

## Proposed Amendments

Spreadsheet

Proposed Amendments – Citywide

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
1	1-3	Add a new purpose statement labeled 1-3(L) as follows and renumber subsequent purpose statements as necessary: "Protect the abundant natural resources that characterize Albuquerque, including but not limited to Major Public Open Space, Sensitive Lands, the Rio Grande, and the waterways that lead to the river."	Adds a purpose statement related to the many IDO protections for Major Public Open Space and Sensitive Lands. See additional explanation in Council memo for citywide text amendments.
115	3-5	Add a new Subsection (D) as follows, renumbering subsequent subsections accordingly: "Adoption or Amendment of Landmark or Historic Protection Overlay Zone" (1) Amendments to the text of an HPO zone in this Subsection 14-16-3-5 or to any other standard in this IDO that applies specifically to an HPO zone shall be reviewed and decided pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Landmark or Historic Protection Overlay Zone). (1) Amendments to Design Standards and Guidelines for an HPO zone or City Landmark shall be reviewed and decided pursuant to Subsection 14-16-6-6(E) (Historic Design Standards and Guidelines)." Renumber subsequent subsections accordingly.	Requires IDO provisions for HPOs to be reviewed by the Landmarks Commission (LC), which will make a recommendation to City Council, the final decision-making body. This reverts to pre-IDO practice, where the LC reviewed changes to the H-1 zone district (Old Town) and to provisions in the EDo Sector Development Plan. Note that Historic Standards and Guidelines are still reviewed and decided by the LC per 6-6(E).
147	Table 4-2-1	Drive-throughs and drive-ups Revise to add an accessory use (A) in the MX-L zone district.	Changes the allowance for drive-thrus from CA to A in the MX-L zone. See additional explanation in the Council Services memo for citywide text amendments.
147	Table 4-2-1	For the use "Dwelling unit, accessory without kitchen," make this use Permissive Accessory in the R-T zone, which is consistent with the allowances for an Accessory dwelling unit, with a kitchen."	Makes the allowance for ADUs without kitchens consistent with ADUs with kitchens. There was an inconsistency in the old zoning system that allowed ADUs with kitchens in certain areas, but ADUs without kitchens (formerly "accessory living quarters") were conditional uses in other zones that allow single family and townhouse development. The R-T zone allows multiple single-family dwellings on one lot, and ADUs with kitchens permissively, so it makes sense for ADUs without kitchens, which are generally considered less impactful than ADUs with kitchens and other dwelling types, to be allowed as well.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
147	Table 4-2-1	<p>"Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours"</p> <p>"Parking of non-commercial vehicles"</p> <p>"Parking of recreational vehicle, boat, and/or recreational trailer"</p> <p>Remove these uses from Table 4-2-1. Remove from Table 3-3-1, Table 3-3-2, and Table 5-5-1 editorially as a result.</p> <p>Create a new Subsection 14-16-5-5(B)(4) Allowed Vehicles as shown in Exhibit 5-5. Move use-specific standards content to this new subsection and revise accordingly. Allow light vehicles to be parked in or adjacent to any zone district.</p> <p>Move content in Subsection 4-3(F)(15)(d) to Subsection 5-13(A).</p>	<p>Parking is generally not a separate land use but just incidental activity related to a primary use. See related items for Subsection 5-5(F)(1)(a)(5) and 7-1. See Exhibit for 5-5.</p>
147	Table 4-3-1	<p>On page 147, revise "Dwelling unit, temporary" to "Dwelling, temporary."</p> <p>Revise the term wherever else it appears in the IDO, including in the Use-specific Standard.</p>	<p>Eliminates the requirement for temporary dwellings to have a kitchen. Dwelling unit definition hinges on the presence of a kitchen.</p>
151	4-3(B)(3)(b)	<p>Dwelling, Cottage Development</p> <p>Revise text to read as follows:</p> <p>"The minimum project size for a cottage development is 10,000 square feet."</p>	<p>Reduces the minimum required lot size for cottage development to 10,000 square feet citywide. See additional explanation in the Council Services memo for citywide text amendments. Note: This is one of 3 proposed changes to cottage development that are overlapping and may be mutually exclusive.</p>
151	4-3(B)(3)(b)	<p>Dwelling, Cottage Development</p> <p>Revise to add a new subsection with text as follows:</p> <p>"This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on a lot outside of a UC-MS-PT area that is at least 10,000 square feet but no larger than 1 acre."</p>	<p>Adds cottage development on smaller lots citywide as a conditional use. See additional explanation in the Council memo for citywide text amendments. Note: This is one of 3 proposed changes to cottage development that are overlapping and may be mutually exclusive.</p>
151	4-3(B)(3)(b)2	<p>Dwelling, Cottage Development</p> <p>Revise text to read as follows:</p> <p>"In UC-MS-PT[-AC-DT-EC] areas or within 1,320 feet (¼ mile) of UC-MS-PT[-AC-DT-EC] areas: 10,000 square feet."</p>	<p>Allows cottage development on smaller lots in all Center types. See additional explanation in the Council memo for citywide text amendments. Note: This is one of 3 proposed changes to cottage development that are overlapping and may be mutually exclusive.</p>

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
154	4-3(B)(7)(a)	<p>Dwelling, Multi-family</p> <p>Revise as follows:</p> <p>"...this use shall meet the following landscape standards:</p> <p>1. Except in DT-UC-MS-TP areas, this use shall provide, somewhere on the lot, at least 1 tree..."</p> <p>Move text from 2 to be part a second sentence in Subsection 1. Renumber Subsection 3 accordingly.</p> <p>Add a new Subsection 3 and 4 with text as follows:</p> <p><u>"4. Except in DT-UC-MS-PT areas, 25 percent of the net lot area shall contain landscaping. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscape area. Each tree counts as 16 square feet of live vegetation regardless of the actual size of the tree canopy or the size of the tree canopy in the Official Albuquerque Plant Palette.</u></p> <p><u>5. Except in DT-UC-MS-PT areas, turf grass species requiring irrigation for survival after the first 2 growing seasons are restricted to 20 percent of the landscape area. Drought-tolerant grasses may cover up to an additional 70 percent of the landscape area."</u></p>	<p>Proposes revised standards submitted by the DRB chair in response to several multi-family projects that have been submitted under the IDO. See related item for proposed change to building design standards in Subsection 5-11(D). See additional explanation in the Memo from Planning Department Associate Director and DRB Chair.</p>
154	4-3(B)(7)(b) [new]	<p>Dwelling, Multi-family</p> <p>Add a new Subsection with text as follows and renumber subsequent subsections accordingly:</p> <p><u>"No more than 30 percent of required usable open space can be private or occur on upper stories unless the lot is located within 660 feet in any direction of an NR-PO zone district or Major Public Open Space."</u></p>	<p>Proposes revised standards submitted by the DRB chair in response to several multi-family projects that have been submitted under the IDO. See related item for proposed change to building design standards in Subsection 5-11(D). See additional explanation in the Memo from Planning Department Associate Director and DRB Chair.</p>
155	4-3(B)(8)	<p>Community Residential Facility, Small or Large</p> <p>Delete subsections (c) and (d).</p>	<p>Removes 2 requirements on this use, which is defined as housing for people in classes protected by the Fair Housing Act, which prohibits local municipalities from placing regulations that treat a protected class (as defined by FHA) any differently than any other residential use. Removal of these requirements will ensure that the City of Albuquerque is in compliance with FHA standards. See additional explanation in the Council memo for citywide text amendments.</p>

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
155	4-3(B)(9)	Group Home, Small, Medium, or Large Revise subsections (b) and (c) to remove references to Community Residential Facilities.	Removes the distance separation requirements between Group Homes and Community Residential Facilities (CRF). See related item removing requirements for CRFs in Subsection 4-3(B)(8). See additional explanation in the Council memo for citywide text amendments.
159	4-3(D)(3)(a)2	General Agriculture Revise to read: "For cows and horses in Residential zone districts <u>other than R-A</u> and Mixed-use zone districts, see Subsection 4-3(F)(3)(d)."	The R-A zone district is intended for general agriculture, which includes animal keeping. This change makes clear that a conditional use approval is not required to keep cows and horses in the R-A zone district. See related proposed change to Animal Keeping use-specific standard.
164	4-3(D)(17)(I)	Light Vehicle Fueling Station Revise to read: "In UC-AC-MS-PT-MT areas and <u>or</u> the MX-H zone district..."	Clarifies the intent to apply to property that is either in a UC-AC-MS-PT-MT area, zoned MX-H, or both, in a designated center and zoned MX-H.
164	4-3(D)(17)(I)	Light Vehicle Fueling Station Revise text to read as follows: "In UC-AC-MS-PT-MT areas and the MX-H zone district, the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum front setback of 15 feet. A canopy attached to the building with a common roof <u>may</u> satisfy this standard. <u>The requirements of 5-1(D)(2) do not apply to this use.</u> "	Allows a gas station canopy to count toward the requirement that a building be within 15 feet of the front property line. Exempts gas stations from 5-1(D)(2), which requires that 50% of the building be located within 15 feet of the front property lines in UC-MS-PT areas. See additional explanation in the Council memo for citywide text amendments.
166	4-3(D)(19)	Light Vehicle Sales and Rental Revise text as follows: " In <u>UC-MS-PT areas in</u> the MX-H zone district, outdoor display or storage of vehicles is prohibited.	Limits this regulation to apply only in UC-MS-PT areas. See additional explanation in the Council memo for citywide text amendments.
172	4-3(D)(34)	Cannabis Retail Add a new Subsection (b) and renumber subsequent subsections accordingly: "This use may not include a storage or display area outside of fully enclosed portions of a building."	Clarifies that cannabis retail cannot occur outside a building. This is more restrictive than general retail, which allows outdoor display/storage with a conditional use approval.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
179	4-3(D)(42)	Freight Terminal or Dispatch Center Make existing text a new Subsection 2 and create a new Subsection 1 with text as follows: "If no building is provided on the premises, this use 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)."	Adds requirements to screen the use next to Residential zone districts even if a building is not proposed.
181	4-3(E)(2)	Cannabis Cultivation Facility Delete "facility" from header. Add new Subsections (b) and (c) renumber subsequent subsections accordingly, with text as follows: "4-3(E)(2)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building. 4-3(E)(2)(b) An incidental storage area is allowed outside of the fully enclosed portions of a building, but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas)."	Adds regulations consistent with light manufacturing to require all activities to occur inside unless a conditional use approval is granted. Allows a storage area but requires screening.
181	4-3(E)(3)	Cannabis-infused Products Manufacturing Add new Subsections (b) and (c) renumber subsequent subsections accordingly, with text as follows: "4-3(E)(2)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building. 4-3(E)(2)(b) An incidental storage area is allowed outside of the fully enclosed portions of a building, but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas)."	Adds regulations consistent with light manufacturing to require all activities to occur inside unless a conditional use approval is granted. Allows a storage area but requires screening.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
191	4-3(F)(3)	Animal Keeping Revise first sentence in Subsection 4-3(F)(3)(d) to read: "In Residential <u>zone districts other than R-A</u> or any Mixed-use zone district..." Revise Subsection 4-3(F)(3)(e) to read: "Where general agriculture is allowed in the R-A zone district or any Non-residential zone district..."	The R-A zone district is intended for general agriculture, which includes keeping animals. This change makes clear that a conditional use approval is not required to keep cows and horses in the R-A zone district. See related change to General Agriculture use-specific standard.
201	4-3(F)(11)(i)	Mobile Food Truck Add a new sentence as follows: "Other sales or services may be allowed as approved by the City Parks and Recreation Director."	Allows additional sales and services (e.g. a mobile "skate shop" or "bike repair service") at City parks via what the IDO calls a food truck, as requested by City Parks & Recreation staff. See related change for the definition of a food truck in Section 7-1 that would allow this exception.
204	4-3(G)(1)	Circus Revise the first sentence as follows: " <u>This use may take place on a fairground, which requires a Site Plan - EPC related to the NR-SU zone district. Where this use is proposed in another zone district, a Site Plan - Administrative demonstrating...</u> "	Clarifies the different Site Plans required. This use may, but is not required to, take place on a fairground, which requires NR-SU zoning and a Site Plan - EPC.
206	4-3(G)(4)	Fair, Festival, or Theatrical Performance Revise the first sentence as follows: " <u>This use may take place on a fairground, which requires a Site Plan - EPC related to the NR-SU zone district. Where this use is proposed in another zone district, this use is limited to ...</u> "	Clarifies the different Site Plans required. This use may, but is not required to, take place on a fairground, which requires NR-SU zoning and a Site Plan - EPC.
212	5-1(C)(2)(b)3	Add a new sentence as follows: " <u>On lots with sensitive lands or adjacent to sensitive lands or Major Public Open Space, the lot may be up to 150 percent larger.</u> "	Allows consolidations into larger lots to help preserve sensitive lands and limit the number of dwellings on and near sensitive lands and Major Public Open Space. See related item for new purpose statement of the IDO.
218	Table 5-1-4	Add "Porch" with the following text: " <u>May encroach into a required setback, but not closer than 5 ft. from any lot line. May encroach up to the front lot line in UC-MS-PT areas.</u> " Add UC-MS-PT acronym explanations to top of table.	Clarifies that portions of a building meeting the definition of porch may be in required setbacks. See related item to revise definition of porch to clarify. UC-MS-PT areas have 0 ft. front setbacks, so porches are also allowed to start at the front lot line.
218	Table 5-1-4	Add "Swimming pool" with the following text: " <u>May encroach into a required setback, but in-ground swimming pools shall not be closer than 5 ft. from any lot line or building.</u> "	Clarifies that swimming pools can be in required setbacks. Setbacks apply to buildings. Swimming pools are referred to in the IDO as accessory structures.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
221	5-2	Rename Subsection 5-2(C) "Site Design to Avoid Sensitive Lands." Add a new Subsection (D) Site Design to Respond to Climate and Geographic Features as shown in Exhibit 5-2(D)[new] and renumber subsequent subsections accordingly.	Adds a new site design provision intended to improve the building performance of Albuquerque developments. See additional explanation in Memo from Associate Planning Director and DRB Chair and Exhibit 5-2(K) [new].
221	5-2(C)(1)	Add "Riparian Areas" to the list of sensitive lands in proper alphabetical order and renumber the subsequent sensitive lands as necessary.	Adds a new type of sensitive land to avoid. See related item to add a definition in Section 7-1 that defers to a map maintained by the City Parks and Recreation Department. See additional explanation in the Council Services memo related to requests by Open Space Advisory Board and Open Space Staff.
221	5-2(C)(3) [new]	Add a new subsection and renumber subsequent subsection accordingly: "Landscaping on lots abutting arroyos shall be per section 5-6(C)(4)."	Editorial cross reference to proposed regulation of the landscaping next to arroyos. See additional explanation in Memo from Council Services about requests from Open Space Advisory Board and Open Space Staff. See related change to Subsection 5-6(C).
229	5-2(J)(2)(b)	Add a new Subsection 2 and renumber subsequent subsections: <u>"Not be located within 50 feet of any steep slopes, escarpments, wetlands, or riparian areas in the Major Public Open Space, excluding any single-loaded street or landscaped buffer pursuant to the requirements of 5-2(J)(2)(a)(1)."</u>	Adds an additional buffer from sensitive lands on Major Public Open Space. See additional explanation in Memo from Council Services about requests from Open Space Advisory Board and Open Space Staff. See related change to add a definition of riparian area in Section 7-1.
249	5-5(B)(1)(e) [new]	Add a new subsection with the following: <u>"Construction of a new parking lot, including any off-street parking required by Table 5-5-1."</u>	Adds a trigger to meet parking requirements when a new parking lot is constructed, even when a building is not proposed.
254	Table 5-5-1	Hotel or motel Add to the citywide rule <u>"or 1 space per 2 beds, whichever is greater."</u> Add to UC-MS-PT: <u>"or 1 space per 4 beds, whichever is greater."</u>	Addresses what parking should be required at a version of a hotel such as a hostel, where lodging is per bed vs. per guest room.
257	Table 5-5-1	Outdoor Dining Area Revise from 5 to 3 spaces / 1,000 sq. ft. GFA outdoor seating space	Reduces parking requirements for outdoor dining to incentivize this use. See additional explanation in the Council Services memo for citywide text amendments.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
262	5-5(C)(8)(a)	Revise to read as follows: "Within the off-street parking requirements of Table 5-5-1 and Table 5-5-2, as adjusted by Section 14-16-5-5(C)(5) (Parking Reductions) – and not in addition to those requirements – accessible parking shall be provided for all parking areas as required by the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended, <u>except where parking is only provided in a residential driveway.</u> "	Requires ADA parking for all uses and only exempts parking provided via residential driveways.
265	5-5(F)(1)(a)5	Delete this provision. See related items proposing a new Subsection 14-16-5-5(B)(4) Allowed Vehicles to regulate where you can park different types of vehicles in different zone districts.	This regulation is proposed to be adjusted and move into a new subsection proposed by related items to move parking as uses from Table 4-2-1. See Exhibit 5-5.
266	5-5(F)(1)(a)11	Revise to read as follows: "Required parking spaces for uses in the Civic and Institutional, Commercial, and Industrial use categories may be located in a designated parking area on a lot within 330 feet in any direction of the <u>premises</u> served by such parking..."	Clarifies that the use may be on multiple lots within a premises.
273	Table 5-5-8	Restaurant Revise the minimum stacking spaces as follows: General: 6 --> 12 UC-MS: 4 --> 6	Increases the number of minimum stacking spaces for drive-throughs or drive-ups associated with a restaurant. See additional explanation in the Council Services memo for citywide text amendments.
274	5-5(I)(2)(c)	Replace text as follows: "Drive-through service windows shall be angled at least 45 degrees from parallel with any abutting lot line of a Residential zone district so that it does not directly face the residential lot."	Gives an enforceable measurement for existing regulation.
276	5-6(C)(1)	Add a new sentence as follows: " <u>Landscaping shall be maintained per the requirements of 5-13(B)(6).</u> "	Adds a cross-reference to the General Landscaping requirements to point to the Operations and Maintenance section of the IDO. See additional explanation in the Council Services memo for citywide text amendments.
279	5-6(C)(4)	Add a new Subsection (e) with text as follows, renumbering subsequent subsections accordingly: " <u>Landscaping abutting arroyos shall consist of plants as approved by the Official Albuquerque Plant Palette.</u> "	Adds a regulation of the type of plants that may be used to meet landscaping requirements for multi-family, mixed-use, or non-residential development. See additional explanation in Memo from Council Services about requests from Open Space Advisory Board and Open Space Staff. See related change to add a cross reference to this requirement from 5-2(C)(3).

