2)(b) If the proposed change 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 LC staff planner shall review and submit staff comments to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(D)(2)(c) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(D)(2)(d) The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-6-4 (General Procedures).

6-7(D)(3) Review and Decision Criteria

An application for an Amendment to IDO Text shall 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 change to the IDO text does not apply to a single lot or development project.

6-7(D)(3)(c) The proposed amendment also meets any of the following criteria:

1. The change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city.
2. The change to the IDO text is required in order to address a new or unforeseen threat to the public health, safety, and welfare.
3. The change to the IDO text is required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.
6-7(E) 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(E).

6-7(E)(1) Applicability
This Subsection 14-16-6-7(E) applies to all petitions to annex land into the municipal limits of the City that have received approval from Bernalillo County.

6-7(E)(2) Procedure

6-7(E)(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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
2. The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
3. The City Council Section 14-16-6-4 (General Procedures) shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-6-4 (General Procedures).

6-7(E)(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(E)(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(E)(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 land 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(E)(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(E)(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(E)(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(F) **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(F).

6-7(F)(1) **Applicability**

6-7(F)(1)(a) This Subsection 14-16-6-7(F) applies to any application:

1. That would amend the Official Zoning Map to change less than 10 gross acres of land located wholly or partially 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(F)(1)(b) An application to amend the Official Zoning Map by any entity other than the City may not be submitted within 12 consecutive months 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(F)(2) **Procedure**

6-7(F)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(F)(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 Section 14-16-6-6(H) (Site Plan – EPC). A denial of either requested action shall result in the denial of all associated requests.

6-7(F)(2)(c) The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(F)(2)(d) The City shall provide a zoning certificate to the applicant that documents the new zone district designation.

6-7(F)(2)(e) A final decision by EPC can be protested pursuant to Subsection 14-16-6-7(G)(1)(c), in which case, the application shall proceed through the process set forth in Subsection 14-16-6-7(G)(2)(h) (Procedure).
6-7(F)(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(F)(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(F)(3)(b) If the proposed amendment is located wholly or partially 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:

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(F)(3)(c) If the proposed 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 is inappropriate because it meets at least one 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(F)(3)(d) The zone change 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(F)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet the following requirements:

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.
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(F)(3)(f) The applicant’s justification for the requested zone change is not completely based on the property's location on a major street.

6-7(F)(3)(g) The applicant’s justification is not based completely or predominantly on the cost of land or economic considerations.

6-7(F)(3)(h) The zone change 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 change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site 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 premises makes it unsuitable for the uses allowed in any adjacent zone district.
6-7(G) 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(G).

6-7(G)(1) Applicability
This Subsection 14-16-6-7(G) applies to any of the following:

6-7(G)(1)(a) An application that would amend the Official Zoning Map to change 10 gross acres of land or more located wholly or partially 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(G)(1)(b) An application that would create or amend the text and/or boundaries of any Overlay zone other than an HPO zone.

6-7(G)(1)(c) 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 (excluding public right-of-way) of the area proposed for change have protested in writing the proposed amendment to the Official Zoning Map.

2. The persons filing the protest have shown that this Subsection 14-16-6-7(G)(1)(c) applies through clear and convincing evidence.

6-7(G)(1)(d) An application to amend the Official Zoning Map by any entity other than the City may not be submitted within 12 consecutive months 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) 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 pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(G)(2)(b) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
6-7(G)(2)(c) The City Council shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-7(G)(2)(d) 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(G)(2)(e) If the application is for the creation of a 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(G)(2)(f) 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(H) (Site Plan – EPC). A denial of either requested action shall result in the denial of all associated requests.

6-7(G)(2)(g) The City shall provide a zoning certificate to the applicant that documents the new zone district designation.

6-7(G)(2)(h) If a protest has been received pursuant to Subsection 14-16-6-7(G)(1)(c), the application shall be processed as a Zoning Map Amendment – Council.

1. The final action of the EPC becomes the recommendation to 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(G)(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(G)(3)(a) The criteria for approval of a Zoning Map Amendment – EPC in Subsection 14-16-6-7(F)(3).

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

1. The NR-BP zone district and Master Development Plan will result in an internally coordinated system of land uses, development intensities, and open spaces that is more consistent with the adopted ABC Comp Plan, as amended, that is visually more attractive to surrounding areas, and that promotes economic development of the City better, than could be achieved without the NR-BP zone district.

2. The NR-BP zone district and Master Development Plan will result in street, circulation, open space, and storm drainage systems that connect and integrate with the City’s existing systems.
3. The City and other service providers have adequate infrastructure and public service capacity to serve the proposed development without decreasing service quality to existing City residents or increasing financial burdens on existing City residents, or the applicant has made adequate financial commitments to ensure this result.

6-7(G)(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 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 parcel of land or a 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.

