

List of IDO Amendments to be considered by the City Council on  
June 17<sup>th</sup>, 2021

Please note: Amendments related to cannabis may be found in a separate packet

<b>Amendment</b>	<b>Topic</b>
B1	Overnight Shelter
B2	Liquor – State Changes
B3	Food Processing
B4	Climatic and Geographic Responsiveness
B22	Campgrounds in NR-SU
B23	Northwest Mesa Escarpment VPO - Update
B24	Northwest Mesa Escarpment VPO - Rescind

# Council Amendment B1 – Overnight Shelter

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17<sup>th</sup>, 2021

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

1. Page 162, revise Section 4-3(C)(7) as follows:

4-3(C)(7) Overnight Shelter

4-3(C)(7)(a) This use is prohibited within 1,500 feet in any direction of any other overnight shelter.

4-3(C)(7)(b) If this use is located on the same premises as a daytime gathering facility, the premises must meet any Use-specific Standard in this Subsection 14-16-4-3(C)(7) and in Subsection 14-16-4-3(C)(2) (Daytime Gathering Facility).

4-3(C)(7)(c) In Residential zone districts this use is limited to no more than 10 overnight beds, regardless of whether the overnight shelter is a primary or incidental use.

4-3(C)(7)(d) In Mixed Use zone districts and the NR-C zone district this use is limited to no more than 30 overnight beds, regardless of whether the overnight shelter is a primary or incidental use.

4-3(C)(7)(e) In the NR-BP, NR-LM, and NR-GM zone districts this use is limited to no more than 100 overnight beds, regardless of whether the overnight shelter is a primary or incidental use.

4-3(C)(7)(f) Bed limitations may be doubled if supportive services are provided on site and the provider has a Good Neighbor Agreement in place.]

**Explanation:** This change to the use-specific standard for Overnight Shelter would establish a capacity for overnight beds, based on the underlying zoning. The number of beds is proposed to be phased in intensity, based on the underlying zoning. The NR-C zone district is included with the Mixed Use zone districts due to their general proximity to residential development. There is a 100 bed limitation for the NR-BP, NR-LM, or NR-GM zone districts as these zone districts allow for more intense uses and generally located away from residential areas. Overnight Shelter is a Conditional Use in the MX-

## Council Amendment B1 – Overnight Shelter

H, NR-C, NR-BP, NR-LM, and NR-GM zone districts, and is prohibited in all other zone districts. However, an Overnight Shelter is an Incidental Use for a Religious Institution and Religious Institutions are allowed in most zone districts (R-A, R-1, R-T, R-ML, R-MH, MX-T, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM). The IDO defines an Overnight Shelter as:

A facility that provides sleeping accommodations for 6 or more persons for a period of less than 24 hours with no charge or a charge substantially less than market value; it may provide meals and social services. Any such facility open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter, while a facility providing similar services but open to clients between 7:00 A.M. and 10:00 P.M. is considered a daytime gathering facility. A facility open to the public during both time periods is considered to have both uses on the property. See also Community Residential Facility, Daytime Gathering Facility, and Group Home.

Since this amendment was provided to the public during the LUPZ process, additional language has been added (in **GREEN**) to allow the bed limitations to be double when supportive services are provided and a Good Neighbor Agreement is in place.

# Council Amendment B2 – Liquor State Changes

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17<sup>th</sup>, 2021

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Bassan

1. Page 542, Section 7-1 revise the definition for Bar as follows:

### **Bar**

An establishment having as its primary or predominant uses the serving of beer, wine, or liquor for consumption on the premises [or for take out or delivery service for off-site consumption], but that does not meet the definition for *Tap Room* or *Tasting Room*.

2. Page 586, Section 7-1 revise the definition for Restaurant as follows:

### **Restaurant**

An establishment that serves food and beverages that are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon and/or that may provide customers with take-out service of food and/or ~~[non-alcoholic]~~ beverages for off-site consumption. Sale of alcoholic beverages is controlled by other provisions in this IDO and the New Mexico State statutes regarding alcoholic drink sales. See also *Bar*, and *Taproom*, or *Tasting Room*.