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
287	5-6(E)(3)	Replace "multi-family dwellings" with "multi-family development."	Applies the Edge Buffer requirement to uses in the Group Living category, such as nursing home, since the definition "multi-family development" includes uses in the Group Living category.
288	5-6(E)(4)	Turn existing language into a new (1) and then add a new (2) as follows: "Where multi-family development is adjacent to a lot with industrial development, a buffer shall be provided as specified for the relevant areas in Subsections (b) and (c) below."	Requires multi-family development to buffer itself from existing industrial development. This is sometimes referred to as "coming to the nuisance." Currently, the IDO only requires industrial development to provide a buffer when it goes in first next to non-industrial development. This additional requirement helps ensure environmental justice for future residents.
303	5-7(E)(1)(b)	Delete "stucco over" so that CMU blocks are allowed.	Exposed CMU blocks are limited per Subsection 1 facing a public street or City park or trail. In those locations, either stucco or a textured/decorative CMU block could be used to comply.
305	5-7(E)(3)	Revise as follows: "Any portions of a wall <u>over 3 feet</u> facing a public street..."	Limits this regulation to taller walls, where these additional design standards are more appropriate to incorporate.
311	5-8(D)(3)	Revise as follows: "...shall not exceed 200 foot lamberts <u>as measured from the property line facing the light source.</u> "	Clarifies that the measurement is to be taken facing the light source.
317	5-10(C)(1)	Revise to read as follows: "The building height shall not exceed the relevant heights shown in Table 5-10-1 or the maximum building height allowed by the zone district, whichever is less. The building heights in the table were determined based on the distance cardinally south from the northern property line and an angle plane of 32 degrees angle that allows 1 hour of Winter Solstice sunlight to hit at least 2 feet up on a southern-facing wall located 10 feet from the property line. Distances from the northern property line that were not whole numbers were rounded down."	Simplifies the regulation to track with the table versus requiring geometry for each application based on the angle plan. Resolves the conflict between the angle plane and the Table. The result also generally tracks better with established setback requirements, which are a complementary tool to ensure adequate solar access.
321	5-11(D)	Revise as shown in Exhibit - 5-11(D).	Proposes revised standards submitted by the DRB chair in response to several multi-family projects that have been submitted under the IDO. See related item for proposed changes to the use-specific standard in 4-3(B)(7). See additional explanation in the Memo from Planning Department Associate Director and DRB Chair.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
322	5-11(E)	<p>Mixed-use and Non-residential Zone Districts</p> <p>Revise as follows:</p> <p>"All 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, <u>and multi-family development in UC-MS-PT areas</u> shall comply with the standards in this Subsection 14-16-5-11(E). <u>Standalone parking structures and the above-ground portion of parking structures incorporated into a building with allowable primary and/or accessory uses</u> shall</p> <p>comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design). <u>Multi-family development outside of UC-MS-PT areas shall comply with the standards in Subsection 14-16-5-11(D) (Multi-family Residential Development)...."</u></p>	Editorial changes related to proposed change to change multi-family building design standards in 5-11(D) and proposed change to definition of parking structure in 7-1.
327	5-11(G)	<p>Revise the text as follows:</p> <p>"<u>Above-ground</u> portions of buildings that contain parking structures shall meet..."</p>	Clarifies that these standards are not intended to apply below ground.
336	5-12(F)(2)(b)	<p>Joint Sign Premises</p> <p>Delete subsections (1) and (2).</p>	Allows joint sign premises in more locations to reduce clutter (one sign, multiple businesses). See additional explanation in the Council memo for citywide text amendments.
353	5-13(A)(4)	<p>Glare</p> <p>Delete this provision and revise to become a new 5-6(G)(5) Outdoor Activity with text as follows:</p> <p>"High-temperature processes (such as combustion or welding), shall be screened from view by an opaque decorative wall or fence at least 6 feet tall but not more than 8 feet tall that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block) or a vegetative screen planted along the full length of the area to be screened and at least 8 feet high at the time of planting."</p>	Replaces existing provision with an enforceable standard and moves the regulations to a more appropriate location in the IDO.
360	Table 6-1-1	<p>Vacation of Public Right-of-way - City Council</p> <p>Vacation of Public Right-of-way - DRB</p> <p>Add requirement for pre-application meeting.</p>	Adds a requirement for pre-application meeting, which matches current practice.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
373	6-4(C)(1)	Revise the first sentence to read: "... to all Neighborhood Associations whose boundaries include or are adjacent to the subject <u>no more than 90 days</u> before filing the application."	Limits how early notice can be sent, recognizing that proposed development may have changed in the intervening time or Neighborhood Association representatives may have changed in the intervening time. The full Neighborhood Meeting process is a minimum of 45 days, so this is intended to allow early coordination but sets a reasonable limit.
404	6-4(X)	Revise the heading of this Subsection to "Expiration or Repeal of Approvals." Revise Subsection 6-4(X)(2)(c) to read as follows: "The decision-making body that approved the original site plan <u>repeals</u> the site plan. <u>The decision-making body may specify an expiration date for the site plan as part of the repeal decision; otherwise, the hearing date at which the decision to repeal was made is to be considered the expiration date. For the purposes of this IDO, the repeal follows the Major Amendment procedures in Subsection 14-16-6-4(Y)(3).</u> "	Adds specificity for how expirations will be processed (i.e. as repeals through major amendment process).
442	6-6(H)(2)	Add a new subsection (a) and renumber subsequent subsections accordingly with text as follows: " <u>All applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and the Historic Preservation Planner shall send a recommendation to the ZEO.</u> "	Adds the same language about LC that is in Wall or Fence Permit - Minor and Variance - ZHE. See related item to add the same language to Variance - EPC.
444	6-6(I)(2)	Add a new Subsection (f) and renumber subsequent subsection accordingly with text as follows: " <u>The DRB may delegate authority to relevant City staff to determine technical review of compliance with conditions of approval, zoning standards, and technical standards.</u> "	Allows DRB to delegate authority to administrative approval for particular standards. This is particularly helpful for large projects that may come in with multiple phases, where not all details are known at the same level of detail for all portions of the site during the original approval.
445	6-6(I)(3)	Add a new Subsection (d) as follows: " <u>The Site Plan mitigates any significant adverse impacts on adjacent residential development or major public or private open space. Mitigation may be in the areas of wall height; access and driveway placement; landscape spacing, plant density, or alternative plantings.</u> "	Gives the DRB limited discretionary authority. See additional explanation in the Council Services memo for citywide text amendments.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
447	6-6(N)(2)	Add a new subsection (a) and renumber subsequent subsections accordingly with text as follows: <u>"All applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and the Historic Preservation Planner shall send a recommendation to the ZEO."</u>	Adds the same language about LC that is in Wall or Fence Permit - Minor and Variance - ZHE. See related item to add the same language to Wall or Fence Permit - Major.
454	6-6(L)(2)(g)4	Revise to read as follows: "When all conditions of approval are satisfied, the DRB shall accept and sign the revised Final Plat. <u>The applicant</u> may then record it with the Bernalillo County Clerk as soon as possible, but in no case more than 6 months from date of DRB signature."	Revises the language to match the time allowed for recording Minor Subdivisions and current practice that the applicant records the plat with the clerk.
469	6-7(C)(1)	Add a new Subsection (f) as follows: <u>"Amend the text of an HPO zone or any standard in this IDO that specifically applies to an HPO zone."</u>	Requires IDO provisions for HPOs to be reviewed by the Landmarks Commission, which will make a recommendation to City Council, the final decision-making body. This reverts to pre-IDO practice, where the LC reviewed changes to the H1 zone district and to provisions in the EDO SDP. Note that Historic Standards and Guidelines are still reviewed and decided by the LC per 6-6(E).
471	6-7(D)(1)(a)	Revise as follows: <u>"Applications to create or amend an HPO zone boundary, the text of an HPO zone, or any standard in this IDO that specifically applies to an HPO zone, which are processed pursuant to Subsection 14-16-6-7(C)."</u>	Editorial change related to proposal to send changes to HPO zone text to Landmarks Commission per 6-7(C)(1).
473	6-7(E)(1)(a)	Revise as follows: <u>"Applications to create or amend an HPO zone boundary, the text of an HPO zone, or any standard in this IDO that specifically applies to an HPO zone, which are processed pursuant to Subsection 14-16-6-7(C)."</u>	Editorial change related to proposal to send changes to HPO zone text to Landmarks Commission per 6-7(C)(1).
495	6-9(B)	Add a new subsection with the following text: <u>"Removing or defacing any posted sign required for public notice after it is posted until the required duration of the sign posting is complete."</u>	Adds prohibition for tampering with sign posted for required notice.
499	6-9(C)(5)	Revise as shown in Exhibit - 6-9(C)(5) Civil Enforcement.	Civil enforcement is coordinated through the City Clerk's hearing officers. The City Clerk is trying to eliminate overlapping/conflicting procedures in multiple ordinances and instead referring to the Independent Hearing Office Ordinance (ROA 1994 Part 2-7-8). See Exhibit - C-9(C)(5).