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 discontinued or another provision of this Section 14-16-6-8 requires the termination of the use.
6-8(C)(2) Discontinuance of Nonconforming Use

6-8(C)(2)(a) Except as noted in Subsection (b) below, when a nonconforming use of land or a structure is discontinued for a period of 24 consecutive months, 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)(2)(b) When a nonconforming residential use of a single-family detached dwelling located in any Non-residential zone district is discontinued for a period of 5 consecutive 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)(2)(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 purposes of this Subsection 14-16-6-8(C)(2).

6-8(C)(3) 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)(4) 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)(5) Helipads

A helipad shown on a Site Plan approved by the EPC prior to March 5, 2000, shall be deemed conforming.

6-8(C)(6) Mobile Home Dwellings

6-8(C)(6)(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)(6)(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:

1. This use does not cease operation for a period of 12 consecutive months.
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)(6)(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)(6)(d) For changes of use or rezoning of developments that include mobile homes associated with bringing those developments into conformity that will result in expiration or termination of resident occupancy, see Subsection 14-16-2-3(C)(3) (R-MC Zone District Standards).

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 24 consecutive months, 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 14-16-2-3(C)(6) (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.

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 the restoration is started within 6 months of the
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 wholly constructed of barbed tape, barbed wire, razor wire, or similar materials where these materials are not allowed pursuant to Subsection 14-16-5-7(E)(1)(c) are considered illegal and must be removed within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.

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.

6-8(E) **NONCONFORMING LOTS**

6-8(E)(1) 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)(a) The existing structure(s) on the property is allowed or legally nonconforming.

6-8(E)(1)(b) Any new structure or outdoor use proposed for the lot meets all of the following conditions:

1. Complies with the dimensional standards for the zone district where the lot is located to the maximum extent practicable.

2. Does not exceed the maximum building height allowed in the zone district where the lot is located.
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.

6-8(F)(3)(b) Conversion of a non-electronic nonconforming sign to an electronic sign is not allowed 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 parcel of land that does not comply with the standards of this IDO in Sections 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 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 square footage of the primary building on the parcel 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 parcel...
affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.

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)6 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 purpose of this Subsection 14-16-6-8(G)(3), “improvements” include only impervious surfaces, including but not limited to concrete, asphalt, or all-weather pervious 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 a residential unit 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.

2. Where an existing residential unit 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.
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.
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 Section 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 parcel created by subdivision without the approval
of a final plat of such subdivision and recording that plat with the County Clerk,
unless the parcel resulted from an exercise of eminent domain or purchase
under threat of an exercise of eminent domain. Public agencies shall record
plans reflecting acquisitions and transfer of parcels 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.

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.

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

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 consecutive 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.
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 parcels.

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 or development agreements to determine necessary amendments to such agreements and/or release of any financial guarantee pursuant to Section 14-16-6-4(Q) (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 parcel of land 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.

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 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,
Part 14-16-6: Administration and Enforcement

6-9(C)(4): Inspectorial Searches without Consent

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
6-9(C)(5)  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 Section 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 and Acronyms

7-1 Definitions

Abut
To touch or share a property boundary.

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 a primary building, customarily used with and clearly incidental and subordinate to the primary building or use, and located on the same lot as such primary building. Including but not limited to swimming pools and shade structures such as covered patios, gazebos, 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, Public 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 Daycare, Family Care Facility, Community Residential Facility, and Group Home.

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.

**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 *Retail Definitions for General Retail*.

**Agriculture, General**

See *General Agriculture*.

**Agricultural Sales Stand**

A structure for the retail sale of agricultural products raised on the same premises. See also *Agriculture, General; Building and Home Improvement Materials Store; Community Garden; Farmers Market, 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, private way, or thoroughfare, 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 access to the street. For the purposes of this IDO, alleys are not considered streets. See also *Private Way, Public Right-of-Way, and Street*.

**Allowable Use**

See *Use Definitions*.

**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
An outdoor, 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.

Animal Keeping
The keeping of animals as allowed by Article 9-2 of ROA 1994 (Humane and Ethical Animal Rules and Treatment (HEART) Ordinance).

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.

Archaeological Survey
A visual inspection conducted on foot that examines, identifies, records, evaluates and interprets all surface visible archaeological resources.

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
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 is 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.

Arroyo, Major
See Major Arroyo.
Art Gallery
A building, room, or series of rooms where works of art are exhibited for display or sale. See also Museum.

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.

Bail Bond Business
Any business requiring licensure under Part 13.20.2 NMAC, 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/Tasting Room.

Bed and Breakfast
A single-family dwelling 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. 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 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**
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.

**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**
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 *Vehicle*.

**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. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. 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 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 a minimum of 10 feet from the right-of-way with a front yard. 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.

**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 right-of-way 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.