**Explanation:** This amendment makes changes to the definitions for “Bar” and “Restaurant” in response to the recent changes to the Liquor Control Act. These changes bring the definitions into conformity with the anticipated changes to licensing that could allow a business to have an alcohol delivery service.

# Council Amendment B3 – Food Processing

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17<sup>th</sup>, 2021

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Jones

1. Page 212, Section 4-3(F)(9)(b) Home Occupation revise as follows:

(b)The following uses from Table 4-2-1 and activities are prohibited as home occupations:

1. Any use in the Agricultural or Animal-related category.
2. Any use in the Food, Beverage, and Indoor Entertainment category [, except Catering Service].
3. Any use in the Motor Vehicle-related category.
4. Any use in the Industrial Uses category.
5. Commercial services.
6. Construction contractor facility and yard.
7. Crematorium.
8. Mortuary.
9. Adult retail.
10. Liquor retail.
11. Any use involving the storage or use of hazardous materials.
- ~~12. Home-based food production or brewing of beverages for sale.]~~

**Explanation:** In the Home Occupation Use Specific standard, this amendment proposes to strike the prohibition on “home based food production or brewing of beverages for sale” and to exempt “Catering Service” from the prohibition within the Food, Beverage, and Indoor Entertainment category, in order to be in compliance with recent changes at the state level. House Bill 177, the Homemade Food Act passed during the 2021 Legislative Session. This bill allows for shelf-stable homemade foods in compliance with the NM Environment Department. This bill goes into effect on July 1<sup>st</sup>. The IDO defines “Catering Service” as: *An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. No retail sale of food or beverages for consumption on the premises is allowed.* Both this definition and the home based food production overlap with the types of shelf-stable homemade foods that the act considers allowing production of at home. The IDO only considers uses for a property, and would not diminish the need to follow any relevant city, state, or federal environmental health requirements or the need to obtain any relevant permits.

# Council Amendment B4 – Climatic and Geographic Responsiveness

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17<sup>th</sup>, 2021

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Benton

1. Page 236, strike Section 5-2(D) in its entirety:

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

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

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

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

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

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

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

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

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

2. Strike all references to Section 5-2(D) Climate and Geographic Responsiveness throughout the IDO.

## Council Amendment B4 – Climatic and Geographic Responsiveness

**Explanation:** This amendment proposes to strike Section 5-2(D) Climatic and Geographic Responsiveness in its entirety. For these sections it would not be possible to ensure that they achieve the desired result and are better placed in a policy document than the IDO. The analyses that this section calls for do not require changes to a development, but only require that the climate and views be considered. This type of analysis is a policy consideration rather than regulatory requirement. The IDO is a regulatory document and not a policy document. This section is more appropriately located in a design manual that would address the wide range of design policies that a development should consider. During the budget process the City Council passed a budget amendment that would provide \$50,000 for the city to hire a consultant to produce a design manual, where this language would be more appropriately located.

# Council Amendment B22 – Campground in NR-SU

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 21<sup>st</sup>, 2021

FLOOR AMENDMENT NO. \_\_\_\_\_ TO EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Benton

1. Amend the LUPZ amendment A2 as necessary to make changes as outlined in sections two through six of this amendment as follows:
2. In Table 4-2-1 under the Lodging subcategory strike the words “[~~Campground or~~” from the Campground or Recreational Vehicle use line in the table.
3. In Table 4-2-1 under the Lodging subcategory create a new land use called “Campground”. Add a **[P]** to the NR-SU zone district to make it a permissive use in that zone. Reference the existing use-specific standard for Campgrounds and recreational vehicle parks in the table.
4. Amend the use-specific standard 4-3(D)(13) as follows:

[4-3(D)(13)(a) Minimum project size for a campground **[or recreational vehicle park]** is 1 acre.