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
505	7-1	Accessory Structure Delete swimming pools. Add a new sentence as follows: <u>"Above-ground swimming pools are not considered accessory structures for the purposes of this IDO."</u>	See related item clarifying that in-ground swimming pools may encroach up to 5 feet in a required setback. Above-ground swimming pools are not regulated by the zoning code.
509	7-1	Building Add to second sentence the following: "...including, but not limited to, a porch, breezeway, or carport."	Provides specificity about what counts as a building if under a common roof.
510	7-1	Building Frontage Types / Arcade. Revise to say "...attached colonnade <u>or overhang structure</u> to create a covered passageway."	Broadens the definition to include structures that create an arcade without columns.
512	7-1	Cannabis Definitions Cannabis [new] Add a new definition as follows: <u>"As defined in NMSA 1978 § 7-34-4-7. For the purposes of this IDO, hemp is not regulated as cannabis. See also <i>Hemp</i>."</u>	Adds a definition for a term used in the IDO. Definition defers to the state's regulations.
512	7-1	Cannabis Definitions Cannabis-derived product [new] Add a new definition as follows: <u>"A product, other than cannabis itself, that contains or is derived from cannabis, as regulated by NMSA 1978 § 7-34-4-7. See also <i>Hemp</i>."</u> Throughout the IDO, replace "cannabis-infused" with "cannabis-derived" wherever it appears.	Adds a definition for a new term proposed to be added to the IDO. See related item for new Cannabis definition. Definition defers to the state's regulations.
512	7-1	Cannabis Definitions Hemp Add a new definition as follows: <u>"As defined by NMSA 1978 § 20-10-2-7." For the purposes of this IDO, hemp is not regulated as cannabis. See also <i>Cannabis</i>."</u>	Adds a definition for a new term proposed to be added to the IDO. See related item for new Cannabis definition. Definition defers to the state's regulations. Hemp is used in a wide variety of products (rope, clothing, etc.). This definition makes clear that hemp products would not be regulated as cannabis retail in the IDO.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
512	7-1	<p>Calendar Days</p> <p>Revise to add a new second sentence to read as follows:  <u>"Where this IDO refers to a period of multiple months or a period of one or more years, the final day of the period would fall on the corresponding date of the month in the future (i.e. if the period starts on May 18, a 3 month period would end on August 18; a 1-year period would end on May 18 of the following year.)"</u></p>	Clarifies how to measure calendar days to match existing practice.
517	7-1	<p>Development Definitions</p> <p>Infill Development</p> <p>Revise as follows:            "An area of platted or unplatted land that includes no more than 20 acres of land <del>that has water and sewer service</del> and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings."</p>	Revised for consistency with MTP/MRMPO definition. The City uses MTP/MRMPO for planning, policy, and analysis, so this change helps coordination efforts. Provides further distinction from what might be called "greenfield development" of undeveloped sites, typically at the edge of the City versus infill, which is tied to the Centers/Corridors vision and policy intent.
520	7-1	<p>Dwelling Definitions</p> <p>Dwelling, Cluster Development</p> <p>Add a new second sentence as follows:  <u>"A cluster development does not increase the overall density of a development but rather allow dwellings to be grouped or clustered on smaller lots."</u></p>	Makes clear that cluster development does not increase the overall density of the development compared to a traditional subdivision development form. See additional explanation in the Council Services memo for citywide text amendment.
523	7-1	<p>Fairgrounds</p> <p>Revise definition as follows:            "An area developed for the purpose of holding fairs, circuses, or exhibitions."</p>	There are related uses that can but do not need to take place on fairgrounds. See related items to revise use-specific standards for "circus" and "fair, festival, or theatrical performance" in Subsection 4-3.
525	7-1	<p>Glare</p> <p>Delete definition. See other proposed item to revise the only place where glare is used in the IDO that would eliminate the use of this term.</p>	See related item for proposed change to delete Subsection 5-13(A)(4) and move to a new Subsection 5-6(G)(5) Outdoor Activity, with revised language.
531	7-1	<p>Lot line</p> <p>Front lot</p> <p>Revise to add a final sentence with text as follows:            "For the purposes of determining setback requirements on an interior lot that does not abut a street, the lot is not considered to have a front lot line. <u>In that case, all lot lines would be considered side lot lines."</u></p>	Clarifies how to treat lot lines when there is no front lot line. This situation happens in shopping centers, where there are often multiple lots, some of which are in the middle with no street frontage. In those cases, there is no need for a front setback different from the other lot lines.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
531	7-1	<p>Lot line Rear Lot Revise the second sentence to read as follows: "In the case of a lot that comes to a point at the rear, the rear lot line is established by connecting two points that are 10 feet from the rear point, measured along the side lot lines." Add an illustration of this measurement.</p>	Changes how to establish a rear lot line that returns to pre-IDO practice.
538	7-1	<p>Mobile Food Truck Add a new sentence as follows: <u>"Other sales or services may be allowed as specified elsewhere in this IDO."</u></p>	City Parks & Recreation staff has requested that additional sales and services (e.g. a mobile "skate shop" or "bike repair service") be allowed at City parks via what the IDO calls a food truck. See related change for the use-specific standard 4-3(F)(11)(i) for food trucks that would allow this exception.
541	7-1	<p>Open Space Definitions Common Open Space Revise the first sentence as follows: "The area of undeveloped land <u>and/or existing site features</u> within a cluster development that is set aside for the <u>preservation</u>, use and enjoyment by the owners and occupants of the dwellings in the development and includes <u>historic buildings or structures, sensitive lands, hazard prone areas</u>, agriculture, landscaping, <del>on-site ponding</del>, or outdoor recreation uses."</p>	Removes on-site ponding as an area that can be considered Common Open Space. Adds the preservation of existing site features, including historic buildings, sensitive lands, and hazard prone areas. See additional explanation in the Council Services memo for citywide text amendment.
543	7-1 [new]	<p>Outdoor Display [new] Add a new definition as follows: <u>"The display of retail goods outside but on the same property as the primary establishment. For the purposes of light vehicle sales and rental, outdoor inventory is considered to be outdoor display and not outdoor vehicle storage."</u></p>	Adds a defined term for outdoor display, which is regulated in the Old Town HPO and as a component of Light vehicle sales that is different from Outdoor vehicle storage.
544	7-1	<p>Parking Definitions Garage Revise text to read as follows: "A <u>single-story</u> structure or part of a <u>building in a low-density residential development</u> designed to accommodate motor vehicle parking spaces that are partially or completely enclosed. ...."</p>	Revises the definition of garage to distinguish it from parking structures, which are related to building height bonuses.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
544	7-1 [new]	<p>Parking Definitions  Carport [new]  Add a new definition as follows:  <u>"A roofed structure for vehicles that is not enclosed on at least 2 sides. For the purposes of this IDO, carports are subject to building height maximums in the underlying zone district but are allowed to be in required setbacks pursuant to Table 5-1-4."</u></p>	Adds a definition for a term used in the IDO that clarifies how carports are treated in terms of height limits and setbacks.
544	7-1 [new]	<p>Parking Definitions  Front-access Garage [new]  Add a new definition as follows:  <u>"A garage in which the garage door is angled less than 45 degrees away from the front lot line (i.e. typically the street that the primary residence faces). See also <i>Side-access Garage</i> and <i>Rear-access Garage</i>."</u></p>	Adds a definition for a term used in the IDO that is enforceable and distinguishable from side-access and rear-access garages. See related items that add definitions for those types of garages.
544	7-1 [new]	<p>Parking Definitions  Rear-access Garage [new]  Add a new definition as follows:  <u>"A garage accessed from the rear lot line. See also <i>Front-accessed Garage</i> and <i>Rear-accessed Garage</i>."</u></p>	Adds a definition for a term used in the IDO that is enforceable and distinguishable from side-access and front-access garages. See related items that add definitions for those types of garages.
544	7-1 [new]	<p>Parking Definitions  Side-access Garage [new]  Add a new definition as follows:  <u>"A garage in which the garage door is angled at least 45 degrees away from the street that the primary residence faces. The access to this garage may be from the front lot line (i.e. typically the street that the primary residence faces) or a side lot line (i.e. from an abutting street in the case of a corner lot). See also <i>Front-accessed Garage</i> and <i>Rear-accessed Garage</i>."</u></p>	Adds a definition for a term used in the IDO that is enforceable and distinguishable from rear-access and front-access garages. See related items that add definitions for those types of garages.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
545	7-1	<p>Parking Definitions  Parking Structure  Revise the first two sentences to read as follows:  "A <u>multi-story</u> structure or part of a <u>multi-story building</u> designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, including but not limited to underground or podium parking, associated with Multi-family, Mixed-use, and/or Non-residential development. ..."</p>	<p>Revises the definition of parking structure to distinguish it from garages. Parking structures are related to building height bonuses.</p>
547	7-1	<p>Porch  Revise second sentence as follows:  "<u>To be considered a porch, and not just part of the building, the porch façade facing a street must not be more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, wrought iron security fencing, or awnings).</u>"</p>	<p>The definition of building includes anything within the footprint of a common roof, which could include a porch. See related item to clarify that porches can be in a setback, but only if it meets the definition of a porch and not just a building. This revision tries to clarify these overlapping definitions.</p>
548	7-1	<p>Public Hearing  Delete the phrase "based on policy in addition to regulations."</p>	<p>See related item to provide limited discretion to DRB. If that item is adopted, DRB's decisions will be based only on the limited discretion granted by the IDO, not on policy. See additional explanation in the Council Services memo for citywide text amendment.</p>
550	7-1	<p>Seasonal Outdoor Sales  Delete "or indoor."</p>	<p>Eliminates a contradiction of outdoor sales and general retail, which is indoor sales. If the sales happen under a common roof, then the definition of building would say that those sales are happening indoor and be allowed as general retail.</p>
551	7-1 [new]	<p>Sensitive Lands  Riparian Area [new]  Add a new definition with text as follows:  "<u>Aquatic ecosystems and the transitional ecosystems surrounding them, as shown on the map maintained by the City Parks and Recreation Department. The transitional riparian ecosystem is characterized by distinctive vegetative communities and soils that are affected by the presence of surface and groundwater, and provides critical habitat, including for endangered species and migratory birds.</u>"</p>	<p>Adds a definition for a proposed type of sensitive land to avoid. See related item to add riparian areas to the list of sensitive lands in 5-2(C)(1). See additional explanation in the Council Services memo related to requests by Open Space Advisory Board and Open Space Staff.</p>

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
559	7-1	Structure Add a new second sentence with the following text: <u>"Swimming pools are considered structures, whether above-ground or in-ground."</u>	Swimming pools are described elsewhere in the IDO as accessory structures. See related item with revision to Table 5-1-4 about where in-ground swimming pools can be in required setbacks.
564	7-1	Vehicle Definitions Non-commercial vehicle Delete term.	See related items that replace this term in the IDO with parking of light vehicles vs. heavy vehicles in a new Subsection 5-5(F). See Exhibit 5-5. Light vehicle and heavy vehicle are defined separately.
565	7-1	Vehicle Definitions Heavy Vehicle Delete "vehicles." Add a new second sentence as follows: <u>"This use does not include any vehicle that meets a definition for a distinct vehicle in this IDO, including but not limited to Recreational Vehicle."</u>	Eliminates overlap in definitions.
569	7-1	Yard Definitions Front Yard Add new sentence as follows: <u>"If there is no primary building on the lot, the part of a lot within the minimum setback in the zone district on the side of the lot where the property will be addressed."</u>	Clarification needed for wall/fence height limits, which are tied to front yard vs. other parts of the yard, when no building is provided (and therefore no "front yard" defined).