**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 use 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 Height 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 *Consecutive 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 *Recreational Vehicle* and *Vehicle*.

**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 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.

Center and Corridor Definitions
- **Activity Center (AC)**
  The 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 parcel is within the Center, the Center regulations apply to the entire parcel.
- **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)**
  The area designated as an Employment Center in the ABC Comp Plan, as amended.
- **Main Street (MS)**
  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)**
  The 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 zone 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 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.
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. 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.

City Surveyor
A City employee who is a registered land surveyor.

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 or driveway, 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 Design
A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. See also Dwelling Definitions for Cluster Development.

Collector
See Street Definitions.

Co-location
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 Group Home.

Community Residential Facility is divided into 3 categories based on the number of individuals residing in the facility (not the size of the structure).

1. Community Residential Facility, Small: A facility in which personal service, personal assistance, personal care, and/or protective care are provided to no more than 8 individuals, except those foster family homes licensed by child-placing agencies.

2. Community Residential Facility, Medium: A facility in which personal service, personal assistance, personal care, and/or protective care are provided to between 9 and 18 individuals, except those foster family homes licensed by child-placing agencies.

3. Community Residential Facility, Large: A facility in which personal service, personal assistance, personal care, and/or protective care are provided to 19 or more individuals.

Concealed Wireless Telecommunications Facility
See Wireless Telecommunications Facility Definitions.

Conditional Use
See Use Definitions.

Consecutive Days
For deadlines, a period of days that includes business days, weekends, and holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays), unless specified otherwise. If the final day falls on a weekend or a holiday, the period ends on the following business day. See also Business Days.
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 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.

Consecutive Days
For deadlines, a period of days that includes business days, weekends, and holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays), unless specified otherwise. If the final day falls on a weekend or a holiday, the time period ends on the following business day.

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 located on the same site during its construction.

Convertible Structured Parking
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.

Courtyard Wall
See Wall Definitions.

Crematorium
An establishment that burns dead bodies of humans and/or animals.

Cul-de-Sac
A short street intersecting another street at one end and terminating at the other end, normally with a vehicular turnaround.

Curb Cut
Any break in a curb that facilitates access to or from a street, alley, or driveway.
Days
See Business Days or Consecutive Days.

Daytime Gathering Facility
A premises used to provide social services to those in need, 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.

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.

Design Review Committee (DRC)
A committee of City employees representing the City Engineer, Construction Management, Hydrology, Water/Wastewater Development, City Architect, and Transportation Development. This committee is chaired by the City Engineer’s representative. The DRC meets regularly to review and approve design plans or relay combined staff concerns on unapproved final plans. The DRC also conducts pre-design conferences requested for new projects and in-house review meetings to consolidate comments for presentation to the consulting engineer.

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 on a property. Development may include 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. For the purposes of the IDO, this term includes new development and redevelopment on existing lots.

Industrial Development
Properties with uses in the Industrial use category in Table 4-2-1, unless specified otherwise elsewhere 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 parcels adjacent to the proposed development have been developed and contain existing primary buildings.
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 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 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 development for the purposes of this IDO. See also Other Uses Accessory to Residential Primary Uses.

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

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

1. Property with both Household Living uses and parks and open space are still considered residential development for the purposes of this IDO.
2. Properties that include other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered residential development for the purposes of this IDO.
3. A property that has an approved non-residential Temporary Use but that otherwise meets this definition is still considered residential development for the purposes of this IDO. See also 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 6-member 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
An exception to dimensional standards that can be granted administratively by City Planning Department staff or by the DRB within thresholds and based on criteria established by the IDO.
Distance Separation
See *Measurement, 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.

Downtown Center
See *Center and Corridor Definitions*.

Drainage Plan
See definition in the DPM.

Drainage Report
See definition in the DPM.

Drive Aisle
A private, unenclosed accessway with a stabilized surface allowing vehicular access either to individual buildings or to parking space(s) within parking lots. In the case of single-family attached and multi-family dwellings, a drive aisle is an accessway shared by the residents and guests of 2 or more dwellings.

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 *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.

Dwelling Definitions

**Dwelling, Cluster Development**
A development type that concentrates single-family or two-family 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. See also *Open Space, Common*.

**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 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.
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, 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, Mobile Home.

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, 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. See also Development, 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.

Dwelling, Temporary
A portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods.

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, 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-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.

Dwelling Unit, Accessory
A dwelling unit that is subordinate to a primary single-family or two-family 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. When accessory to a non-residential use, an accessory dwelling unit serves as quarters for a caretaker. This IDO distinguishes between accessory dwelling units with and without a kitchen. See also Measurement, Accessory Dwelling Unit.
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 Uniform Housing Code), as of the date of the unit's construction. See also Family and Kitchen.

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.

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.

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
Land with 9 percent slope or more and considered sensitive land, 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.
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.

