

List of IDO Amendments to be considered by the City Council on  
June 7<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

# Council Amendment B1 – Overnight Shelter

## 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 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 7<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 7<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 7<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.