4-3(D)(13)(b) The maximum gross density within a campground **[or recreational vehicle park]** shall be 25 camp sites per acre. Land that is not accessible to campers shall not be included in the calculation of gross density.

4-3(D)(13)(c) All tents parked or attached to the ground for use as an overnight accommodation shall be on a camp site.

4-3(D)(13)(d) Each camp site **[for tents or recreational vehicles]** shall provide parking spaces of adequate size to accommodate the vehicles allowed at the site. Each parking space shall be constructed so that no portion of the vehicle it is designed for shall extend onto any drive aisle within the campground **[or recreational vehicle park]**.

4-3(D)(13)(e) Camp sites **[for tents or recreational vehicles]** shall be set back a minimum of 20 feet from each property line.

4-3(D)(13)(f) Camp sites **[for tents or recreational vehicles]** shall be screened on all sides by an opaque wall or vegetative screen at least 6 feet high unless they are set back at least 100 feet from any property line abutting a street.

4-3(D)(13)(g) This use shall be serviced by a private street system providing safe and convenient access to all camp sites, which shall be paved as required for off-street parking regulations in the DPM.



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4-3(D)(13)(h) Water-flush toilets and urinals shall be provided and shall not be more than 300 feet in any direction of any camp site without an individual sewer connection.

4-3(D)(13)(i) Toilets and lavatories shall be provided as required by with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code).

4-3(D)(13)(j) On any side of the premises adjacent to any Residential zone district, an opaque wall or fence at least 6 feet high is required.]

5. In section 7-1 of the IDO, amend the definition for Campground or recreational vehicle park as follows and relocate alphabetically:

~~[Campground or recreational vehicle park]~~

A lot developed or used for occupancy by ~~[tents and or]~~ recreational vehicles for transient dwelling purposes. A ~~[campground]~~ recreational vehicle park may include recreational services, facilities, and activities for use by the public and residents to provide comprehensive livability options. [A maximum of 20 percent of the net lot area of the recreational vehicle park may contain a campground.] See also *Vehicle Definitions for [Campground,] Recreational Vehicle and Vehicle.*

6. In section 7-1 of the IDO, create a new definition for Campground as follows and place in proper alphabetical order:

[Campground]

[A lot developed or used for occupancy by tents for transient dwelling purposes. A campground may include recreational services, facilities, and activities for use by the public and residents to provide comprehensive recreational options. More than 20 percent of the net lot area of the campground must be used for occupancy by tents. See also *Recreational Vehicle Park*]

**Explanation:** This amendment proposes to separate Recreational Vehicle Parks and Campgrounds into their own land uses. During the 2020 IDO Annual Update, Campgrounds and Recreational Vehicle Parks were moved from a permissive land use in the NR-SU zone district to conditional in the MX-M zone district and permissive in the NR-C and NR-BP zone district through an amendment that was approved at LUPZ. While this may be appropriate for Recreational Vehicle Parks, where there is a national trend for snowbirds and digital nomads seeking more RV park locations to travel the country and stay for short periods of time, this is not appropriate for campgrounds. Campgrounds are a more simple form of recreational living that are more sensitive in nature with less fully developed facilities than RVs may offer. This amendment acknowledges that nuance and proposes to make Campgrounds their own use and put them back into the NR-SU zone district. Development in an NR-SU zone district requires Environmental Planning Commission review and approval.

There is an allowance made in the definitions for Campgrounds and RV parks to contain a minimal percentage of the other use – i.e., an RV park could contain a small amount

## Council Amendment B22– Campground in NR-SU

of tent sites – to address the concern that most sites will typically contain a mix of both uses.