Façade, Front
See Front Façade.

Façade, Street-facing
See Street-facing Façade.

Face-mounted Wireless Telecommunications Facility
See Wireless Telecommunications Facility Definitions.

Facility Plans
Plans that are specialized in subject matter. They normally cover only one type of utility or public facility, such as electric facilities or Major Public Open Space. Such plans address the entire metropolitan area or city, or at least a major part of it. These Rank 2 plans specify important development standards, as well as general site locations and multi-year programs for facility capital improvements.

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 outdoor fairs, circuses, or exhibitions are held.

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 persons living together in a dwelling.
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 Daycare
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, Outdoor Market, and Seasonal Outdoor Sales.

Fire Station
A public facility where fire engines and other equipment are housed and from which calls for emergency fire responses are handled.

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.

- **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.

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 $\frac{1}{\pi}$ 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.

**Fraternity or Sorority**
A building rented, occupied, or owned by a national or local chapter of a fraternity or sorority that is officially recognized by a college, university, or other educational institution as a residence for students at that college, university, or other educational institution. See also *Club or Event Facility*.

**Freestanding Sign**
See *Sign Definitions*.

**Freestanding Wireless Telecommunications Facility**
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 warehouse space for storage of transitory freight. Incidental uses may 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*.

**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.

**Gated Community**
A residential area where access is controlled by means of a gate, guard, or barrier that restricts access to normally public spaces such as streets and pedestrian/bike paths. A residential development with controlled access that functions as a nursing home or that offers multiple levels of care (e.g. assisted living facility) or a community residential facility is not considered a gated community.
Part 14-16-7: Definitions and Acronyms

7-1: Definitions

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 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, or other retail sales not listed as a separate use in Table 4-2-1. See also Adult Retail, Building and Home Improvement Materials Store, Large Retail Facility, Liquor Retail, and Grocery Store.

General retail is divided into 3 categories based on the size of the establishment or use (not the size of the structure):

1. **General Retail, Small**: An establishment with no more than 10,000 square feet of gross floor area.
2. **General Retail, Medium**: An establishment of more than 10,000 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 or Device
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

4. The average of the approved ground levels immediately adjacent to each façade of a building, considered separately; 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; building floor level is irrelevant.

5. The elevation of the finished, approved ground level at all points along a wall or fence. Approved grade shall be no higher than the specified elevation on the grading plan approved by the City in conjunction with subdivision or site development plan approval; in the absence of such approved plans, original natural grade applies. See also 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
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. Supportive housing facilities are considered group homes for the purpose of this IDO.

Group Home is divided into 3 categories based on the number of individuals residing in the facility (not the size of the structure).

1. **Group Home, Small**: A facility housing no more than 8 unrelated individuals receiving services, plus those providing services.
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.

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
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, including but not limited to tractors, vehicles with a gross vehicle weight of 10,000 pounds or greater, semi-trucks and/or trailers, buses, harvesters, loaders, and all tracked vehicles. Sales of parts, whether new or used, for heavy equipment and vehicles, and incidental storage of vehicles related to sales, rental, fueling, and repair are included in this use.
**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 in certain zones as provided for in Subsections 14-16-6-5(D) (Historic Certificate of Appropriateness – Minor) or 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

- **Construction**  
  The erection of any new structure on property located within an HPO zone or within the boundaries of a landmark site.

- **Demolition**  
  The complete removal of a structure located within an HPO zone or within the boundaries of a landmark site.

- **Demolition Permit**  
  The permit issued by the City for the demolition of a structure, excluding a permit issued solely for the demolition of the interior of a structure.

- **Exterior Appearance**  
  See *Exterior Appearance.*

- **Historic Protection Overlay (HPO) Zone**  
  Any area designated under the authority of the IDO as an HPO zone. HPO zones provide regulations to protect and enhance the character of areas designated as historic by the City.

- **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.

Illuminated Sign
See Sign Definitions.

Independent Living Facility
Multi-family housing 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 multi-family building 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, 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
See Subdivision Definitions.

Infrastructure, Major Public
See Major Public Infrastructure.

Interstate Highway
See Street 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.

Joint Sign Premises
See Sign Definitions.

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.

Land Surveyor
A person who engages in the practice of land surveying and is registered as a land surveyor in the State of New Mexico.

Land Use Hearing Officer
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.
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 purpose 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.

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
An establishment primarily engaged in the retail dispensing or sale of 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 uses include, but are not limited to, car washes; minor services or repairs including battery charging, tire repairs, and oil and fluid changes; the sale of convenience items, food, beverages, household necessities, lubricants, and batteries; and similar incidental uses. This definition shall 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 Light Vehicle Repair, Light Vehicle Sales and Rental, Liquor Retail, and Outdoor Vehicle Storage.
Light Vehicle Repair
Any facility providing for the major or minor repair and maintenance, beyond what is allowed in a light vehicle fueling station, of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 10,000 pounds gross vehicle weight.