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
Multiple	Multiple	Food Truck Court [new] In Table 4-2-1, add a new primary use in the Outdoor Recreation and Entertainment category: Food Truck Court, with use-specific standards in Subsection 4-3 and parking requirements in Table 5-5-1 as proposed in the Council memo for citywide text amendments.	Adds new use that allows food trucks to be the primary, i.e. only, use on a site. Currently, the mobile food truck use is only accessory. See additional explanation and proposed content in the Council Services memo for citywide text amendments.
Multiple	Multiple	Campgrounds and RV Remove references to Campground and RV Parks Use from Subsection 2-5(E)(2). Revise Table 4-2-1 Allowable Uses and associated use-specific standard to make this use permissive in MX-L and MX-M zones. Delete the P in the NR-SU zone district. Add the following text to Subsection 4-3(D)(13): " <u>Campgrounds and RV Parks constructed prior to the effective date of this IDO are allowed as a permissive primary use.</u> "	Allow the Campground and RV Park use to be done permissively in the MX-L and MX-M zones, rather than in a Non Residential Sensitive Use (NR-SU) zone. Avoids making existing campgrounds and RV Parks nonconforming by allowing them as a permissive primary use in the use-specific standard. See additional explanation in the Council Services memo for citywide text amendments.
Multiple	Multiple	Public Meeting Delete definition for term "Public Meeting." Strike all references to Public Meetings in the IDO and replace with the phrase "Public Hearing". Revise text editorially as needed.	See related item to provide limited discretion to DRB. If that item is adopted, all DRB meetings will be hearings, and there will be no need for the current distinction in the IDO. See additional explanation in the Council Services memo for citywide text amendments.
All	All	Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.
All	All	Make any necessary editorial changes to the document, including minor text additions, revisions for clarity (without changing substantive content), adding cross references, reorganizing content for better clarity and consistency throughout, revisions to graphic content for clarity, and updating tables of contents.	Covers general editorial corrections.

## Exhibits

### Proposed Amendments – Citywide

### **Amendment to 4-3(B)(7)(a), 5-6(C)(4)(d), and 7-1**

On page 154 of the IDO, revise to read as follows:

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

- 4-3(B)(7)(a) In DT-UC-MS areas, this use shall use shall provide, somewhere on the lot, at least 1 tree per ground floor dwelling unit, in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening).
- 4-3(B)(7)(b) In other areas, this use shall meet the following landscape standards in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening).
1. This use shall provide, somewhere on the lot, 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. Twenty-five (25) percent of the net lot area shall contain landscaping; playground area may count up to 10 percent of net lot landscaping. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscaped area and the maximum a tree canopy shall count toward this requirement is 600 square feet.
  3. Cool season grasses are restricted to 20 percent of the landscape area. Warm season grasses may cover up to an additional 70 percent of the landscape area.
- 4-3(B)(7)(c) At least 50 percent of the trees required by Subsection (a) or (b) above shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.
- 4-3(B)(7)(d) No more than 40 percent of required usable open space can be private to a household or occur on ~~or under~~ upper stories of the project buildings unless the site is located in a DT-UC-PT-MS area or is 660 feet or less in any direction of an NR-PO zone district or Major Public Open Space.

On page 278, Subsection 5-6(C)(4)(d), revise to read: “5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be turf warm season grass species requiring irrigation for survival after the first 2 growing seasons. Irrigated turf warm season grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste. Any turf warm season grass shall be installed at least 3 feet in any direction from any non-permeable hard surface. (A buffer using mulch can be used when planting turf warm season grass adjacent to non-permeable surface.)

On page 529 of the IDO, include the following new definitions, in Part 7-1, and create a new category for “Landscaping” to include these terms:

Cool season grasses: Cool season grasses are grass types that grow exceptionally well between 65 and 75 degrees. These grasses are durable and require ample watering during high summer temperatures. Examples are Kentucky blue-grass, perennial ryegrass, and tall fescue.

Warm season grasses: Warm-season grasses are grass types that grow exceptionally well when temperatures are 75 degrees or higher. These grasses are native and drought tolerant and have lower water requirements than cool season grasses. Examples are buffalo grass, blue grama, Indian rice grass, and sand dropseed grass.

Note: The text shown in black and underline shows proposed revisions to the IDO. The text shown in red and underlined has been revised from the original EPC submittal dated November 30, 2020.

Note: Acceptance of these proposed revisions will supersede the text proposed in the Citywide Text Amendments spreadsheet lines #1 and #2 on page 3 of 19.

## [New Subsection 5-2(D)]

### **5-2(A) PURPOSE**

This Section 14-16-5-2 is intended to minimize the impacts of development on natural and cultural resources, to protect public health and safety from potential hazards on sensitive lands, ~~and~~ to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities, and to improve building performance and occupant wellness. Site design standards are intended to enhance the visual appearance of non-residential development, make visual connections to topographic features, promote street and neighborhood character, and strengthen the pedestrian environment.

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

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

#### **5-2(D)(1) Climatic Responsiveness**

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

- 5-2(D)(1)(a) Building layout and window placement shall be evaluated to reduce summer heat and glare and to capture winter sun.
- 5-2(D)(1)(b) Living landscape elements shall be evaluated for placement in the most beneficial microclimates and/or to provide the best cooling conditions to mitigate heat gain.

#### **5-2(D)(2) Geographic Responsiveness**

- 5-2(D)(2)(a) The site design process shall include an analysis of the ability to capture views of prominent geographic features to make visual connections to those features. The site analysis shall be noted on building layouts included with applications for Site Plan.
- 5-2(D)(2)(b) The placement and orientation of buildings, windows, balconies, and patios shall be evaluated to capture available views of prominent geographical features, such as the Sandia mountains, the Bosque/Rio Grande, the Volcanoes/Northwest Escarpment.

Note: This entire section is a new proposed addition to the IDO. The text shown in red and underlined has been revised from the original EPC submittal dated November 30, 2020.

## **Exhibit – 5-5 Parking**

### **5-5(B) APPLICABILITY**

Unless specified 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)(4) Allowed Vehicles**

The following vehicles are regulated and shall require compliance with the standards in this Section 14-16-5-5.

- 5-5(B)(4)(a) Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours: Allowed with the permission of the property owner on a premises with a primary non-residential use allowed by Table 4-2-1 in the MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zone districts.
- 5-5(B)(4)(b) Parking of heavy vehicles for more than 2 hours: Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in the in the MX-L, MX-M, MX-H, or any Non-residential zone district.
- 5-5(B)(4)(c) Parking of light vehicles for more than 2 hours: Allowed with the permission of the property owner of a premises with a primary use allowed by Table 4-2-1 in any zone district.
- 5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:
  - 1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
  - 2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
  - 3. The vehicle must be parked in 1 of the following areas:
    - a. Inside an enclosed structure.
    - b. Outside in a side or rear yard.
    - c. 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. No part of the vehicle may extend over any public sidewalk or into any required clear sight triangle.
  - 5. A vehicle may be parked anywhere on the premises during active loading or unloading.
  - 6. 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.
  - 7. Cooking is prohibited in any vehicle at any time.

8. Butane or propane fuel shall not be used in any vehicle at any time.
9. Use of electricity or propane fuel is allowed when necessary to prepare a recreational vehicle for use.
10. A vehicle may not be permanently connected to sewer lines, water lines, or electricity. A vehicle may be connected to electricity temporarily for charging batteries and other purposes if the receptacle and the connection from the recreational vehicle have been inspected and a permit issued by the City as meeting the adopted electrical code. The individual taking out the permit must call for an inspection of the electrical wiring when ready for inspection, and standard inspection fees will be charged.
11. The vehicle may not be used for storage of goods, materials, or equipment other than those items considered part of the unit or essential for its immediate use.

## Exhibit 5-11(D)

### 5-11(D) MULTI-FAMILY RESIDENTIAL DEVELOPMENT

All multi-family residential development outside UC-MS-PT areas containing more than 25 dwelling units shall comply with all of the standards in this Subsection 14-16-5-11(D). Standalone parking structures and the above-ground portion of parking structures incorporated into a building with multi-family residential uses shall comply with the design standards in Subsection 14-16-5-11(D). Parking structures shall comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design).

#### 5-11(D)(1) Building Entrances

Primary pedestrian entrances to each primary building shall be emphasized and provide weather protection through variations in the façade, porticos, roof variations, recesses or projections, or other integral building forms.

#### 5-11(D)(2) Façade Design

Façades shall be designed to provide a sense of human scale. Building façades shall meet all of the following requirements or provide justification that the intent of this section is achieved by an alternative design approach.

##### 5-11(D)(2)(a) Windows

A façade shall have windows as a prominent feature.

1. The ground floor of each street-facing façade shall contain a minimum of 20 percent of its surfaces in transparent ~~display~~ windows and doors.
- ~~2. Windows on the ground floor for portions of the building that are not residential dwellings, i.e., halls and common spaces, must have interior space visible to a depth of 2 feet from the façade.~~
3. Windows on the upper floors shall be recessed ~~or projected~~ not less than 2 inches and/or shall be surrounded by a window casing ~~or frame~~ not less than 2 inches wide, except for portions of the façade that are ~~storefront systems or curtain walls or for workforce housing developments.~~
4. Windows facing west shall use ~~sun-blocking heat mitigation~~ features.

##### 5-11(D)(2)(b) Articulation

Facades shall change in massing and form as specified below to visually break up the building. Each front and side façade shall meet all of the following requirements or provide justification that the intent of this section is achieved by an alternative design approach.

1. The façade shall have at least one recessed or projecting element of 2 feet in dimension for every 30 feet of facade length.
2. Each street-facing façade shall be designed with more than one building finish material or color.
3. Art, such as murals or sculpture, that is privately-owned or coordinated through the City Public Arts Program, may count toward requirements in 1 or 2 above.
4. Balcony massing, material, or color shall vary to create visual interest. Solid balconies shall not obscure the street-level view of required ~~glazing transparent windows and doors~~.
5. For projects that use 75 percent or more of the ground floor as parking, these standards apply to the stories above the parking level.

**5-11(D)(3) Roof Design**

Rooflines longer than 60 feet shall include at least one vertical or horizontal elevation change of at least 2 feet. Roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

**5-11(D)(4) Garages and Carports**

5-11(D)(4)(a) Where garages, carports, or parking structures are located between any street-facing façade of any primary multi-family dwelling and an abutting street, the building wall or garage door facing the street shall contain at least one window per garage, or one window per 10 parking spaces on the ground floor of a parking structure.

5-11(D)(4)(b) (b) For parking structures, where the street-facing façade of a building consists of 75 percent or more of parking structure, any vehicular ingress/egress locations shall include a planter.

Note: The text shown in black and underline shows proposed revisions to the IDO. The text shown in red and underlined/strike-through has been revised from the original EPC submittal dated November 30, 2020.

## Exhibit – Civil Enforcement

### 6-9(C)(5) Administrative Civil Enforcement

If the ZEO determines that a violation of the IDO has not been adequately cured within a reasonable time after an initial notice has been issued pursuant to Subsection 14-16-6-9(C)(2), the ZEO may pursue administrative civil enforcement pursuant to this Subsection 14-16-6-9(C)(5). Such administrative civil enforcement does not preclude any other enforcement action authorized by law.

#### 6-9(C)(5)(a) Notice of Administrative Civil Enforcement

If the ZEO chooses to pursue administrative civil enforcement, the ZEO shall prepare and serve a written notice that includes all of the following information:

1. The name and contact information of the individual(s) believed to be responsible for the violation.
2. The physical address or legal description of the location where the alleged violations have occurred or are occurring.
3. A description of the alleged violation(s), including citations to the IDO Sections believed to have been violated and the facts indicating that such Sections are being violated.
4. A description of the actions or penalties that are sought by the ZEO for the alleged violation(s).
5. A statement that the notice will be immediately filed with the City Office of Administrative Hearings within 3 business days and that a hearing on the matter will be scheduled between 15 and 45 calendar days after the office receives the notice.
6. The address, email, and telephone number to contact the ZEO or appropriate City department for additional information and for delivery of any responses to the allegations.

#### 6-9(C)(5)(b) Notice of Hearing

1. The City Office of Administrative Hearings shall schedule pursuant to the Independent Hearing Office Ordinance (ROA 1994 Part 2-7-8). ~~a hearing on all matters for which it has received a notice of administrative civil enforcement between 15 and 45 calendar days after the office receives the notice.~~
2. A notice of hearing may be served by any employee or agent of the City, including the ZEO or any sworn officer of the Albuquerque Police Department.
3. The notice of hearing shall be served to all individuals listed on the notice of administrative civil enforcement and the ZEO through any of the following means:
  - a. Personal service upon the person(s) or their attorney or duly authorized agent(s).
  - b. First class mail, return receipt requested.
  - c. Conspicuous posting within the frontage of the property where the alleged violation has occurred for a period of at least 30 days. It is unlawful for any person to remove or otherwise tamper with

this posting, and any removal or tampering of the notice is punishable pursuant to the criminal penalties of Part 1-1-99 of ROA 1994 (General Penalty).