# Council Amendment B23 – NWME VPO Update

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17<sup>th</sup>, 2021

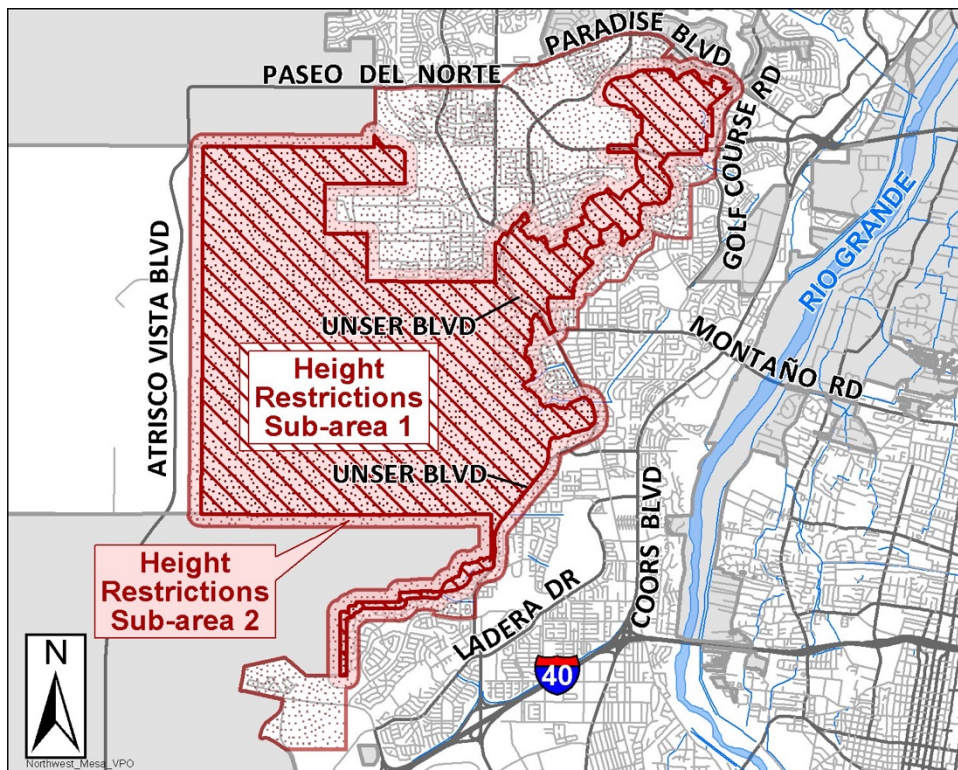
FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Borrego

### Northwest Mesa Escarpment – View Protection Overlay (VPO-2)

#### Actions:

1. Create a new Height Sub-area 2 within VPO-2 that is within 660 feet of the existing Height Sub-area. This area shall not include the Volcano Heights Urban Center. The existing VPO-2 Height Sub-area shall be referenced as VPO-2 Height Restrictions Sub-area 1.



2. Revise the VPO-2 boundary to include any areas where the proposed VPO-2 Height Restrictions Sub-area 2 is outside of the existing VPO-2 boundaries.