Light Vehicle Sales and Rental
An establishment primarily engaged in the retail sale and/or rental of new and used automobiles, non-commercial trucks, motor homes, boats, recreational vehicles, modular and manufactured home sales, trailers, motorcycles, mopeds, and/or ATVs, including incidental outdoor display, storage, maintenance, and servicing. This use does not include outdoor vehicle storage as a primary use.

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

Corner Lot
A lot located at the intersection of and having frontage on 2 or more streets.

Front Lot Line
A legal boundary of a lot bordering on a street. For the purpose of determining setback requirements on a corner lot, the side with the street number address is the front lot line. For a through lot, the property owner may designate which of the 2 lot lines is the front lot line.

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 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 Area
The area of a lot exclusive of easements for a private way or street.

Lot Width
The length of a straight line between the mid-points of each of the side lot lines, or between an interior side lot line and a corner street frontage lot line that is not the front lot line.

Net Lot Area
See Measurement Definitions.

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 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.

Side Lot Line
A lot line that is not a front lot line or a rear lot line.

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.

Main Street
See Centers and Corridors Definitions.

Major Arroyo
An arroyo designated by the Facility Plan for Arroyos as a Major Open Space Arroyo or Major Open Space Link.

Major 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 Centers and Corridors Definitions.

Major Utility
See Utility Definitions.

Manufactured Home
See Dwelling Definitions.

Manufacturing Definitions

Artisan Manufacturing
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 and direct sales to consumers. 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.

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. This use includes, but is not limited to, concrete or cement products manufacturing (excluding batch plant) or processing of stone (e.g. granite fabricators). Loading and unloading from rail spurs is incidental to this use. 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 an indoor structure, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed primarily within a building. Loading and unloading from rail spurs is incidental to this use. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

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 is incidental to this use.

Marquee Sign
See Sign Definitions.
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
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 shall not count toward the size. See also Dwelling Definitions for
Dwelling Unit, Accessory.

Building Coverage
The percentage of a lot that is covered by building footprints. See also Building.

Building Height
The vertical distance above the grade 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. The height of a stepped or sloped building is the maximum height above
grade of any distinct segment of the building that constitutes at least 10 percent of the gross
floor area of the building. See also Building, Building Height Bonus, and Measurement
Definitions for Ground Floor.
Building Height Stepback
For the purposes of measuring a second story 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
Lots within a specified distance of the centerline of a Corridor designated in the ABC Comp Plan, as amended. Where the specified distance crosses a lot line, the entire lot is included in the Corridor Area. See also Centers and Corridors Definitions.

Main Street (MS) Area
Lots within 660 feet of the centerline of a Main Street Corridor as designated by the ABC Comp Plan, as amended.

Major Transit (MT) Area
Lots within 660 feet of the centerline of a Major Transit Corridor as designated by the ABC Comp Plan, as amended.

Premium Transit (PT) Area
Lots within 660 feet 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.

Days
See Business Days and Consecutive Days.

Distance for Notice or Appeals
Includes public rights-of-way, unless specified otherwise in this IDO.

Distance to a Through Lane
Distance to a through lane is measured to the closest striped edge.

Façade
See Front Façade.

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 Height
The vertical distance of the interior of a ground floor, measured from the slab or sub-floor to the bottom of the roof or second floor structure.

Luminance
The brightness of an object, expressed in terms of foot lamberts, determined from a point 5 feet above grade on another premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured. See also Foot Lambert.

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 lot 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 also *Parking Definitions*.

**Parking Space**
See DPM.

**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, 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. 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.

**Sign Area**
1. 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.

2. 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.

3. 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**
See *Sign Definitions*.

**Structure Height**
The vertical distance above 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. See also *Measurement Definitions for Building Height and Structure*.
Wall Height
For a perimeter wall along the front lot line, wall height shall be measured from the 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 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. 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 Arterial
See *Street Definitions*.

Minor Subdivision
See *Subdivision Definitions*.

Mixed-use Development
See *Development Definitions*.

Mobile Food Truck
Any wagon, truck, trailer, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food, or any food product for human consumption.

Mobile Home
See *Dwelling Definitions*.

Mobile Vending Cart
A mobile structure that has functional wheels and at least one axle, used for the sale of goods, including but not limited to food, raw produce, flowers, arts, and crafts.

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
See definition in the DPM relating to the surveying of property. The Petroglyph National Monument includes lands owned and managed by the National Park Service and Open Space Division of the City Parks and Recreation Department. See also *Escarptment and Open Space Definitions for Major Public Open Space*.

Monument Sign
See *Sign Definitions*. 