4. The notice of hearing shall include all of the following information:
  - a. The date, time, and location of the hearing; the name of the hearing officer scheduled to preside of the matter; and contact information for the City Office of Administrative Hearings where individuals may request additional information.
  - b. A brief description of the nature and purpose of the hearing.
    - ~~Notification of the right to testify, present reasonable evidence, call and question witnesses, and have an attorney or duly authorized agent present.~~
    - ~~Notification of the right to respond to the allegations in writing before the hearing, which may include a limit on the scope, format, or length of the response, and any deadline by which the response must be filed.~~
    - ~~A statement that the alleged violator(s) or their attorney or duly authorized agent may meet with the ZEO prior to the hearing to attempt to resolve the alleged violations and avoid an enforcement hearing.~~

8-5. If a resolution is reached before a scheduled hearing, the ZEO shall request, as soon as possible, that the hearing be cancelled. The City Office of Administrative Hearings shall provide notice that the hearing has been cancelled to all individuals listed on the notice of administrative civil enforcement and any other parties to this matter by email or first class mail.

9-6. If the terms of the resolution are not met by the alleged violator(s) to the satisfaction of the ZEO, the ZEO may request that the City Office of Administrative Hearings reschedule and provide notice of the rescheduled hearing pursuant to the procedures above.

#### **6-9(C)(5)(c) Response to Notice of Administrative Civil Enforcement**

1. The alleged violator or their attorney or duly authorized agent may request to meet with the ZEO prior to the hearing to attempt to resolve the alleged violation(s) and avoid a hearing.
2. Once a hearing is scheduled, parties may submit a written response to the City Office of Administrative Hearings no less than 5 business days before the hearing. Any response submitted shall include proof that the response has also been provided to any other parties listed on the notice of administrative civil enforcement and the ZEO.

#### **6-9(C)(5)(d) Hearing**

1. The hearing shall be conducted pursuant to the provisions of the Independent Hearing Office Ordinance. See ROA §2-7-8-1 et. Seq.
- ~~1. All parties may present evidence and testimony, call witnesses, cross examine all witnesses, and be represented by and receive the advice of an attorney or duly authorized agent.~~
- ~~2. All individuals listed in the notice of administrative civil enforcement who are alleged to be violating or to have violated any provision of~~

~~this IDO shall be present at the hearing or represented by an attorney or duly authorized agent.~~

~~3-2.~~ If the hearing officer finds that a violation of the IDO occurred or is occurring, the hearing officer may issue a civil penalty against any individual(s) who was served notice of administrative civil enforcement pursuant to Subsection 14-16-6-9(D)(3)(b) above, regardless of the presence of that individual(s) at the hearing.

~~0. To reschedule, continue, or cancel the hearing, all of the following requirements shall be met:~~

~~-. A written request shall be filed with the City Office of Administrative Hearings.~~

~~-. The written request shall be served upon all parties no less than 7 business days before the scheduled date of the hearing.~~

~~-. The hearing officer finds good cause for, or all parties unanimously consent to, the rescheduling, continuation, or cancellation.~~

~~0. The hearing officer shall notify all parties in writing as to whether the request has been granted and, if continued or rescheduled, the date of the next hearing.~~

#### ~~6-9(C)(5)(j)~~6-9(C)(5)(e)

#### **Enforcement of Remedies and Penalties**

1. Within 15 calendar days after the hearing, the hearing officer shall send a written order of remedy or penalty to all parties by email, first class mail, or facsimile.
2. The order of remedy or penalty shall state the determination of the hearing officer regarding the alleged violations listed in the notice of administrative civil enforcement and shall contain findings of fact and conclusions of law.
3. If the hearing officer determines that no violation of this IDO is being or has been committed, the order of remedy or penalty shall state that the alleged violation is being dismissed
4. If the hearing officer determines that a violation of the IDO is being or has been committed, the order of remedy or penalty shall state the remedies or penalties to be imposed by the City. The remedies and penalties may include any of the following:
  - a. An order to cease and desist violations of this IDO.
  - b. An order to bring the property in question into compliance with the IDO.
  - c. An order to pay all of the City's costs for the associated enforcement action and administrative hearing.
  - d. An order to pay a civil fine not to exceed \$500 per violation per day.
5. Any party aggrieved by a final decision of the hearing officer may appeal the decision to the District Court within 30 days of the final order, pursuant to the New Mexico Rules of Civil Procedure.
6. The Planning Department shall monitor compliance with the order of remedy or penalty. If the Planning Department has reason to believe that any individual subject to the order is not complying with the

order, the Planning Department may take one or more of the following actions:

- a. Refer the matter to the City Attorney for the commencement of a civil action.
- b. Refer the matter to the City Attorney or the District Attorney for the commencement of criminal proceedings.
- c. Place a lien on the property in an amount equal to the outstanding fines ordered pursuant to this ordinance until the owner has fully complied with the order.
- d. Commence a supplemental enforcement action as otherwise provided by law, including but not limited to Part 1-1-99 of ROA 1994 (General Penalty).

## Supporting Memos

**TO: Chair MacEachen and EPC Commissioners**

**FROM: Brennon Williams, Planning Department Director**

**SUBJECT: IDO Annual Update 2020 – Amendment Related to Liquor Retail**

**DATE: February 4, 2021**

---

Chair MacEachen and EPC Commissioners,

Please accept the following submittal for Amendments to the IDO Text (affecting Table 4-2-1 and 4-3(D)(38)) as part of the 2020 IDO Annual Update – Citywide application.

Since the application was submitted in November, the Planning Department would like you to consider a new amendment that would extend a change approved as part of the 2019 IDO annual update to apply to 2 additional zones.

**Summary:** This amendment would revise liquor retail from being a Permissive Primary use in the MX-H (Mixed-use – High Intensity) and NR-C (Non-residential – Commercial) zones to require liquor retail to have a conditional use approval if it is the primary use and allow it permissively if accessory to a grocery store. This tracks with the 2019 IDO annual update amendment for the MX-M zone.

Presently liquor retail is allowed:

- Permissive Primary use in MX-H and NR-C zones
- Permissive Accessory use if accessory to a grocery store in the MX-L (mapped areas) and MX-M (citywide) zones
- Conditional Primary use in MX-T, MX-M, NR-BP, NR-LM, and NR-GM zones

The proposed amendment would allow:

- Permissive Accessory use if accessory to a grocery store in the MX-L zone (mapped areas) and MX-M, MX-H, and NR-C zones (citywide).
- Conditional Primary use in MX-T, MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zones

### **Proposed Amendments:**

#### Liquor Retail

1. On page 145, Table 4-2-1 revise as follows: Replace the P for Liquor retail in the MX-H, and NR-C zones with C.
2. On page 177, Section 4-3(D)(38)(f), revise as follows: In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) unless accessory to a grocery store, except in the following small areas, where it is prohibited unless accessory to a grocery store as noted.

**Background:** A similar amendment to the MX-M zone was originally presented as Council Amendment J, sponsored by Councilor Davis. On January 23, 2020, the EPC recommended not adopting Amendment J so that liquor retail remains permissive in Table 4-2-1 on page 132.

The LUPZ committee considered this amendment as “A11 – Liquor Retail in the MX-M Zone” in the 2019 IDO Annual Update as a LUPZ Committee Amendment. On August 12, 2020, this amendment failed on a 2-2 vote.

This amendment was reintroduced at City Council as Amendment C4, which passed on September 16, 2020 on a 5-4 vote.

**Analysis:** This amendment proposes to revise Table 4-2-1 Allowable Uses to make “liquor retail” a Conditional Use in the MX-H and NR-C zones, unless accessory to a grocery store. Liquor retail is a use that is often incompatible with adjacent land uses.

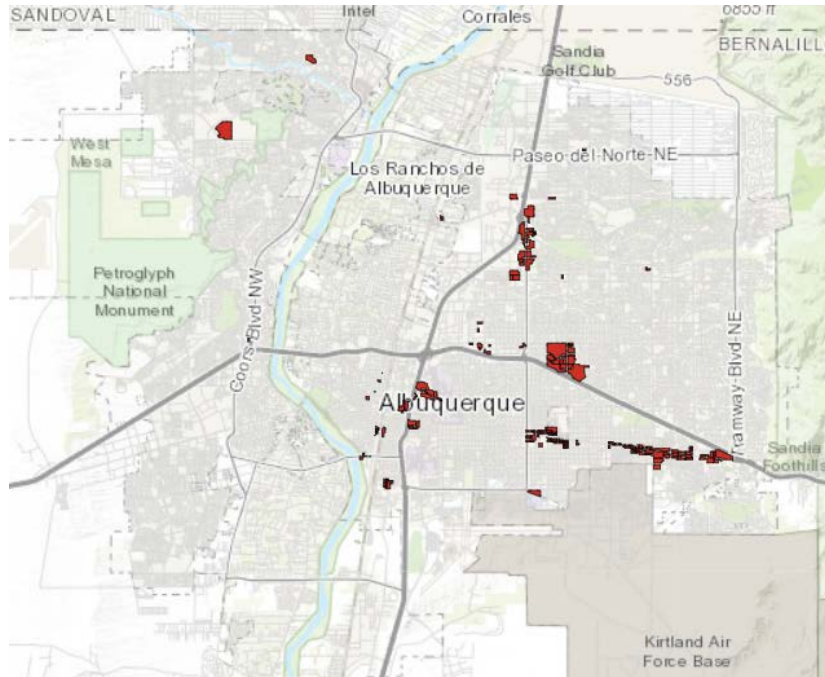
This amendment would allow liquor retail as a Permissive Accessory use if accessory to a grocery store in the MX-L zone in select mapped areas and MX-M, MX-H, and NR-C zones citywide. The use would be allowed as a Conditional Primary use in the MX-T, MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zones as a primary, stand-alone use.

P = Permissive Primary   C = Conditional Primary   A = Permissive Accessory   CA = Conditional Accessory CV = Conditional if Structure Vacant for 5 years or more   T = Temporary   Blank Cell = Not Allowed																			
Zone District >>		Residential						Mixed-use				Non-residential						Use-specific Standards	
		R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	A		B
Land Uses																			
Grocery store									P	P	P	P		P	P				4-3(D)(37)
Liquor retail								C	A	C	P	P	C	C	C				4-3(D)(38)
Nicotine retail								CA	A	P	P	P	C	C	C				4-3(D)(39)

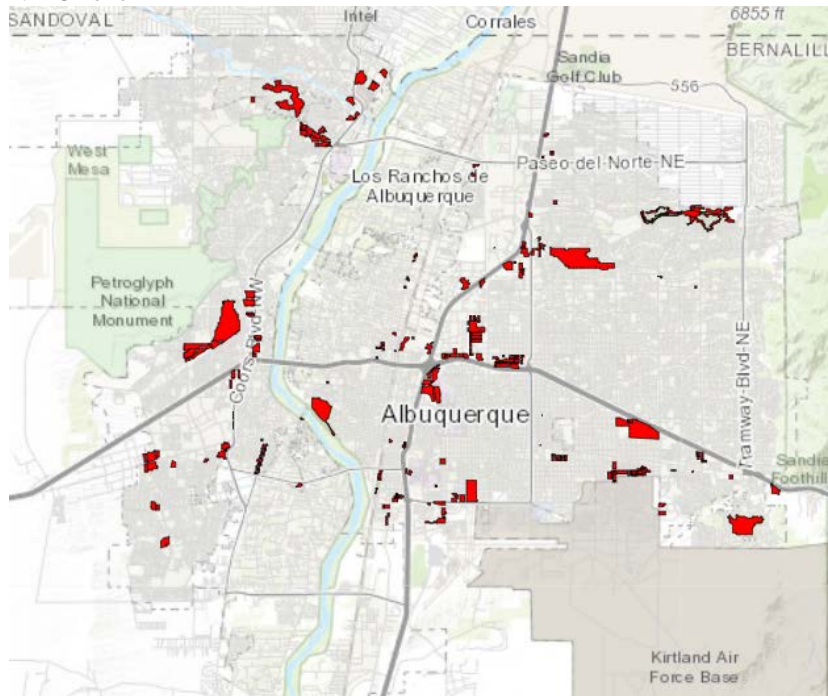
The MX-H zone district is mapped in larger scattered sites, including former SU-1 for Hospital locations, and primarily located in the 2 Urban Centers, along north San Mateo, east Central, and near UNM. The NR-C zone is mapped primarily in business park and light industrial locations as well as all city golf courses. Maps of the MX-H and NR-C zones are shown on the following page, for reference.

By making liquor retail a Conditional Use this would allow for more consideration of whether a liquor retail use is appropriate in each location. The use would remain Permissive if accessory to a grocery store. A grocery store is defined in the IDO as: 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.

## MX-H Zone



## NR-C zone



**TO: Chair MacEachen and EPC Commissioners**

**FROM: Brennon Williams, Planning Department Director**

**SUBJECT: IDO Annual Update 2020 – Amendment Related to Nicotine Retail**

**DATE: February 4, 2021**

---

Chair MacEachen and EPC Commissioners,

Please accept the following submittal for Amendments to the IDO Text (affecting Table 4-2-1 and 4-3(D)(38)) as part of the 2020 IDO Annual Update – Citywide application.

Since the application was submitted in November, the Planning Department would like you to consider a new amendment related to nicotine retail that would track with the proposed changes to liquor retail proposed as part of the 2020 IDO annual update.

**Summary:** This amendment would revise nicotine retail from being a Permissive Primary use in the MX-M (Mixed-use – Medium Intensity), MX-H (Mixed-use – High Intensity) and NR-C (Non-residential – Commercial) zones to require nicotine retail to have a conditional use approval if it is the primary use and allow it permissively if accessory to a grocery store. This tracks with the proposed 2020 IDO annual update amendment for liquor retail. The one other difference between the two zones is that nicotine retail is conditional accessory in MX-T, while liquor retail could be a conditional primary use. When nicotine retail was first adopted as part of the 2019 IDO annual update, it was intended to be allowed in the same zones in the same manner as liquor retail, as both uses have a similar impact.

Presently nicotine retail is allowed:

- Permissive Primary use in MX-M, MX-H and NR-C zones
- Permissive Accessory use if accessory to general retail or a grocery store in the MX-L zone
- Conditional Primary use in NR-BP, NR-LM, and NR-GM zones
- Conditional Accessory use if accessory to general retail or a grocery store in in the MX-T zone

The proposed amendment would allow:

- Permissive Accessory use if accessory to general retail or a grocery store in the MX-L, MX-M, MX-H, and NR-C zones
- Conditional Primary use in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zones
- Conditional Accessory use if accessory to general retail or a grocery store in in the MX-T zone

## Nicotine Retail

1. On page 145, Table 4-2-1 revise as follows: Replace the P for Nicotine retail in the MX-M, MX-H, and NR-C zones with C.
2. On page 179, add a new Subsection 4-3(D)(39)(b), to read: “In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) unless accessory to general retail or a grocery store, in which case it is permissive accessory.”

This amendment would allow nicotine retail as a Permissive Accessory use if accessory to general retail or a grocery store in the MX-M, MX-H, and NR-C zones. The use would be allowed as a Conditional Primary use in the MX-T, MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zones as a primary, stand-alone use.

These changes would keep the allowances and entitlements for nicotine retail similar to the changes proposed for liquor retail. This is consistent with the legislative intent stated in the adopting legislation when the use “nicotine retail” was established.

**TO: Brennon Williams, Planning Department Director**  
**Mikaela Renz-Whitmore, Long Range Manager**

**FROM: Jolene Wolfley, Planning Department Associate Director**  
**and DRB Chair**

**SUBJECT: IDO Annual Update 2020 – Substitute Submittal for**  
**Amendment to the IDO Text (5-2, 5-11, and 4-3)**

**DATE: January 8, 2020**

---

Director Williams and Ms. Renz-Whitmore,

Please accept the following substitute submittal for Amendments to the IDO Text (affecting 5-2, 5-11, and 4-3) as part of the 2020 IDO Annual Update application.

Since the application was submitted in November, the amendments have been reviewed and vetted with focus groups and stakeholders including:

- Architects and Landscape Architects
- Developers of market rate and affordable housing
- Apartment owners and managers of affordable housing
- Affordable housing advocacy groups
- Neighborhood coalition leaders

Changes have been made to the text of the amendments to reflect the additional knowledge and experience that these groups offered.

Site Design and Climatic/Geographic Responsiveness

- **Topic:** Site Design
- **IDO Page #:** 230
- **IDO Section:** New Section 5-2(D) (re-letter accordingly)
- **Change/ Discussion:** Add a new provision to Section 5-2 on Site Design
- **Requestor:** Planning Department
- A. **Explanation:** The purpose of this amendment is to add an additional site design provision—climatic and geographic responsiveness--that seeks to improve the building performance of Albuquerque developments. This amendment is based on guidance from a focus group of local architects (Bill Sabatini, Jonathan Siegel, Baker Morrow, and Doug Heller). Albuquerque has compelling environmental forces—the daily and seasonal position of the sun and dramatic views to the Sandia mountains and other physical features--that should guide building layout and site design. The climatic responsive design approach is consistent with the American Institute for Architects 2030 Commitment for Building Performance and other national and global initiatives. When design responds to Albuquerque's unique environmental context, the design quality will

rise to provide us architecture with a strong sense of place and identity.

The first requirement would be for a **sun and shade analysis** to reduce summer heat/glare and to capture winter sun. This computer modeled analysis is standard practice for architects.

The second requirement is to analyze the site's potential to **capture views** of the Sandia mountains, Bosque/Rio Grande, and Volcanoes/Northwest Escarpment in placement and orientation of buildings, windows, balconies, and patios. The view capture evaluation would ask all architects—local or out-of-state—to evaluate the ability to capture significant views available on that specific site.

These requirements apply to all multi-family residential development greater than 25 units and non-residential development, except industrial development. Low density residential development is exempt from these requirements.

The IDO amendment to add a new Section 5-2 on climatic and geographic responsiveness has been introduced and reviewed with **focus groups** and individual stakeholders in meetings with architects, landscape architects, affordable housing developers and advocates, other multi-family developers, and neighborhood representatives. The feedback so far has been positive. Architects appreciate the flexible approach that seeks to inspire good design, while respecting the creative design process guided by an architect. Developers of multifamily projects want to build buildings that are designed well, contribute positively to the community, and have lower operating costs over time.

The following provides additional detail on the benefits of this Amendment.

1. **Climate responsiveness** helps create sustainable buildings for both market rate and affordable housing. The points below include excerpts from the AIA, Building Performance Handbook, part of the 2030 Challenge.  
[https://architecture2030.org/2030\\_challenges/2030-challenge/](https://architecture2030.org/2030_challenges/2030-challenge/)
  - a. Buildings account for 39% of annual account global Greenhouse Gas Emissions.
  - b. An apartment building has a lifespan of about 60 years and a commercial structure lifespan is 75 years. The user of a building built today will likely change over time.
  - c. During a brief period in the design of a building, an architect makes decisions that affect the lifetime energy use of the building.
  - d. There are design decisions possible in early design that could optimize energy use, but would be difficult and expensive to make later in the design process.
  - e. Massing and orientation are critically important to energy performance. They affect the ability to utilize passive solar energy and they impact heating, cooling, lighting, and natural ventilation.
  - f. A climate-responsive building in Albuquerque would be responsive to both our hot summers and cold winters.

- g. Albuquerque is moving forward with energy efficient building envelopes through the new Energy Code (2018 IECC). An advancement for sustainability is to partner an efficient building envelope with the building orientation and layouts that are proposed in this IDO Amendment (a new Section 5-2).
2. **Geographic responsive building design** takes an additional step forward in the design process to respond to the dramatic views available with Albuquerque's unique topography. This approach creates buildings unique to Albuquerque.
    - a. The most prominent landforms are the Sandia mountains, the Volcanos/Northwest Escarpment, and the Bosque/Rio Grande.
    - b. Sites may have the ability to capture views in windows, patios, and balconies.
  3. A design derived when **both climate and geography** are prominent forces results in unique architecture whose characteristics are varied by virtue of the Albuquerque's particular features. The resulting design is indigenous and timeless.
    - a. When design responds to Albuquerque's unique environmental context, design quality will rise to provide architecture with a strong sense of place and identity.
    - b. One neighborhood leader understood this idea in a meeting by referencing Page 7-1 of the Comprehensive Plan which is a quote by renowned architect Bucky Fuller:

“When I’m working on a problem, I never think about beauty. I think only how to solve the problem. But when I have finished, if the solution is not beautiful, I know it is wrong.”
    - c. This approach has been introduced to stakeholders. There is consensus that this approach is the most productive way to review building ‘design’ because it would advance the physical form of the City in a way that promotes Albuquerque’s sustainability.
  4. Any changes to design requirements need to be measured against their **effect on housing affordability**—which is a critical need in Albuquerque. The literature indicates that affordable housing is advanced when building performance is improved. Interiors often are more livable with natural light. The long term operating costs to heat and cool the building are also improved. The Albuquerque developers, owners, and architects of affordable housing showed support for this new direction for Albuquerque design,
  5. The importance of the design approach of climatic and geographic responsiveness is to make things happen at the **earliest stage of design**. For this reason, staff and professionals plan to create an Albuquerque Design Book with photos of real projects that utilize the climatic and geographic responsive design approaches. The Design Book would be available on the City’s website and would be promoted during Planning Review Team Meetings and Sketch Plat Reviews with the Development Review Board—long

before actual design submittals are made. The IDO amendment requires the architect and landscape architect for the project submit documentation of the sun and shade analysis and provide certification that a standard list of design considerations had been ‘evaluated’ in producing the site design, building layout and design. The approach is structured this way based on the understanding that not all projects can achieve the highest order of climatic and geographic responsiveness as there are a myriad of variables affecting a project’s design.

Accompanying climatic and geographic responsiveness approach to design would be a condensed set of design criteria to focus just on the essence of what **multi-family building design** should include for suburban Albuquerque areas. Past work identifying design regulations in urban areas UC-MS-PT would remain in the IDO. The amendments affecting multi-family design standards follow.

#### Multi-family Building Design and Use Specific Standards

- **Topic:** Multi-family Residential Buildings
- **IDO Page #:** 154; 321-322
- **IDO Section:** 5-11(D) and 4-3(B)(7)
- **Change/ Discussion:** Amend the Building Design Standards (Section 5-11-(D)) and Use Specific Standards (Section 4-3 (B)(7))
- **Requestor:** Planning Department
- **Explanation:** The purpose of this amendment is to provide the essential design elements—coupled with the climatic and geographic responsive design--for a multi-family building outside the urban UC-MS-PT areas. The standards would be consistent for multi-family regardless of being in a residential (R-ML and R-MH) or Mixed Use zone district. The revised standards identify the desire that both market rate affordable housing is designed well for the typical 60-year life of the building. Rather than offer a menu of options, these standards require the essential elements that provide large buildings that are at a human scale and that will add to the aesthetic quality of existing neighborhoods.

These design standards were developed by staff working with an Architects Focus group (Bill Sabatini, Jonathan Siegel, Baker Morrow, and Doug Heller). Then the standards were vetted with developers (market rate and affordable), apartment associations, affordable housing advocacy groups, architects and landscape architects. Adjustments to the requirements were made so that no requirements would be barriers to the production of public or private affordable housing.

It is important to remember that these standards apply to multi-family developments outside of the UC-MS-PT areas; UC-MS-PT would retain the standards now in the IDO.

Modifications to Multi-family Design Building and Landscaping standards are a good companion to the climatic and geographic responsive design approach. They move in the direction of outlining what is most necessary to make a building relatable at a human scale through:

- articulation that provides movement and rhythm
- well placed windows
- heat mitigation for western facing facades
- increased landscape requirements for high density residential
- identifying that most usable open space be for the community of residents and be at ground level to improve the quality of life for those residents

The following adjustments were made to the original submittal to remove or adjust requirements affecting the feasibility of affordable multi-family housing. Please note that the articulation requirements of 5-11 were reviewed and found to be in line with requirements of the New Mexico Mortgage Finance Authority. Some of these important elements are:

- Allow windows in workforce housing to be flush with the façade. This allows the use of standard windows easily available at a good price point. And it allows the installation to be successful for long term weather protection of the stucco as all laborers can successfully install them.
- Increasing net lot landscaping for the benefit of people who are living in a denser environment while allowing playgrounds (a common component of affordable housing) to ‘count’ toward that increase. Please note that community gardens—desired in affordable projects--already ‘count’ toward required landscaping.
- Identifying the value of trees as the most important plant for affordable housing projects. Maintaining the value of trees in counting toward live vegetation requirements, while also keeping trees from being overcounted. This is done by making no tree count more than 600 square feet in the requirement that 75% of the landscape be living.



## CITY OF ALBUQUERQUE CITY COUNCIL

---

### INTEROFFICE MEMORANDUM

**TO:** Brennon Williams, Planning Department Director  
Mikaela Renz-Whitmore, Long Range Manager

**FROM:** Stephanie Yara, Director of Council Services

**SUBJECT:** IDO Annual Update 2020 – Application for Amendment to the IDO Text

**DATE:** November 24<sup>th</sup>, 2020

---

Director Williams and Ms. Renz-Whitmore,

Please include the following Amendments to the IDO Text as part of the 2020 IDO Annual Update application materials to be submitted to the Environmental Planning Commission in November 2020.

\* Please note that the following sections and page numbers are from the November 2020 version of the IDO, please update the sections and page numbers if there are any discrepancies.

#### Purpose of the IDO

- **Topic:** Purpose of the IDO
- **IDO Page #:** 1
- **IDO Section:** 1-3
- **Change/ Discussion:** Add a new purpose statement labeled 1-3(L) as follows and renumber subsequent purpose statements as necessary:  
[1-3(L) Protect the abundant natural resources that characterize Albuquerque, including but not limited to Major Public Open Space, Sensitive Lands, the Rio Grande, and the waterways that lead to the river.]
- **Requesting Councilor(s):** Bassan
- **Explanation:** This amendment proposes to add an additional Purpose statement to the IDO related to the natural resources in Albuquerque. The IDO offers a multitude of protections for Major Public Open Space, Sensitive Lands, which include arroyos, acequias, and wetlands, as well as the Rio Grande river and the Bosque, and the waterways and water systems that lead to the river. This purpose statement reinforces the concept of these protections.

### Drive-throughs and drive-ups in the MX-L Zone

- **Topic:** Drive-throughs and drive-ups as an accessory use in the MX-L Zone
- **IDO Page #:** 147
- **IDO Section:** Table 4-2-1
- **Change/ Discussion:** Amend table 4-2-1 to make the use “Drive-through or drive-up facility” an accessory use in the MX-L zone
- **Requesting Councilor(s):** Jones and Peña
- **Explanation:** This amendment will make drive-throughs and drive-ups in the MX-L zone an accessory use. Currently the use is “CA” – conditional accessory – which requires a conditional use approval through the Zoning Hearing Examiner. During the COVID-19 pandemic the use of drive-throughs and drive-ups have been essential to certain businesses. Extending this accessory use to the MX-L zone without the need of a conditional use approval will make drive-throughs and drive-ups more accessible to property owners. Areas zoned MX-L were previously zoned C-1. In the C-1 zone of the old zone code a drive-through service window was either permissive (banks, loaning money, or pawn shops) or conditional (retail and restaurants) based on what use the drive-through was associated with.

### Cottage Development

- **Topic:** Cottage Development City-Wide
  - **IDO Page #:** 151
  - **IDO Section:** 4-3(B)(3)
  - **Change/ Discussion:** Amend section 4-3(B)(3)(b) of the IDO as follows:  
The minimum project size for a cottage development is 10,000 square feet [as follows:  
1. General: 1 acre.  
2. In UC-MS-PT areas or within 1,320 feet (¼ mile) of UC-MS-PT areas: 10,000 square feet.]
  - **Requesting Councilor(s):** Peña
  - **Explanation:** This amendment proposes to reduce the minimum required lot size for cottage development to 10,000 square feet city-wide. The Cottage Development use allows for more flexibility in site design and layout. However, it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur.
- 
- **Topic:** Cottage Development City-Wide – Conditional Use
  - **IDO Page #:** 151
  - **IDO Section:** 4-3(B)(3)
  - **Change/ Discussion:** Amend section 4-3(B)(3)(b) of the IDO as follows:  
The minimum project size for a cottage development is as follows:  
1. General: 1 acre.  
2. In UC-MS-PT areas or within 1,320 feet (¼ mile) of UC-MS-PT areas: 10,000 square feet.

[3. This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on a lot outside of a UC-MS-PT area that is at least 10,000 square feet but no larger than 1 acre.]

- **Requesting Councilor(s):** Borrego
- **Explanation:** This amendment proposes to allow cottage development to occur on lots between 10,000 square feet and 1 acre on properties outside of UC-MS-PT areas with Conditional Use approval. The Cottage Development use allows for more flexibility in site design and layout. However, it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur.  
**Note:** If the recommendation to make cottage development minimum lot sizes 10,000 square feet city-wide is passed, this amendment is not necessary, as the minimum lot size would be 10,000 square feet city-wide permissively.
- **Topic:** Cottage Development – Additional Areas
- **IDO Page #:** 151
- **IDO Section:** 4-3(B)(3)
- **Change/ Discussion:** Amend section 4-3(B)(3)(b) of the IDO as follows:  
The minimum project size for a cottage development is as follows:
  1. General: 1 acre.
  2. In UC-MS-PT[-AC-DT-EC] areas or within 1,320 feet (¼ mile) of UC-MS-PT[-AC-DT-EC] areas: 10,000 square feet.
- **Requesting Councilor(s):** Borrego
- **Explanation:** This amendment proposes to allow cottage development to occur on lots that are at least 10,000 square feet in additional centers and corridors. This will add Activity Centers, Downtown, and Employment Centers to the existing list of where cottage development can occur. The Cottage Development use allows for more flexibility in site design and layout. However, it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur. **Note:** If the recommendation to make cottage development minimum lot sizes 10,000 square feet city-wide is passed, this amendment is not necessary, as the allowance for the listed centers and corridors will be covered by the city wide provision.

#### Community Residential Facilities

- **Topic:** Distance Separations and City Council District cap for Community Residential Facilities
- **IDO Page #:** 155
- **IDO Section:** 4-3(B)(8)
- **Change/ Discussion:** Remove the use-specific standards 4-3(B)(8)(c) and 4-3(B)(8)(d)
- **Requesting Councilor(s):** Davis
- **Explanation:** This amendment will remove two metrics associated with Community Residential Facilities (CRF): 1) the requirement that they be located no closer than 1,500 feet from another CRF and 2) the requirement that there be

no more than 30 CRFs per City Council District. Regulations for CRFs are dictated by the Federal Fair Housing Act that indicates no local municipality may place regulations that treat a protected class (as defined by FHA) any differently than any other residential use. Removal of these requirements will ensure that the City of Albuquerque is in compliance with FHA standards.

- **Topic:** Distance Separations and City Council District cap for Group Homes in relation to Community Residential Facilities
- **IDO Page #:** 155
- **IDO Section:** 4-3(B)(9)
- **Change/ Discussion:** Amend the use-specific standards 4-3(B)(9)(b) and 4-3(B)(9)(c) to remove references to Community Residential Facilities.
- **Requesting Councilor(s):** Davis
- **Explanation:** This amendment will remove the distances separation requirements between Group Homes and Community Residential Facilities (CRF). The distance separation requirements between Group Homes and other Group Homes will remain the same. Per the amendment that will remove distance separation requirements and City Council District caps for CRFs, the City will no longer track or have data on where CRFs will exist. In addition, a CRF that is five people or less is treated as a family per the definitions in the IDO and the Federal Fair Housing Act. For these reasons, it is impossible to know if a Group Home is within a certain distance to a CRF or not.

#### Light Vehicle Fueling Station

- **Topic:** Maximum Setback for Light Vehicle Fueling Station
- **IDO Page #:** 164
- **IDO Section:** 4-3(D)(17)(I)
- **Change/ Discussion:** Amend the use-specific standard as follows:  
In UC-AC-MS-PT-MT areas and the MX-H zone district, the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum front setback of 15 feet. A canopy attached to the building with a common roof [~~does not~~] [may] satisfy this standard. [The requirements of 5-1(D)(2) do not apply to this use.]
- **Requesting Councilor(s):** Jones
- **Explanation:** This amendment will allow for a gas station canopy to count towards the requirement that a building associated with a light vehicle fueling station be within 15 feet of the front property line. Additionally, this will exempt gas stations from the requirements of 5-1(D)(2), which require that 50% of the building be located within 15 feet of the front property lines in UC-MS-PT areas. These requirements as originally written do not conform with CPTED principles, which call for passive viewing of activity from the street. A gas station is unique in that the activity occurs not in the building but at the pumps. Therefore, good visibility of the pumps is important for reasons of safety.

#### Light Vehicle Sales and Rental Use

- **Topic:** Regulations of outdoor display for Light Vehicle Sales and Rental

- **IDO Page #:** 166
- **IDO Section:** 4-3(D)(19)
- **Change/ Discussion:** Amend the use-specific standard as follows:  
4-3(D)(19)(b) In [UC-MS-PT areas in] the MX-H zone district, outdoor display or storage of vehicles is prohibited.
- **Requesting Councilor(s):** Jones
- **Explanation:** This change to the use-specific standard for light vehicle sales and rental will allow for outdoor display in more areas that have MX-H zoning. If a property is zoned MX-H in a UC-MS-PT designated area, the prohibition of outdoor display will still exist. This will ensure that the urban centers and corridors continue to not have outdoor display or storage of vehicles.

#### Outdoor Dining

- **Topic:** Outdoor Dining Incentive
- **IDO Page #:** 257
- **IDO Section:** Table 5-5-1
- **Change/ Discussion:** Amend the parking requirements for the following uses as shown below:

Use	IDO Parking Requirement
Outdoor Dining Area	[5] [3] spaces / 1,000 sq. ft. GFA outdoor seating space UC-AC-MS-PT: No requirement

- **Requesting Councilor(s):** Sena, Peña
- **Explanation:** This proposed amendment to the parking requirements for outdoor dining areas will incentivize the development of more outdoor dining areas by allowing for reduced parking requirements. In response to the COVID-19 public health emergency City Council adopted a temporary outdoor dining ordinance (O-20-16) in June. This ordinance allowed for the creation of temporary outdoor dining areas for developed sites by reducing all parking by 25%. In the time since this bill was enacted, the importance and attractiveness of outdoor dining areas has become more apparent. This amendment seeks to incentivize outdoor dining areas by reducing the parking needs for outdoor dining areas.

#### Drive-through and Drive-Up Stacking

- **Topic:** Stacking Requirements for Drive-throughs and drive-ups
- **IDO Page #:** 273
- **IDO Section:** Table 5-5-8
- **Change/ Discussion:** Amend table 5-5-8 to make the minimum stacking spaces required for Restaurant activities as follows:  
General: [12] [6]  
UC-MS: [6] [4]
- **Requesting Councilor(s):** Sena
- **Explanation:** This amendment proposes to increase the number of minimum stacking spaces for drive-throughs or drive-ups associated with a restaurant. In

consultation with the transportation engineer in the Planning Department, it was determined that the minimum does not currently provide adequate on-site vehicle stacking. Many current applications provide at least twelve vehicle stacking spaces. The IDO already requires vehicle stacking spaces to be integrated into the site layout and that layout must be approved by the department transportation engineer: "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." During the COVID-19 public health emergency, drive-through and drive-up services have allowed restaurants and retailers to continue to offer their goods and services. This increased demand has shown a need for additional stacking requirements as we expect drive-through and drive-up popularity to continue into the future.

#### Maintenance of Landscaping

- **Topic:** Maintenance of Landscaping
- **IDO Page #:** 276
- **IDO Section:** 5-6(C)(1)
- **Change/ Discussion:** Amend section 5-6(C)(1) as follows:  
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. [Landscaping shall be maintained per the requirements of 5-13(B)(6).]
- **Requesting Councilor(s):** Peña
- **Explanation:** This amendment will add a cross-reference to the General Landscaping requirements to point to the Operations and Maintenance section of the IDO. The Operations and Maintenance section regarding landscaping has clear requirements that any landscaping that was installed pursuant to a Site Plan or development approval must be maintained and replaced if necessary. Adding this cross-reference will help property owners be aware of the need to maintain all landscaping on their property as approved by the City.

#### Joint Premises Signs

- **Topic:** Joint Premises Signs
- **IDO Page #:** 336
- **IDO Section:** 5-12(F)(2)(b)
- **Change/ Discussion:** Strike 5-12(F)(2)(b)(1) and 5-12(F)(2)(b)(2)
- **Requesting Councilor(s):** Jones
- **Explanation:** The intent behind the original regulation is to limit sign clutter, and therefore allow either individual signs or joint premise signs but not both, and Table 5-12-2 states that you can have either one free-standing sign per premise or a joint premise sign. Joint premise signs generally reduce clutter (one sign, multiple businesses), so they should be encouraged where possible. As written

the frontage requirements for joint premise signs have the unintended consequence of not allowing joint-premise signs on large properties. Striking the street frontage requirements allows joint-premise signs in all instances. The requirement to have a minimum 100 feet of frontage for individual signs remains so that in areas of town where there are a number of smaller premises, on abutting lots, they are required to do a Joint Premises Sign.

#### Development Review Board

- **Topic:** Development Review Board Review and Decision Criteria
  - **IDO Page #:** 445
  - **IDO Section:** 6-6(I)(3)
  - **Change/ Discussion:** Add a new subsection (d) as follows:  
[(d) The Site Plan mitigates any significant adverse impacts on adjacent residential development or major public or private open space. Mitigation may be in the areas of wall height; access and driveway placement; landscape spacing, plant density, or alternative plantings.]
  - **Requesting Councilor(s):** Borrego
  - **Explanation:** The IDO gives the Planning Director, and his designees, some discretionary authority related to wall height; access and driveway placement; and landscape spacing, plant density or alternative plantings. The Planning Director is Chair of the Development Review Board (DRB) or the Director can appoint a designee. If the Development Review Board identifies significant adverse impacts on adjacent residential or major public or private open space, this provision gives the DRB authority to identify mitigations that are within the scope listed, i.e, wall height; access and driveway placement; landscaping spacing, density, or alternative plantings.  
The DRB operates under the requirements of a quasi-judicial process to review site plans and, therefore, can work within the limited discretion outlined in the proposed review criterion. The DRB notice of meeting and meetings are conducted under the requirements of the Open Meetings Act. The DRB follows due process requirements, such as swearing in speakers for site plan cases and allowing applicant and public speakers the opportunity for cross examination. The DRB members refrain from ex-parte communication and, when communication outside of the DRB meeting is deemed necessary to advance review of the site plan, the DRB members disclose that communication in writing to the record of the case.  
This additional review and decision criteria for Site Plan - DRB will allow the DRB, in a limited capacity, to request that a site plan include additional features to mitigate potential adverse impact on the surrounding community. This will require the DRB to conduct their hearings quasi-judicially.
- 
- **Topic:** Development Review Board References to Public Meetings
  - **IDO Page #:** Multiple
  - **IDO Section:** Multiple
  - **Change/ Discussion:** Strike all references to Public Meetings in the IDO and replace with the phrase “Public Hearing”.

- **Requesting Councilor(s):** Borrego
- **Explanation:** Per the changes requested to the DRB Review and Decision criteria, where the DRB is conducting quasi-judicial hearings the DRB will only be conducting public hearings and not public meetings. All references to public meetings in the IDO are in reference to the DRB and therefor are not necessary.
- **Topic:** Public Hearing Definition
- **IDO Page #:** 548
- **IDO Section:** 7-1
- **Change/ Discussion:** Amend the definition for Public Hearing as follows:  
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~~].
- **Requesting Councilor(s):** Borrego
- **Explanation:** Per the changes requested to DRB operations and the removal of the phrase “public meetings” in the IDO, the definition of a public hearing needs to encompass the discretionary decision making of all boards, some of which consider policy, others which consider policy and regulations. The review and decision criteria associated with each decision control the decision-making authority for each board and each type of decision.

#### Cluster Development

- **Topic:** Cluster Development Definition
- **IDO Page #:** 520
- **IDO Section:** 7-1
- **Change/ Discussion:** Amend the definition of “Dwelling, Cluster Development” as follows:  
A development type that concentrates single-family or two-family detached dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. [A cluster development does not increase the overall density of a development but rather allow dwellings to be grouped or clustered on smaller lots.] The intent of cluster development is to create an innovative development pattern that is sensitive to natural features and topography and creates more area for open space, recreation, and social interaction. See also *Open Space, Common*.
- **Requesting Councilor(s):** Borrego & Sena
- **Explanation:** This amendment proposes to amend the definition of a Cluster Development to make clear that choosing to utilize the cluster development use over a traditional subdivision development form does not increase the overall density of the development but rather allows dwellings to be grouped or clustered on smaller lots.

#### Common Open Space Definition

- **Topic:** Common Open Space Definition
- **IDO Page #:** 541
- **IDO Section:** 7-1

- **Change/ Discussion:** Revise the definition for Common Open Space as follows:  
**Common Open Space** The area of undeveloped land [and/or existing site features] within a cluster development that is set aside for the [preservation,] use and enjoyment by the owners and occupants of the dwellings in the development and includes [historic buildings or structures, Sensitive Lands, hazard prone areas,] agriculture, landscaping, [on-site ponding,] or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. For the purposes of the common open space calculation in cluster development, parks do not count as common open space. See also *Dwelling Definitions for Dwelling, Cluster Development*.
- **Requesting Councilor(s):** Borrego, Sena
- **Explanation:** This revised definition of Common Open Space removes on-site ponding as an area that can be considered for Common Open Space. Common Open Space is only required when developing as Cluster Development. On-site ponding areas often have an AMAFCA or City of Albuquerque easement associated with them and may not always be preserved in a form that can be enjoyed by the residents of a cluster development. In addition, the definition is revised to clarify that the Common Open Space can include existing site features that are desired to be preserved.

#### Food Truck Courts

- **Topic:** Food Truck Court Use
- **IDO Page #:** Multiple
- **IDO Section:** Multiple
- **Change/ Discussion:**
- Page 145, Table 4-2-1 - Add a new use in the use subsection for “Outdoor Recreation and Entertainment” called “Mobile Food Truck Court”. Make the use conditional in the following zones: MX-T and NR-GM and permissive in the following zones: MX-L, MX-M, MX-H, NR-C, NR-BP and NR-LM.
- Create a new use-specific standard 4-3(D)(31) titled Mobile Food Truck Court with the following provisions:  
**4-3(D)(31) Mobile Food Truck Court**  
4-3(D)(31)(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(D)(31)(b) The mobile food truck court operator must provide trash receptacles.  
4-3(D)(31)(c) 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(D)(31)(d) The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not physically occupy or obstruct access to any parking stalls necessary to meet the minimum parking requirements for any on-premises land uses, unless the mobile food truck is operating outside of the business hours of on-premises uses.  
4-3(D)(31)(e) 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.

4-3(D)(31)(f) This use is located on a permeable or impermeable paved surface. Ingress and egress areas shall be paved with an impermeable surface for a minimum of 20 feet.

4-4(D)(31)(g) The use of generators is prohibited.

- Page 255, Table 5-5-1 - Under the subsection for Outdoor Recreation and Entertainment category, add a new line that reads as follows:

Use	Parking Requirement
Mobile Food Truck Court	5 or more food trucks on-site: 2 parking spaces per food truck.

- **Requesting Councilor(s):** Davis
- **Explanation:** This amendment proposes to add a new use to the IDO called “Mobile Food Truck Court”. At present, Mobile Food Trucks are an accessory use in the IDO and therefore cannot be the only use on a site. Adding Mobile Food Truck Court allows for food trucks to be the primary, i.e. only, use on a site. In light of the COVID-19 public health emergency, mobile food trucks have been a popular alternative to indoor dining. Creating a new use for Mobile Food Truck Courts will allow further opportunities for mobile food vendors to have a space to offer their goods and services to the public.

#### Campgrounds and RV Parks

- **Topic:** Campground and RV Parks Use
- **IDO Page #:** Multiple
- **IDO Section:** Multiple
- **Change/ Discussion:** Amend the Use Table line for Campgrounds and RV Parks to make the use permissive in the MX-L and MX-M zones. Remove the “P” for this use from the NR-SU zone category and remove references to Campground and RV Parks Use from Section 2-5(E)(2). Add the following text to Section 4-3(D)(13), page 162, [Campgrounds and RV Parks constructed prior to the effective date of this IDO are allowed as a permissive primary use.]
- **Requesting Councilor(s):** Gibson
- **Explanation:** The purpose of this amendment is to allow the Campground and RV Park use to be done permissively in the MX-L and MX-M zones, rather than in a Non Residential Sensitive Use (NR-SU) zone. In response to the COVID-19 public health emergency there has been an increase in RV camping as people seek a safe way to vacation outside of their home. Albuquerque and New Mexico’s mild climate have long made the area a popular destination for RV “snowbirds”. Allowing this use in more zones will allow the City to adapt to that increased need. The use-specific standards already have buffering and screening requirements along the edge of the property in addition to extra screening (a six-foot wall) if the development is proposed adjacent to a residential zone district.



## CITY OF ALBUQUERQUE CITY COUNCIL

---

---

### INTEROFFICE MEMORANDUM

**TO:** Brennon Williams, Planning Department Director  
Mikaela Renz-Whitmore, Long Range Manager

**FROM:** Stephanie Yara, Director of Council Services

**SUBJECT:** IDO Annual Update 2020 – Application for Amendment to the IDO Text – Amendment requests from the Open Space Advisory Board and Open Space Staff

**DATE:** November 23<sup>rd</sup>, 2020

---

Director Williams and Ms. Renz-Whitmore,

In October 2020, the Open Space Advisory Board voted to recommend three changes to the IDO. Those changes are outlined as follows, with associated recommended changes to be included in the 2020 Annual Update labeled as “actions”. City Council planning staff attended the OSAB meeting and worked with the OSAB IDO review sub-committee and for this reason council staff are facilitating the communication to the Planning Department on behalf of the OSAB on this matter. Please include the following Amendments to the IDO Text as a part of the November 2020 submittal application to the Environmental Planning Commission.

#### **Recommendation 1**

The board recommends that staff should investigate the feasibility of including the Open Space Division of the Park and Recreation Department in all early notifications of development actions adjacent to major public open space. *Motion carried unanimously, 6-0*

#### **Action 1 – No IDO Amendment Required**

This request will be addressed administratively by the Planning Department and does not require an amendment to the IDO. Planning Department staff will invite Parks & Recreation and Open Space Division (P&R/OSD) staff to all Pre-Application Review Team Meetings (PRT). P&R/OSD staff will review each PRT request that they receive and will attend these meetings or provide comments if the development is near, or has an implication for parks and open space properties in the City.

**Explanation 1:** This administrative action will allow P&R/OSD staff to communicate with developers at the very first stage of the development process and will allow for early discussions about the potential impact the development may have on parks and open space before an application is even submitted to the City. OSD staff will be able to communicate with the Open Space Advisory Board any PRTs they attend so the board may be aware of development occurring near Major Public Open Space.

## **Recommendation 2**

The board recommends that landscaping on lots to the arroyos shall consist solely of vegetation listed on the official Albuquerque Plant Palette as modified by Open Space Division. *Motion carried unanimously, 6-0*

## **Action 2 – Amendment to IDO recommended**

Amend the IDO as follows to add a new subsection (e):

[Section 5-6(C)(4) Landscaping abutting arroyos shall consist of plants as approved by the Official Albuquerque Plant Palette.

5-2(C)(3) Landscaping abutting arroyos shall be per section 5-6(C)(4)]

**Explanation 2:** This amendment proposes to regulate what types of landscaping are appropriate to be planted abutting arroyos. The IDO defines an arroyo as:

*“A watercourse that conducts an intermittent or ephemeral flow, providing primary drainage for an area of land, or a watercourse that would be expected to flow in excess of 1,000 cubic feet per second as the result of a 100-year storm event, as determined by the City Hydrologist.”*

The Open Space Advisory Board and Open Space staff have expressed concern that seeds of invasive species that are planted next to arroyos across the city end up being carried downstream to the Bosque. These seeds take root and then require substantial amounts of funding, staff time, and volunteer time to remove. Regulating the types of vegetation that can be planted near an arroyo will help curb the amount of invasive species that end up sprouting in the Bosque. The proposed amendment will apply where landscaping is required in the IDO, i.e. in multi-family, mixed use, and non-residential development. Separately from this IDO action the OSAB has expressed interest in further refining the Albuquerque Plant Palette to identify plant species that are explicitly appropriate to be planted near Major Public Open Space and arroyos.

## **Recommendation 3:**

The board recommends to add to Subsection 5-2(C)(5) - Development adjacent to steep slopes, escarpments, wetlands and riparian areas shall provide a landscape buffer with a minimum of 50 feet as approved by the Open Space Superintendent consistent with the guidelines incorporated in the facility plan for Major Public Open Space. Landscaping shall consist solely of vegetation listed on the official Albuquerque Plant Palette as modified by Open Space Division; seconded by Tasia Young. *Motion carried unanimously, 6-0*

### Action 3 – Amendment to IDO recommended

Amend the IDO as follows:

1. Add “[Riparian Areas]” to the list of sensitive lands in 5-2(C)(1) in proper alphabetical order and renumber the subsequent sensitive lands as necessary
2. In section 7-1, add a definition of Riparian Areas as follows:  
**[Riparian Areas Aquatic ecosystems and the transitional ecosystems surrounding them, as shown on the map maintained by the City Parks and Recreation Department. The transitional riparian ecosystem is characterized by distinctive vegetative communities and soils that are affected by the presence of surface and groundwater, and provides critical habitat, including for endangered species and migratory birds.]**
3. In section 5-2(J)(2)(b), add the following text and renumber subsequent text as necessary:  
**[5-2(J)(2)(b)(1) Not be located within 50 feet of any steep slopes, escarpments, wetlands, or riparian areas in the Major Public Open Space, excluding any single-loaded street or landscaped buffer per the requirements of 5-2(J)(2)(a)(1).]**

**Explanation 3:** These amendments further refine the Sensitive Lands section of the IDO. First, a new type of sensitive land will be added to the list – riparian areas. Include map of Riparian Areas as provided by Open Space Staff. The Open Space Advisory Board and Open Space staff have recommended that the IDO formally identify these places as sensitive lands and offer further protections for them. These areas will be mapped by Open Space staff to be included in the IDO to ensure that a property owner with a riparian area will know exactly if their property is adjacent to or contains a riparian area and subject to additional regulations. If a property contains a riparian area as defined they will need to conduct a Sensitive Lands analysis per 5-2(C) Avoidance of Sensitive Lands.

Next, additional buffering of 50 feet will be required for properties that are five acres or greater, adjacent to Major Public Open Space (MPOS), that contains a steep slope, escarpment, wetland, or riparian area. This additional buffering will help protect not only the sensitive land but the private property as well. There are examples in Albuquerque of development that has occurred very close to these listed sensitive lands that have experienced erosion and drainage issues that have caused property damage and, in some cases, have had to be rectified by the City of Albuquerque using public dollars. It's appropriate to make this provision only applicable to properties greater than 5 acres adjacent to MPOS as these larger sites will be readily able to accommodate a 50-foot buffer. If the City were to make this regulation applicable to all properties regardless of size, there is a chance that the regulation would result in making the lot undevelopable as a smaller lot may not have adequate acreage to accommodate the buffer. This buffer is in addition to any single-loaded street or landscaped buffer that may be required by 5-

2(J)(2)(a)(1), resulting in a total of 95 feet if combined with the landscaped buffer or a total of 86 feet if combined with a single-loaded street.