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3. Revise Subsection 3-4(N)(4) Volcano Mesa – CPO-13 to read as follows:  
“Standards in this Subsection 14-16-3-4(N)(4) apply only outside of the sub-areas indicated in Subsection 14-16-3-6(E)(2) as the Northwest Mesa VPO-2 Height Restrictions Sub-area 1 and Sub-area 2.
4. Move existing content in 3-6(E)(3) to a new subsection (a) with heading VPO-2 Subarea 1 and create a new subsection (b) VPO-2 Subarea 2 as follows:  
[Structure height shall not exceed 30 feet, as measured from natural grade, or the maximum height of the underlying zone district, whichever is lower.]
5. Create a new subsection 3-6(E)(7) as follows and renumber subsequent subsections accordingly:  
[3-6(E)(7) Landscaping  
Within VPO-2 Subarea 1 and 2, a minimum of 25 percent of the net lot area of each multi-family, mixed-use, or non-residential development shall contain landscaping.]
6. Add the VPO-2 Height Restriction Sub-areas 1 and 2 to the MPOS Use Specific Standards:
  - **Car Wash**  
4-3(D)(16)(c) Within 330 feet in any direction of Major Public Open Space [or within VPO-2 Height Restrictions Subareas 1 or 2], this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).  
4-3(D)(16)(d) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.
  - **Heavy Vehicle Sales, Rental, Fueling, and Repair**  
4-3(D)(17)(h) This use is prohibited within 330 feet in any direction of Major Public Open Space [or within VPO-2 Height Restrictions Sub-areas 1 or 2].
  - **Light Vehicle Fueling Station**  
4-3(D)(18)(k) This use is prohibited within 330 feet in any direction of Major Public Open Space [or within VPO-2 Height Restrictions Sub-areas 1 or 2].
  - **Light Vehicle Repair**  
4-3(D)(19)(f) This use is prohibited within 330 feet in any direction of Major Public Open Space [or within VPO-2 Height Restrictions Sub-areas 1 or 2].
  - **Light Manufacturing**  
4-3(E)(4)(f) Within 330 feet of Major Public Open Space, [or within VPO-2 Height Restrictions Sub-areas 1 or 2], this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
  - **Heavy Manufacturing**  
4-3(E)(5)(e) This use is prohibited in the following locations:
    1. Within 330 feet of Major Public Open Space [or within VPO-2 Height Restrictions Sub-areas 1 or 2].
    2. Within 660 feet of a lot containing a religious institution or elementary, middle, or high school.
    3. Within 1,000 feet of a lot containing a residential use other than an accessory dwelling unit used as a caretakers dwelling for a non-residential property.
  - **Natural Resource Extraction**

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4-3(E)(6)(d) This use is prohibited in the following locations:

1. Within 330 feet of Major Public Open Space for within VPO-2 Height Restrictions Sub-areas 1 or 2.
2. Within 1,000 feet of a lot containing a religious institution; elementary, middle, or high school; or residential use other than an accessory dwelling unit used as a caretakers dwelling for a non-residential property.

- **Recycling Drop-Off Bin Facility**

4-3(E)(13)(a) This use is prohibited within 330 feet of Major Public Open Space, for within VPO-2 Height Restrictions Sub-areas 1 and 2.

- **Solid Waste Convenience Center**

4-3(E)(14)(a) This use is prohibited within 330 feet of Major Public Open Space for within VPO-2 Height Restrictions Sub-areas 1 and 2.

- **Waste Transfer Center**

4-3(E)(16)(a) This use is prohibited within 330 feet of Major Public Open Space for within VPO-2 Height Restrictions Sub-areas 1 or 2.

- **Warehousing**

4-3(E)(18)(a) Within 330 feet of Major Public Open Space for within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

- **Wholesaling and Distribution Center**

4-3(E)(19)(b) Within 330 feet of Major Public Open Space for within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

- **Drive-through or drive-up Facility**

4-3(F)(4)(c) Within 330 feet of Major Public Open Space for within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

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

**Explanation:** The proposed revisions to the NWME VPO-2 add a second Height Restrictions subarea and expands the Use Specific Standards in proximity to MPOS to both the existing and proposed Height Restriction subareas in VPO-2. This is intended to add an additional area of transition and to decrease the intensity of development in proximity to the Escarpment and the surrounding Petroglyph National Monument. The existing VPO-2 height regulations provide for a single height limitation beginning at a specified point, as determined by the map that regulates the VPO. This additional area to limit height adds a transition area to the MPOS that will provide for a more gradual gradient of building height as development moves further away or closer to the MPOS. The revised area does not include the Volcano Heights Urban Center, which the Comprehensive Plan has designated as being an area where more intense development is appropriate. Within