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Revised and Updated Through May 2018
Integrated Development Ordinance
City of Albuquerque, New Mexico
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 street right-of-way or within an independent right-of-way, including shared-use rights-of-way or utility or drainage easements that permits more than one type of non-motorized use. 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
Grade based on the original site contours, prior to any grading. See also 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 Ordinance), as well as any other group registered with the Office of Neighborhood Association in compliance with Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition Ordinance).

Neon Sign
See Sign Definitions.

Net Lot Area
See Measurement Definitions.

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, wireless telecommunications facilities 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
A motor vehicle used in the conduct of normal daily activities that has a gross vehicle weight rating of not more than 10,000 pounds and can be lawfully parked in a parking space that meets the requirements of the DPM. The term includes motor vehicles commonly called motorcycles, automobiles, vans, sport utility vehicles, light trucks, or pickups. See also Vehicle.

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-residential Development
See Development Definitions.

Non-recognized Neighborhood
See Neighborhood Association.

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.

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.

Opaque Wall or Fence
A continuous non-transparent vertical surface. A fence with inserts or non-rigid or cloth-like materials attached to the fence does not constitute an opaque wall or fence.

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. See also Dwelling, Cluster Development.

Extraordinary Facility
Facilities within Major Public Open Space other than trails, fencing, signs, incidental parking lots, access roads, and infrastructure not visible on the surface that are primarily for facilitating recreation, relaxation, and enjoyment of the outdoors and that require additional review by the Open Space Advisory Board and EPC per the Facility Plan for Major Public Open Space. Extraordinary Facilities may include utility structures, Wireless Telecommunications Facilities, 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. Healthy places balance density vs. openness, urban vs. natural environments. For City-owned open space, see Open Space Definitions for Major Public Open Space.
Private Open Space
Open space for passive or active recreation that is owned, managed, and maintained privately in its natural state and accessible either to the public or to the residents of a subdivision and zoned NR-PO-C. In the case of cluster or cottage development, private open space that is created by clustering dwelling units may count as usable 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, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms.

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 Major Utility
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, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services, but shall not include 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 Electric Utility and Major Public Infrastructure.

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 listed separately in Table 4-2-1. Examples include, but are not limited to, amusement parks, batting cages, go-cart tracks, golf driving ranges, miniature golf, skateparks, 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 development, this use includes, but is not limited to, sales of convenience items, personal service shop, rental/management office, concierge/doorman services, and similar uses for the use and convenience of the residents of the multi-family or group living development. 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 Storage
The keeping, in an unroofed area of any goods, material, or merchandise 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. See also Building and Home Improvement Materials Store, Contractors Facility and Yard, and Salvage Yard.

Outdoor Vehicle Storage
The keeping, in an unroofed area, of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis, generally for a period of 7 consecutive 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. See also Light Vehicle Repair; Light Vehicle Sales and Rental; Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair; and Salvage Yard.

Overlay Zone
See Zone Definitions.

Overnight Shelter
A facility that provides sleeping accommodations for 6 or more persons with no charge or a charge substantially less than market value; it may provide meals and social services.

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 uses include, but are not limited to, playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker’s quarters, and parking.
Parking Definitions

Convertable Parking Structure
A structure or part of a structure designed to accommodate 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 vehicle parking spaces that are fully or partially 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.

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 on-street parking space for that lot if over ½ the length of the space is located between the imaginary extensions of the lot lines that are perpendicular to the street into the street right-of-way. See 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 used for the provision of parking for a fee. See also Parking Lot and Measurement Definitions for Parking Lot Area.

Park-and-Ride Lot
An area or structure intended to accommodate parked 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 Temporary Facilities
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, aisles, and driveways 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 DPM for dimensional standards.

Parking Structure
A structure or part of a structure designed to accommodate vehicle parking spaces that are fully or partially enclosed, 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 vehicle parking spaces that incorporates retail, office, or residential uses along at least 50 percent of the ground floor street-facing façade.

Stacking Space
See Stacking Space.

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 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.

Pedestrian-oriented Areas
Areas that are intended primarily to provide access, amenities, or space for services that benefit people on foot. They include, but are not limited to, sidewalks, walkways, multi-use trails, transit stops, spaces for outdoor seating or vending, plazas, parks, and public facilities associated with City 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.

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

Planting Strip
Areas intended for the placement of required vegetation.

Plat
A graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision, resubdivision, 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, that side of the porch must be open, and the side(s) that faces 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 of the property 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.

Principal Arterial
See Street Definitions.

Private Way
A lot or easement that is not public right-of-way and that contains a street or alley providing access between 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.

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 parcel 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 parcel included in the Subdivision application.

Projecting Sign
See Sign 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
That area of 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, Street, and Trail.

Public Utility Co-location
See Wireless Telecommunications Facility Definitions.

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

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
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.
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 uses 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.

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 which may also be engaged in providing 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.

Retail, General
See General Retail.

Retaining Wall
See Wall Definitions.

Right-of-Way
See Public Right-of-Way.

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.

Roof-mounted Wireless Telecommunications Facility
See Wireless Telecommunications Facility Definitions.
Rooftop Sign
See Sign Definitions.

S

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 units in a building that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Separation of Uses
See Measurement Definitions.

Setback
See Measurement Definitions.

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).

Sign Definitions
The following definitions relate to the regulation of signs in Section 14-16-5-12 and other provisions of this IDO.

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.
Part 14-16-7: Definitions and Acronyms

7-1: Definitions

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**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.

**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).

**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. 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 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.
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 purpose 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 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 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 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**
The vertical distance from 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. See also *Sign Definitions* for *Rooftop Sign*.

**Sign Transition**
The visual effect and time interval between messages or images displayed on an electronic sign.

**Temporary Sign**
A public display of letters, words, numerals, figures, statues, devices, emblems, pictures, etc. for a specified period of time.

**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 glazing with messages or images are considered window signs.

**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 property.

**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 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
See Wireless Telecommunications Facility Definitions.

Solar Energy Generation or Device
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.

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.

Specified Sexual Activities
Any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
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.

Sports Field
A facility designed for amateur or professional sporting events, exhibitions, or shows.

Stacking Space
A term used in designing vehicle circulation areas for the queuing of vehicles. See definition in the DPM.
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.

Stoop
See Building Frontage Types.

Storefront
See Building Frontage Types.

Street Definitions

Collector
A street so designated in the Long Range Transportation System (LRTS) Guide, or a logical geographic extension of that street, as determined by the City Engineer. A collector street carries traffic from local streets to the principal and minor arterial streets. Traffic volumes are substantial but smaller than normally served by minor arterial streets.

Interstate Highway
An access-controlled street that is part of the National Highway System. For the purposes of this IDO, this term includes all 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
A street that is primarily for access to abutting properties. It carries low traffic volumes. It may further be defined as a Normal Street or Access Street, and may be designated for Infrequent Parking or Intermittent Parking, subject to the standards and requirements of the DPM.

Main Street
See Center and Corridor Definitions and Measurement Definitions for Corridor Area.

Minor Arterial
A street that is designated in the LRTS Guide, used primarily for serving large volumes of traffic, but smaller volumes than are normally served by principal arterial streets; speed is comparatively high.

Principal Arterial
A street that is designated in the LRTS Guide, used primarily for serving large volumes of comparatively high speed traffic and to which access is controlled.

Street
That portion of a public right-of-way or private way or thoroughfare, from curb to curb (or from edge or paving to edge of paving if there is no curb, or from edge of visible travelway to edge of visible travelway, if there is no paving) that is primarily devoted to vehicular use. For the purposes of this IDO, this term does not include alleys.

Street Frontage
The boundary between a premises and a public right-of-way, whether or not direct access is allowed from the public right-of-way segment to the premises.
Side Street
On a corner lot, the street abutting the side lot line of the lot. See also Lot Definitions for Side Lot Line.

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-facing Façade
Any façade that faces or is within 30 feet of a public right-of-way. A building may have more than one street-facing façade. See also Front Façade.

Structure
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, 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 Structured Parking with Ground Floor Uses.

Stub Street
See Street Definitions.

Subdivision Definitions

Bulk Land Subdivision
Any subdivision of property that is primarily intended to facilitate transfer to intermediate land holders, not to create parcels available for development without further subdivision approvals, and that conforms to DRB interpretive rules.

Infrastructure Improvements Agreement
An agreement entered into between the City and a subdivider by which the subdivider agrees to assure construction of required infrastructure improvements.

Minor Subdivision
Any subdivision that meets the eligibility requirements for a Subdivision of Land – Minor pursuant to Subsection 14-16-6-6(I).

Major Subdivision
Any subdivision not classified as minor.
Subdivide
To divide or re-divide land into 2 or more parts 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 parcel of land, effects, brings about, causes, or proposes the subdivision of that parcel.

Subdivision
1. The process of subdividing land into 2 or more lots or parcels for purposes of sale or development.
2. The parcel of land subdivided.

Substantial Change
Where used associated with a Wireless Telecommunications Facility approval, see Wireless Telecommunications Facility Definitions.

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.

Tattoo Parlor
A facility where permanent marks, scars, or designs are made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided.

Taxidermy
An establishment where the preparing, stuffing, and mounting of the skins of dead animals takes place.

Temporary Sign
See Sign Definitions.

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 parcel that will not be sold as a lot.

Trail
See Multi-use Trail and Public Right-of-Way.

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 Uniform Housing Code) in all ways, including foundation, is not a trailer, whether or not it was once a vehicle.

Transit Definitions

Transit Facility
A land use for bus or rail stops, stations, terminals, shelters, transfer points, depots, park and ride lots, and/or related facilities on publicly or privately owned parcels.

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, transit stations are distinguished from transit stops by having level-boarding platforms and 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 glazing 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.
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 Wireless Telecommunications Facility approval, see Wireless Telecommunications Facility 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).

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.

Utility
See Electric Utility, Other Major Utility, and Major Public Infrastructure.
Vacation
The act that rescinds all or part of a recorded subdivision plat including legal dedications and grants of easements.

Variance
Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards 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 standard 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 Use Definitions for Allowable Use.

Vegetative Screen
See Wall and Fence Definitions.

Vehicle
A vehicle that meets the definition in Section 8-1-1-2 of ROA 1994 (Traffic Code).

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. Accessory uses include 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).

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.

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. See also Wall Definitions for Perimeter Wall.

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, ivy, or shrubs, as long as they otherwise meet standards in this IDO.

View Fencing
A wall that is at most 25% 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. Otherwise, the IDO provides standards about walls, fences, perimeter walls, courtyard walls, and retaining walls. Unless specified otherwise, 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.

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.

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 or Device
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 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.

Co-location
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 Wireless Telecommunications Facility Definitions for Public Utility Co-location.

Concealed WTF
As further prescribed in Subsection 14-16-4-3(E)(10)(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 antenna that is painted to match the façade, but has no other design elements that conceal the antenna, remains readily visible to the naked eye and is not considered a concealed facility.

Existing Vertical Structure
Any tower or other vertical structure that was constructed in accordance with a building permit.

Face-mounted WTF
An antenna attached to and covering a small portion of the surface of a building. Face-mounted WTF antennas are considered unconcealed and are not allowed. See Unconcealed Wireless Telecommunications Facility. Existing face-mounted WTFs are regulated as Nonconforming uses.

Freestanding WTF
A WTF, other than a public utility co-location, 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 Co-location
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
A WTF that is designed to act as a booster site that provides increased localized network capacity. A small-cell WTF has 3 or fewer antennas, no greater than 4 feet long each, and does not exceed 35 feet in height for a freestanding small-cell WTF, and includes associated equipment cabinet(s).

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 not allowed.

Upgrade
As defined and regulated by federal law. An “upgrade” is the replacement, or addition of wireless telecommunications antenna(s) or equipment, but does not include 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
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 wireless telecommunications facilities. 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.
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 a side lot line that does not abut a street 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 side lot line that abuts a street to 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).

**Zone Boundary**
The boundary of a zone 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 base 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
Those zone districts categorized as Mixed-use in Part 14-16-2 of this IDO.

Non-residential Zone District
Those zone districts categorized as Non-residential in Part 14-16-2 of this IDO.

Residential Zone District
Those zone districts categorized as Residential in Part 14-16-2 of this IDO.

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, and Variances.

Zoo
A facility, indoor 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.
### 7-2 ACRONYMS

<table>
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<td>ABC Comp Plan</td>
<td>Albuquerque/Bernalillo County Comprehensive Plan</td>
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<tr>
<td>ABCWUA</td>
<td>Albuquerque Bernalillo County Water Utility Authority</td>
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<td>ABQ</td>
<td>Albuquerque</td>
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<td>ABQ RIDE</td>
<td>City of Albuquerque Transit Department</td>
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<td>AC</td>
<td>Activity Center (ABC Comp Plan Center)</td>
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<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<td>AMAFCA</td>
<td>Albuquerque Metropolitan Arroyo Flood Control Authority</td>
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<td>APO</td>
<td>Airport Protection Overlay (zone)</td>
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<td>BR</td>
<td>Bedroom</td>
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<td>CMU</td>
<td>Concrete Masonry Unit</td>
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<td>CPA</td>
<td>Community Planning Area</td>
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<td>CPO</td>
<td>Character Protection Overlay (zone)</td>
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<td>CPTED</td>
<td>Crime Prevention Through Environmental Design</td>
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<td>DNL</td>
<td>Day-night Noise Level</td>
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<td>DPM</td>
<td>Development Process Manual</td>
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<td>Design Review Committee</td>
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<td>DRB</td>
<td>Development Review Board</td>
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<td>DT</td>
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<td>EC</td>
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<td>EPA</td>
<td>United States Environmental Protection Agency</td>
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<td>GFA</td>
<td>Gross Floor Area</td>
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<td>High-intensity Discharge</td>
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<td>Historic Preservation Overlay (zone)</td>
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<td>Integrated Development Ordinance</td>
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<td>Light-emitting Diode</td>
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<td>LRV</td>
<td>Light Reflective Value</td>
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<td>Middle Rio Grande Conservancy District</td>
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<td>Planned Community (zone district)</td>
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<td>PD</td>
<td>Planned Development (zone district)</td>
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