## Council Amendment B23 – NWME VPO Update

the proposed new Height Restrictions subarea heights would be limited to 30 feet, or the maximum of the underlying zone, whichever is lower, and requires an increased level of landscaping. In general, when a property is developed the land is used for one of three things: parking, buildings/ structures, and landscaping. By increasing the landscaping area requirement from 15% to 25% of the net lot area, the scale and intensity of a multifamily, mixed use, or nonresidential development is reduced. In addition, this reduces the amount of the property that can be developed with an impermeable surface and reduces the run off volumes from each site. The Petroglyph National Monument has expressed concerns over the years about the impact of adjacent development, and run off is a component of that concern. These design regulations are intended to limit the intensity of development within the area. In addition, the MPOS Use Specific standards are extended to encompass both of the Height Restriction Subareas.

This proposal received public comment in support, as well as in opposition at the Environmental Planning Commission. The EPC did not recommend support for the amendment. This amendment has not substantially changed since it was proposed at EPC.

The 2017 Comprehensive Plan contains the following policies that this request would further:

**POLICY 11.3.1 Natural and Cultural Features:** Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes. [ABC]

a) Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

- i. Indigenous vegetation and other materials appropriate to landscapes;
- ii. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;
- iii. Soils and erosion potential; iv. Colors and textures of the natural environment; and v. Scenic views from the public right-of-way

b) Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design and materials that blend with the natural colors of the landscape and limit reflectivity.

## Council Amendment B23 – NWME VPO Update

c) Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs.

d) Encourage site design that enhances and leverages views to cultural landscapes.

e) Encourage appropriate edge treatments, transitions, and buffers through site design and development standards for development adjacent to Open Space.

POLICY 11.3.5 Sandia Mountains: Protect views of the Sandia Mountains from key vantages within public rights-of-way, along corridors, and from strategic locations as an important cultural feature of the region. [ABC]

POLICY 11.3.6 Volcano Mesa: Preserve open space, natural and cultural landscapes, and other features of the natural environment within Volcano Mesa. [A]

c) Protect important views, vistas, and view corridors from within Volcano Mesa to the Rio Grande basin, across the city of Albuquerque, and to the Sandia Mountains.



# Council Amendment B24 – NWME VPO Rescind

## CITY COUNCIL of the CITY OF ALBUQUERQUE

June 7<sup>th</sup>, 2021

FLOOR AMENDMENT NO. \_\_\_\_\_ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Jones

1. Remove all references to the proposed Northwest Mesa VPO Height Sub Area 2 from Exhibit 1, as amended at LUPZ on May 12<sup>th</sup>.

**Explanation:** This amendment proposes to strike the revisions to the to Exhibit 1 in Amendment A18, as approved at LUPZ, that created a second height sub area for the Northwest Mesa VPO. The proposed second height subarea would limit heights to 30 feet, require additional landscaping, and limit uses within the sub area. The limitations of this second height sub area would only impact commercial properties and could potentially render them undevelopable. The 30 foot height limitation would have a big impact on the viability of commercial development as today most commercial buildings are built at 35 feet in height, or taller.

The NWME VPO proposed height subarea covers mostly low density residential development, however there are several areas with Mixed Use or Non Residential zoning that would be impact by the proposed height subarea. Some of the areas are already developed, but others are not. These areas are generally located at:

- Paseo Del Norte and Kimmick
- Volcano Heights
- Rainbow and Unser
- Unser and Montano
- Unser and Ouray
- Golf Course between Paseo Del Norte and Marna Lynn Ave

This is a link to the interactive map that was posted on the ABC to Z website as part of the application materials:

<https://cabq.maps.arcgis.com/apps/webappviewer/index.html?id=e97870dfc706425c862a1f2c1bd1e609>



## Council Amendment B24 – NWME VPO Rescind

Paseo Del Norte, Kimmick and Volcano Heights area:



Rainbow and Unser:



## Council Amendment B24 – NWME VPO Rescind

Unser and Ouray:



Unser and Montano:



## Council Amendment B24 – NWME VPO Rescind

Golf Course:

