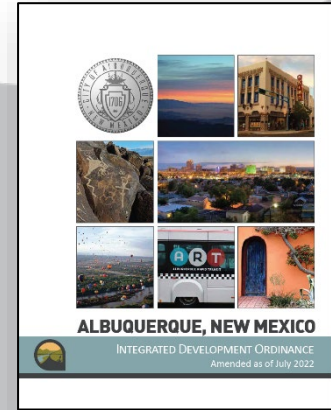


INTEGRATED DEVELOPMENT ORDINANCE



IDO Project Webpage:

<https://ido.abq-zone.com>

Annual Update 2023

December 14, 2023

EPC Hearing

Michael Vos
Principal Planner
mvos@cabq.gov

Shanna Schultz
Council Planning Manager
smschultz@cabq.gov

Mikaela Renz-Whitmore
Division Manager
mrenz@cabq.gov

**ONE
ALBUQUE
RQUE**

EPC CASES

Citywide – IDO Annual Update

RZ-2023-00040

~ 60 changes

Multiple
sections

Legislative

Small Area – Rail Trail

RZ-2023-00043

~ 3 changes

14-16-5-2

14-16-5-5(C)(1)

7-1

Quasi-judicial

Small Area – Volcano Heights

RZ-2023-00044

~ 1 change

14-16-4-
3(F)(5)f.10

UPDATES

2 changes:
HPOs, NR-SU

Zones

Part
2/3

11 changes:
Conditional Uses, Duplex, Cottage Development, Outdoor Amplified
Sound, General Retail, Light Vehicle Fueling, Cannabis Retail, Overnight
Shelter, Live-work, Electric Utility, Battery Energy Storage System

Uses

Part
4

14 changes:
Acequias, Landfill Gas Mitigation, Construction Mitigation, Front Yard
Parking, Parking, Landscaping, Walls, Lighting, Building Design

Standards

Part
5

20 changes:
Notice, EPC Appointments, Facilitated Meeting, Referrals,
Facilitated Meeting, Conditional Use, Time Extension,
Variance, Nonconforming Structures, Amendments

Processes

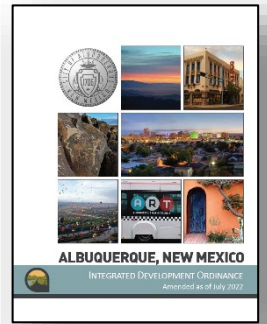
Part
6

8 changes:
Community Residential Facility, Group Home, Nursing Home,
Overnight Shelter, Garage, Trees, Rock Outcropping, BESS

Definitions

Part
7

Integrated
Development
Ordinance



<https://abq-zone.com/ido-annual-update-2023>

IDO Zoning Map



<https://tinyurl.com/IDOzoningmap>

RECOMMENDATION

CONTINUANCE

PR-2018-001843, RZ-2023-00040 2023 IDO Annual Update

Planning Staff recommends that the EPC continue the hearing for one month to the January 11, 2024 special EPC hearing.

ONE
ALB
UQU
ER
ONE

HPO ZONES

Historic Protection Overlay Zone Districts

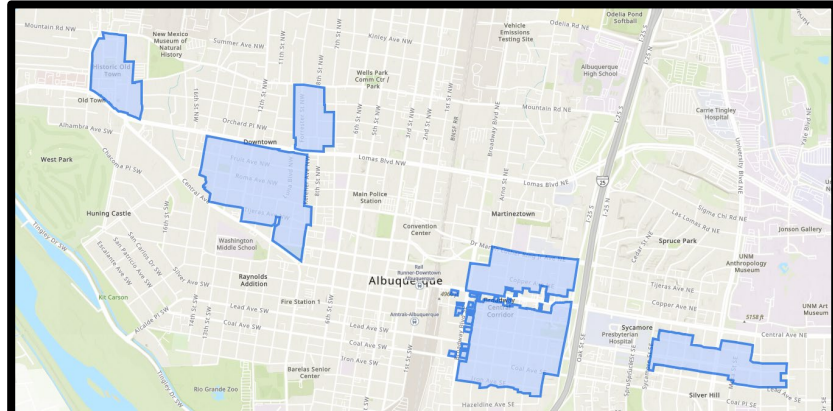
Staff

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Setbacks in HPOs Add a new Subsection with text as follows: <u>"New development or redevelopment shall comply with contextual standards for lot sizes, front setbacks, and side setbacks in Subsection 14-16-5-1(C)(2), unless the Landmarks Commission approves a different standard in a Historic Certificate of Appropriateness - Major pursuant to Subsection 14-16-6-6(D)."</u></p>	<p>Applies contextual standards to all development in HPOs for lot sizes and setbacks. Contextual standards in 5-1(C)(2) apply only to low-density residential development in Areas of Consistency. Gives the Landmarks Commission the discretion to approve different lot sizes and setbacks on a case-by-case basis without a variance (which are reviewed by the Zoning Hearing Examiner).</p>

- 5-1(C)(2) Contextual Residential Development in Areas of Consistency
 - 5-1(C)(2)(a) Applicability
 - 5-1(C)(2)(b) Lot Size
 - 5-1(C)(2)(c) Front Setbacks
 - 5-1(C)(2)(d) Side Setbacks



HPO ZONES

Historic Protection Overlay Zone Districts

Staff

PUBLIC COMMENT

- Comments submitted in opposition, focusing on ability of the Landmarks Commission discretion to approve different setbacks.
- Lack of quasi-judicial process, like ZHE for a Variance.

HISTORIC PRESERVATION STAFF COMMENTS

- Granting the Landmarks Commission the power to permit variances to such is appropriate as the Landmarks Commission, like the ZHE, is a quasi-judicial board with the same responsibilities and accountabilities.
- The Landmarks Commission is better equipped to determine what is an appropriate variance for the community.

ONE ALBUQUERQUE

Table 6-1-1: Summary of Development Review Procedures

DHO = Development Hearing Officer EPC = Environmental Planning Commission LC = Landmarks Commission
 ZHE = Zoning Hearing Examiner LUHO = Land Use Hearing Officer
 X = Required [] = Public Hearing <> = Quasi-judicial Hearing
 R = Review/Recommend D = Review and Decide AR = Appeal Review / Recommend AD = Appeal Review and Decide

Historic Certificate of Appropriateness – Major		X	X	X	X	X	X	R			<D>		<AR>	<AD>	6-6(D)
---	--	---	---	---	---	---	---	---	--	--	-----	--	------	------	--------

NR-SU

Non-residential Sensitive Use Zone District



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Fire Station or Police Station On page 53, in Subsection 14-16-2-5(E)(2), delete subsection (f).</p> <p>On page 151, in Table 4-2-1, add a new use for Fire station or police station with P in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.</p>	<p>Allows fire stations and police stations to be permissive in existing zone districts.</p> <p>Currently, fire stations and police stations require a zone change to NR-SU and the adoption of a Site Plan - EPC.</p>

- 2-5(E)(2) Use and Development Standards
The following uses require an NR-SU zone district:
 - 2-5(E)(2)(a) Airport
 - 2-5(E)(2)(b) Cemetery
 - 2-5(E)(2)(c) Correctional facility
 - 2-5(E)(2)(d) Crematorium
 - 2-5(E)(2)(e) Fairgrounds
 - 2-5(E)(2)(f) Fire station or police station**
 - 2-5(E)(2)(g) Natural resource extraction
 - 2-5(E)(2)(h) Solid waste convenience center
 - 2-5(E)(2)(i) Stadium or racetrack
 - 2-5(E)(2)(j) Waste and/or recycling transfer station



Table 4-2-1: Allowable Uses
 P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
 CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional 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	NR-PO
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
CIVIC AND INSTITUTIONAL USES																			
Fire station or police station															P				

Table 4-2-1

Use-specific Standards

IDO Part 4
Allowable Uses

Distance Separations

From Residential Uses: Liquor retail, Heavy Manufacturing, etc.

From Open Space: Car wash, Gas stations, Manufacturing, etc.

Between uses: Group Homes, Pawn Shops, Bail Bonds, etc.

Table 4-2-1: Allowable Uses

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
 CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional 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	NR-B	PO
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Group Living																			
CIVIC AND INSTITUTIONAL USES																			
COMMERCIAL USES																			
Agriculture and Animal-related																			
Food, Beverage, and Indoor Entertainment																			
Lodging																			
Motor Vehicle-related																			
Offices and Services																			
Outdoor Recreation and Entertainment																			
Retail Sales																			
Transportation																			
INDUSTRIAL USES																			
Manufacturing, Fabrication, and Assembly																			
Telecommunications, Towers, and Utilities																			
Waste and Recycling																			
Wholesaling and Storage																			
ACCESSORY AND TEMPORARY USES																			
ACCESSORY USES																			
TEMPORARY USES																			

USE REGULATIONS

Conditional Use for City Facilities



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Add a new subsection with text as follows and renumber subsequent subsections accordingly: <u>"City facilities do not require a Conditional Use Approval where listed as 'C' in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare."</u></p>	<p>Exempts City facilities from the conditional use process.</p>

4-1(A) LISTED USES

Table 4-2-1 indicates allowable land uses in individual zone districts, with abbreviations as described in Subsection 14-16-4-1(C). Use-specific standards in Section 14-16-4-3 establish restrictions, requirements, additional allowances, or review procedures.

- 4-1(A)(1) Table 4-2-1 may indicate that a use is allowed in a particular zone district, while the Use-specific Standard may restrict that use in particular contexts or in specified areas. For example, a use may be allowed citywide but not next to residential uses, or a use may be allowed in a small area but not citywide in the same zone district.
- 4-1(A)(2) A blank cell in Table 4-2-1 indicates that the use is not allowed in that zone district.
- 4-1(A)(3) Definitions of each land use may allow another land use listed in the table as incidental to the defined use.
- 4-1(A)(4) Additional land uses or restrictions on the use of land in a particular zone district may be contained in Sections 14-16-2-3 through 14-16-2-6 (Zone Districts) or in an Overlay zone applicable to the subject property in Part 14-16-3.



USE REGULATIONS

Conditional Use for City Facilities

Admin

PUBLIC COMMENT

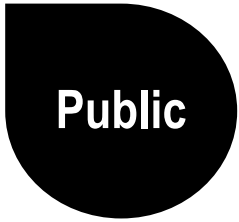
- 7 pinned comments for this amendment combined with the Fire and Police Station change.
- ~9 emailed comments in opposition to exempting the City from Conditional Use processes.
- Lack of notice and input opportunities.

STAFF COMMENT

- *EPC should carefully consider whether the potential efficiencies in the development process and the provision of these public services and City facilities outweigh the benefit, potential improvement, and transparency/accountability that comes through the public input provided during public hearings.*
- Proposed language was reviewed by City Legal, and staff will be proposing a condition for updated language, including the phrase “substantial government interest”

OUTDOOR AMPLIFIED SOUND

New Accessory Use



PROPOSED CHANGE

USE-SPECIFIC STANDARD

Change / Discussion	Explanation
<p>Create a new accessory use with use-specific standard and add an A in the following zone districts: MX-M, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM Add a CA in MX-T</p>	<p>Adds outdoor amplified sound as an accessory use to enable a curfew between 10 p.m. and 7 a.m. See related amendment for 14-16-4-3(F)(14) and 14-16-7-1.</p>

Change / Discussion	Explanation
<p>Outdoor Amplified Sound Create a new subsection with text as follows and renumber subsequent subsections accordingly: <u>"If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m."</u></p>	<p>Prohibits amplified sound after 10 p.m. near residential uses. Similar to prohibition of self-storage access.</p>



OUTDOOR AMPLIFIED SOUND

New Accessory Use

Public

PUBLIC COMMENT

- 5 pinned comments were made on amplified sound.
- One emailed comment desired no amplified sound during the regulated hours (support).
- One request was received to extend the use to midnight and provide an exception for UC-MS-PT areas.
- Some confusion over whether this permits amplified sound that is otherwise controlled by the Noise Ordinance.

STAFF COMMENT

- Noise ordinance does not completely prohibit amplified sound during restricted hours. It uses decibel readings taken at a “receiving property” to see if noise is exceeding allowable thresholds. Thresholds change based on time of day/night.
- Proposed use does not allow anything new per se and allows for the curfew on amplified sound that is more strict than the noise ordinance.

Council

COTTAGE DEVELOPMENT

Item #3

Adds two use-specific standards to Cottage Development:

1. Allows units to be attached on one side
2. Requires dwelling units to have front porches



DUPLEX

Item #13

Council

Proposes to allow duplexes in the R-1 zone district with the following new use-specific standards:

1. Permissive use if attached to an existing building
2. Conditional use if constructed on a vacant lot
3. Not allowed on lots with an Accessory Dwelling Unit
4. Street-facing facades must have one entrance and one window

TWO-FAMILY DWELLINGS

Use-Specific Standard

Public

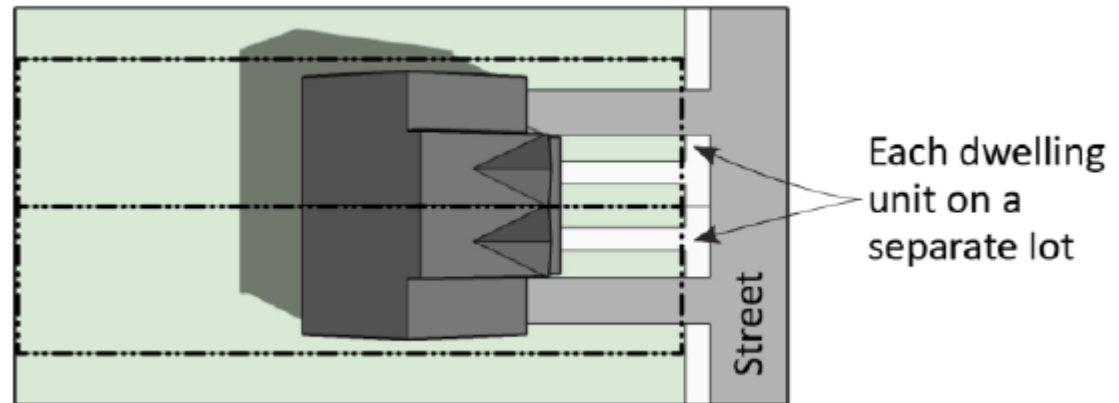
PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise text as follows: "This use is prohibited in the R-1 zone district, <u>except for the following</u>:</p> <ol style="list-style-type: none"> <u>In R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot.</u> <u>On corner lots that are a minimum of 5,000 square feet.</u> 	<p>Allows duplexes in R-1 on corner lots that are at least 5,000 s.f.</p>

4-3(B)(5) Dwelling, Two-family Detached (Duplex)

- 4-3(B)(5)(a) Where this use is allowed and the 2 dwelling units are on separate lots, interior side setbacks required by the zone district shall not apply to any lot line where the 2 units share a common wall.
- 4-3(B)(5)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)



TWO-FAMILY DWELLINGS

Use-Specific Standard

Public

PUBLIC COMMENT

- 31 pinned comments were made on duplexes.
- ~15 comments were emailed in opposition to expanding allowances for duplexes, generally.
- A few comments submitted in opposition to cottage development change related to attached units.
- A few comments were submitted in support of the proposed changes to provide additional housing units and living options.

STAFF COMMENT

- Allowing duplexes in more locations is consistent with Comprehensive Plan policies encouraging housing options, affordability, infill, and gentle density.
- Any proposed duplex would have to meet all parking requirements, design standards, and small-area standards in the IDO, ensuring that they are high-quality and consistent with the established requirements in low-density residential neighborhoods.

COTTAGE DEVELOPMENT

Use-Specific Standard

Public

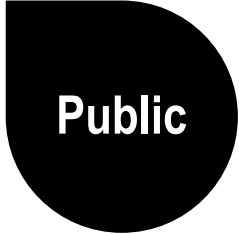
PUBLIC COMMENT

- 7 pinned comment were submitted regarding cottage development
- A few comments submitted in opposition to cottage development change related to attached units.
- A few comments were submitted in support of the proposed changes to provide additional housing units and living options.

STAFF COMMENT

- Expanding allowances for cottage development in more locations is consistent with Comprehensive Plan policies encouraging housing options, affordability, infill, and gentle density.
- Questions have been raised regarding the minimum and maximum project sizes for cottage development, and staff is discussing potential changes to these sizes through conditions of approval.

DWELLING, LIVE-WORK



PROPOSED CHANGE

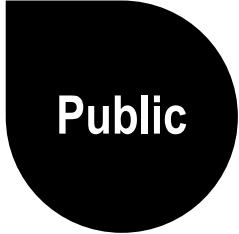
IDO TEXT

Change / Discussion	Explanation
<p>Dwelling, Live-work On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML.</p> <p>On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.</p> <p>In Subsection (c)2, revise text as follows: "Any use <u>other than restaurant</u> in the Food, Beverage, and Indoor Entertainment category."</p>	<p>Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.</p>

- 4-3(B)(7) Dwelling, Live-work**
- 4-3(B)(7)(a) The business operator must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use, including a business registration permit from the City.
 - 4-3(B)(7)(b) The building and lot may be used for both a residence and a business that does not qualify as a home occupation being conducted by a resident of the building.
 - 4-3(B)(7)(c) The building and lot shall not be used for any of the following uses identified in Table 4-2-1:
 1. Any use in the Agricultural or Animal-related category.
 2. Any use in the Food, Beverage, and Indoor Entertainment category.
 3. Any use in the Motor Vehicle-related category.
 4. Any use in the Industrial Uses category except artisan manufacturing or outdoor storage.
 5. Commercial services.
 6. Construction contractor facility and yard.
 7. Crematorium.
 8. Mortuary.
 9. Adult retail.
 10. Liquor retail.
 - 4-3(B)(7)(d) A wall sign is allowed that is no more than 8 square feet in size or as allowed by the underlying zoning, whichever is lesser, and that is located no higher than the top of the ground floor of the building.



DWELLING, LIVE-WORK



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows: <u>"Where allowed in a Residential zone district, general retail and restaurant are limited to a total of 3,000 square feet or less."</u></p>	<p>Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not</p>
<p>Add a new subsection (f) with text as follows: <u>"In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."</u></p>	<p>purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences.</p>
<p>Add a new subsection (g) with text as follows: <u>"In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail and restaurants are allowed."</u></p>	<p>Prohibits cannabis retail and nicotine retail in all zone districts.</p>

- 4-3(B)(7) Dwelling, Live-work**
- 4-3(B)(7)(a) The business operator must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use, including a business registration permit from the City.
 - 4-3(B)(7)(b) The building and lot may be used for both a residence and a business that does not qualify as a home occupation being conducted by a resident of the building.
 - 4-3(B)(7)(c) The building and lot shall not be used for any of the following uses identified in Table 4-2-1:
 1. Any use in the Agricultural or Animal-related category.
 2. Any use in the Food, Beverage, and Indoor Entertainment category.
 3. Any use in the Motor Vehicle-related category.
 4. Any use in the Industrial Uses category except artisan manufacturing or outdoor storage.
 5. Commercial services.
 6. Construction contractor facility and yard.
 7. Crematorium.
 8. Mortuary.
 9. Adult retail.
 10. Liquor retail.
 - 4-3(B)(7)(d) A wall sign is allowed that is no more than 8 square feet in size or as allowed by the underlying zoning, whichever is lesser, and that is located no higher than the top of the ground floor of the building.



DWELLING, LIVE-WORK

Public

PUBLIC COMMENT

- 8 pinned comments were made on live-work.
- ~10 emailed comments in opposition to expanded live-work, particularly in R-1 zones.

Live-work: A residential dwelling unit that includes a dedicated work space accessible from the living area, reserved for and regularly used by one or more residents of the dwelling unit, and in which the type or size of the work performed is larger or more extensive than that allowed as a home occupation.

Home Occupation: An activity that is carried on for commercial or philanthropic purposes on the same lot as a dwelling unit where the operator of the home occupation resides and that is clearly secondary to that dwelling.

STAFF COMMENT

- This proposal will foster a small, local, neighborhood-oriented economy, providing economic opportunities for many sectors of the community that may have otherwise been limited in their possibilities for economic growth.
- Grocery store is separately defined from General retail and could be added to live-work to support this amendment. The difference is whether greater than 50% of the floor area is devoted to the sale of food products for home preparation and consumption.

OVERNIGHT SHELTER



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise Table 4-2-1 to make permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).</p> <p>Revise Subsection 14-16-4-3(C)(6) as follows: "(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter. (b) This use shall be conducted within fully enclosed portions of a building. (a) [new] This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:</p> <ol style="list-style-type: none"> More than 50 beds in any zone district where allowed, except MX-H. Locations within 1,500 feet in any direction of any other overnight shelter. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district. <p>(c) (b) In the MX-M zone district, this use shall not exceed 25,000 square feet.</p>	<p>Allows small overnight shelters permissively in zone districts where the use is currently only allowed conditionally.</p> <p>Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other.</p>

- 4-3(C)(6) **Overnight Shelter**
- 4-3(C)(6)(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.
 - 4-3(C)(6)(b) This use shall be conducted within fully enclosed portions of a building.
 - 4-3(C)(6)(c) In the MX-M zone district, this use shall not exceed 25,000 square feet.

Table 4-2-1: Allowable Uses
 P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
 CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional 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	NR-PO
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
CIVIC AND INSTITUTIONAL USES																			
Adult or child day care facility			C	C	C	P	P	P	P	P	P	A	A						
BioPark																	P (in D)		4-3(C)(7)
Cemetery															P				
Community center or library	C	P		P	P	P	P	P	P	C	C	C	C		P		C		4-3(C)(1)
Correctional facility														P					
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	CV			P		C		4-3(C)(2)
Fire station or police station														P					
High school	C	C		C	C	P	P	P	P	P	P	C			P				4-3(C)(3)
Hospital									P	P	P	P							4-3(C)(4)
Museum				CV	CV	C	P	P	P	P	P	P	P		P	A			4-3(C)(5)
Overnight shelter									C	C	C	C	C	C					4-3(C)(6)
Parks and open space	P	P		P	P	P	P	P	P	P	P	C	C	A	P	P	P		4-3(C)(7)
Religious institution	P	P		P	P	P	P	P	P	P	CV	CV							4-3(C)(8)
Sports field							CV	C	P	P	P	P	C		P		C		



OVERNIGHT SHELTER

Staff

PUBLIC COMMENT

- 7 pinned comments were made regarding overnight shelters
- ~5 emailed comments were submitted in opposition to these changes.
- Particular concern over Conditional Use for decreased separations, and impact of proposed amendment to exempt City facilities from Conditional Use requirements.

STAFF COMMENT

- Does not expand the zones where overnight shelters are an allowable use.
- Simplifies the process for smaller shelters to open, and provide much-needed services.
- Keeps a Conditional Use process when in close proximity to neighborhoods.

GENERAL RETAIL

Admin

PROPOSED CHANGE

Change / Discussion	Explanation
<p>Add a new Subsection (b) with text as follows and renumber subsequent Subsections accordingly: <u>"This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances."</u></p>	<p>Requires a perimeter wall for general retail stores to limit pedestrian access and deter crime.</p>

LIGHT VEHICLE FUELING

Admin

PROPOSED CHANGE

Change / Discussion	Explanation
<p>Add a new Subsection with text as follows: <u>"This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances."</u></p>	<p>Requires a perimeter wall for gas stations to limit pedestrian access and deter crime.</p>

COMMERCIAL WALLS

Admin

PUBLIC COMMENT

- Like front yard walls for low-density residential, commenters were opposed to these changes.
- Concerns regarding negative impacts on connectivity for pedestrians and urban design with little perceived benefit.

STAFF COMMENT

- *EPC should carefully consider the extent to which walls improve public safety and whether that community benefit outweighs the negative impact to connectivity, access, urban design, and community character encouraged by Comp Plan goals and policies.*

ELECTRIC UTILITY



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise Subsections (a), (b), (c), and (d) to add battery storage in addition to substations.</p> <p>Revise Subsection (f) as follows: "Electric generation facilities, as <u>defined</u> identified in the Facility Plan for Electric System Transmission and Generation, are large-scale industrial developments and are only allowed in the NR-GM zone district."</p>	<p>Requires walls and landscaping for battery storage facilities associated with electric utilities. The definition of electric utility includes battery storage as an incidental activity in Section 7-1.</p> <p>Electric utilities are regulated separately from the standalone Battery Energy Storage System (BESS) proposed in another amendment.</p>

4-3(E)(8)

Electric Utility

- 4-3(E)(8)(a) Substation walls shall be set back a minimum of 10 feet from all property lines to allow for perimeter landscape.
- 4-3(E)(8)(b) Substation facilities shall be surrounded by a minimum 10-foot landscaped buffer area consisting of shrubs and other vegetation that complies with the safety and maintenance requirements for substations.
- 4-3(E)(8)(c) Substations shall be surrounded by a wall a minimum of 12 feet high wall.
- 4-3(E)(8)(d) All existing substations that undergo expansion shall meet the design standards for new substations.
- 4-3(E)(8)(e) All uses and associated facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended, except that battery storage facilities are not considered electric generation facilities and may be a primary activity in association with the electric utility use in the NR-BP, NR-LM, and NR-GM zone districts.
- 4-3(E)(8)(f) Electric generation facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are large scale industrial developments and are only allowed in the NR-GM zone district.



BESS

Staff

Battery Energy Storage System

PROPOSED CHANGE



1. On page 154, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 4-2-1, add a new row for “Battery energy storage system” with a P in NR-LM and NR-GM to allow a battery energy storage system as a permissive primary use.

New use that responds to recent applications for private battery energy storage systems and a Declaratory Ruling by the ZEO in early 2022. Establishes distance separations from residential, Major Public Open Space, religious institutions, and schools.

2. On page 194, in Subsection 14-16-4-3(E), add a new Subsection for battery energy storage system with text as follows.

4-3(E) INDUSTRIAL USES

4-3(E)(2) Battery Energy Storage System [New]

4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.



BESS

Battery Energy Storage System

Staff

PROPOSED CHANGE

[Click to see Exhibit](#)

4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.

1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.

4-3(E)(2)(c) A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

4-3(E)(2)(d) All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.

4-3(E)(2)(e) This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

BESS

Battery Energy Storage System

Staff

PROPOSED CHANGE



3. On page 276, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Battery energy storage system” with “No requirement” for parking.

4. On page 303, in Subsection 14-16-5-6(C)(10), add a new subsection with text as follows.

5-5(C) GENERAL LANDSCAPING STANDARDS

5-6(C)(10) Planting near Utilities

5-6(C)(10)(h) [new] Planting of combustible plant material is prohibited within 25 feet in any direction of a battery energy storage system. Ground cover and turf are allowed, provided that they do not form a means of readily transmitting fire.

5. On page 383, in Subsection 14-16-5-13(B)(7), add a new subsection with text as follows.

5-13(B) MAINTENANCE STANDARDS

5-13(B)(7) Landscaping, Buffering, and Screening

5-13(B)(7)(d) [new] The area within 25 feet in any direction of a battery energy storage system shall be cleared of combustible vegetation and other combustible growth.



BESS

Staff

Battery Energy Storage System

PROPOSED CHANGE

Click to see Exhibit

6. On page 548, in Section 14-16-7-1, add a new term “Battery Energy Storage System” with text as follows.

Battery Energy Storage System

A utility-scale facility that stores energy from the electrical grid and then discharges it at a later time to provide electricity when needed. Electrochemical batteries may include, but are not limited to, lithium- ion, lead-acid, redox flow, and molten salt (including sodium-based chemistries). For the purposes of this IDO, batteries used in consumer products, including EV vehicles, are not included in this use. Battery storage associated with an electric utility is regulated separately. See *Electric Utility*.

7. On page 617, in Section 14-16-7-2, add new acronyms as follows.

NFPA: National Fire Protection Association

dBA: A-weighted decibel (dB)

BESS

Staff

Battery Energy Storage System

AGENCY AND PUBLIC COMMENT

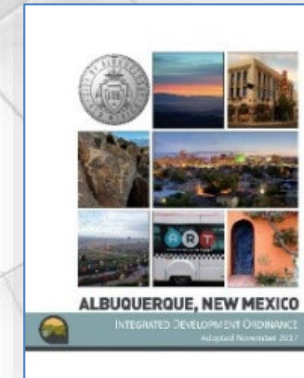
- PNM submitted lengthy public comments supporting the inclusion of BESS facilities as an important part of the transition to clean, renewable energy.
- PNM raises significant concerns about the current draft language and potential for conflict between BESS and the existing Electric Utility use they fall under. A meeting is being scheduled between City staff and PNM to further discuss these issues.
- Comment from a BESS developer were also submitted opposed to parts of the amendment, as currently drafted.
- City Council sent a memo requesting that the EPC not make any recommendations today and/or defer action until the January hearing.

Context
Rules

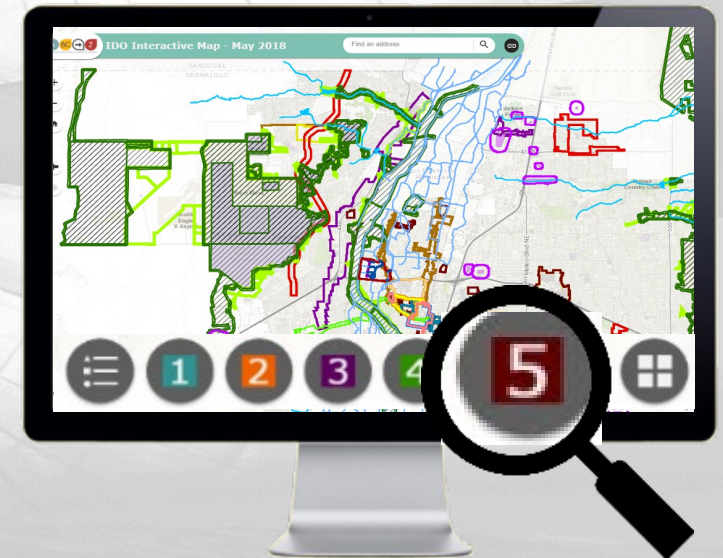
IDO Part 5 Development Standards

Rules that set quality standards for development

- 5-1 DIMENSIONAL STANDARDS
- 5-2 SITE DESIGN + SENSITIVE LANDS
- 5-3 ACCESS + CONNECTIVITY
- 5-4 SUBDIVISION OF LAND
- 5-5 PARKING + LOADING
- 5-6 LANDSCAPING, BUFFERING, +
SCREENING
- 5-7 WALLS + FENCES
- 5-8 OUTDOOR + SITE LIGHTING
- 5-9 NEIGHBORHOOD EDGES
- 5-10 SOLAR ACCESS
- 5-11 SIGNS



<https://tinyurl.com/CABQ-IDO-12-2022>



<https://tinyurl.com/IDOzoningmap>

SENSITIVE LANDS

Landfill Gas Mitigation

Admin

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise text as follows: "Sensitive lands include landfill gas buffer areas, which comprise closed or operating <u>landfills closed within the last 30 years</u>, and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.</p>	<p>Exempts landfills closed more than 30 years ago from landfill gas mitigation procedures.</p>

5-2(H)

LANDFILL BUFFERS

Sensitive lands include landfill gas buffer areas, which comprise closed or operating landfills and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.

SENSITIVE LANDS

Landfill Gas Mitigation

AGENCY & PUBLIC COMMENT

- At least 5 written comments opposed to this change, including Bernalillo County staff and the City's Environmental Services Division.

STAFF COMMENT

- Consistent with policies promoting more streamlined development and efficient review processes, but conflicts with Community Health and Land Use Impacts policies due to continued potential risks.
- All landfills currently located within Albuquerque and regulated by this requirement are over 30 years old.

FRONT YARD PARKING – ANGULAR STONE

Item #42

Council

Proposes to disallow angular stone as an allowed material for the purposes of improved parking areas on a front yard.

BOAT AND RV PARKING

Item #17

Council

Proposes to disallow the parking of recreational vehicles, boats, and/or recreational trailers in any portion of the front yard.

BOAT AND RV PARKING

Council

AGENCY & PUBLIC COMMENT

- 15 pinned comments were made on the front yard and boat and RV parking proposals
- Comments are both in support and opposition.
- After the 48-hour materials were sent, Council staff sent clarifications regarding the intent of the proposal to only restrict or change such regulation on residential lots.

STAFF COMMENT

- There appears to be some confusion in public comments, which may be related to Council's proposed change.
- Staff will evaluate Council's request further for the January hearing, should this case be continued.

PARKING MAXIMUMS NEAR TRANSIT FACILITIES

Item #18

Council

Proposes to add a new parking maximum:

- I. Within 330 feet of a transit facility

Transit Facility is defined as:

Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.

LANDSCAPING APPLICABILITY

Item #20

Council

Proposes to reduce the applicability thresholds for landscaping requirements by 20%

1. New parking lot containing 25 or more spaces → Change to 20 spaces
2. Expansion of an existing building by 2,500 square feet or 25% → Change to 2,000 square feet and 20%
3. Renovation or redevelopment of an existing building valued at \$500,000 or more → change to \$400,000

PARKING MAXIMUMS

Council

PUBLIC COMMENT

- Comments mostly opposed to limiting parking near transit facilities.

STAFF COMMENT

- Council staff has requested a condition to exempt park & ride facilities to match the original intent of the request.
- Limiting surface parking is consistent with several Comp Plan policies regarding transit and pedestrian-oriented neighborhoods.
- Parking maximums do not apply to structured parking.

LANDSCAPING

General Landscaping Standards



PROPOSED CHANGE

IDO Annual Update 2023
Exhibit – Landscaping Amendments



Change / Discussion	Explanation
<p>Landscape Standards</p> <p>Exhibit includes changes to these sections:</p> <ul style="list-style-type: none"> 5-6(C) General Landscaping Standards 5-6(C)(4) Required Plant Materials and Site Amenities 5-6(C)(5) Soil Condition and Planting Beds 5-6(C)(7) Plant Material Spacing 5-6(C)(10) Planting Near Utilities 5-6(C)(14) Irrigation Systems 7-1 Definition – Warm Season Grasses 	<p>Broadens the applicability of these building design standards to all uses in the Group Housing sub-category in Table 4-2-1. See Development Definitions, Multi-family Residential Development.</p>

1. On page 300, revise text in Subsection 14-16-5-6(C) as follows:

5-6(C) GENERAL LANDSCAPING STANDARDS

5-6(C)(4) Required Plant Materials and Site Amenities

- 5-6(C)(4)(a) A minimum of 5 ~~10~~ species must be used in the landscaped area.
- 5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be cool season grass species. ~~Irrigated cool 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 cool season grass shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting cool season grass adjacent to impermeable surface.)~~
- 5-6(C)(4)(e) [new] No more than 20 percent of required landscape areas shall be warm season grass species.
- 5-6(C)(4)(f) [new] Irrigated 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.
- 5-6(C)(4)(g) [new] Any grass irrigated with sprinklers shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting grass adjacent to impermeable surface.)

5-6(C)(5) Soil Condition and Planting Beds

- 5-6(C)(5)(d) A minimum ~~depth of 2 inches~~ 3 inches of organic mulch, such as arborist mulch or native mulch woodchips, is required in all planting areas. (See figure below.) Decorative bark mulches, bark nuggets, and pecan shells are prohibited.

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

- 5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall be located the following distances at least 3 feet in any direction from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections:
 1. Shrubs: 3 feet
 2. Trees: 15 feet



LANDSCAPING

General Landscaping Standards

Part
5

Staff

PROPOSED CHANGE

Click to see Exhibit

Change / Discussion	Explanation
<p>Landscape Standards</p> <p>Exhibit includes changes to these sections:</p> <ul style="list-style-type: none"> • 5-6(C) General Landscaping Standards • 5-6(C)(4) Required Plant Materials and Site Amenities • 5-6(C)(5) Soil Condition and Planting Beds • 5-6(C)(7) Plant Material Spacing • 5-6(C)(10) Planting Near Utilities • 5-6(C)(14) Irrigation Systems • 7-1 Definition – Warm Season Grasses 	<p>Broadens the applicability of these building design standards to all uses in the Group Housing sub-category in Table 4-2-1. See Development Definitions, Multi-family Residential Development.</p>

5-6(C)(7)(d) [new] Shrubs, ornamental grasses, and groundcovers shall be spaced so that no plant is within ½ of the mature diameter of another plant.

5-6(C)(7)(e) [new] Trees shall be spaced so that no tree is within ½ the mature diameter of another tree.

5-6(C)(10) Planting near Utilities

5-6(C)(10)(e) All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance in any direction for access and to ensure the safety of the work crews and public during maintenance and repair.

5-6(C)(14) Irrigation Systems

5-6(C)(14)(d) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, drive aisles, hardscapes, or streets; non-landscaped areas; adjacent property; or parking and loading areas.

ONE
ALB
QUER
ER
ONE

Part
7

5. On page 571, revise text in Subsection 14-16-7-1 Definitions as follows:

Warm Season Grasses

Grasses that thrive when temperatures are 75 degrees or higher, including but not limited to, buffalo grass, blue grama, Indian rice grass, clover, thyme, and sand dropseed grass. These grasses are native and drought tolerant and have lower water requirements than cool season grasses.

WALLS & FENCES

Front Yard Wall



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Create a new subsection 1, renumbering subsequent subsections accordingly, with text as follows: <u>"For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if all of the following requirements are met:</u></p> <p><u>(a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.</u></p> <p><u>(b) View fencing is used for portions of a wall above 3 feet.</u></p> <p><u>(c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."</u></p>	<p>Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, and landscaped.</p>

Table 5-7-1: Maximum Wall Height

Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) ^[1]	Non-residential (NR-LM, NR-GM)	See also:
Standard Wall Height					
Wall in the front yard or street side yard ^{[2][3][4][5]}	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot ^{[6][7]}	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)

Table 5-7-2: Options for a Taller Front or Side Yard Wall^[1]

Wall Type and Location	Maximum Wall Height	Illustration
View Fencing		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
Courtyard Walls		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
Corner Lots		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)

[1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major).

WALLS & FENCES

Front Yard Wall



Admin

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Options for a Taller Front or Side Yard Wall</p> <p>Revise the first row of text under View Fencing as follows: "<u>5 ±0 ft. from lot line abutting the street"</p>	<p>Requires Permit - Wall or Fence - Major for 5-ft. walls less than 5 feet from the property line.</p>

Table 5-7-1: Maximum Wall Height

Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) ^[1]	Non-residential (NR-LM, NR-GM)	See also:
Standard Wall Height					
Wall in the front yard or street side yard ^{[2][3][4][5]}	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot ^{[6][7]}	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)

Table 5-7-2: Options for a Taller Front or Side Yard Wall^[1]

Wall Type and Location	Maximum Wall Height	Illustration
View Fencing		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
Courtyard Walls		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
Corner Lots		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)

[1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major).



WALLS & FENCES

Front Yard Wall

Admin

PUBLIC COMMENT

- 28 pinned comments were made regarding this and/or the proposed commercial wall requirements for retail and gas stations.
- ~17 emailed comments were submitted opposing this change.

STAFF COMMENT

- Partially consistent with Comp Plan goals and policies.
- May contribute to a sense of safety.
- *EPC should carefully consider the extent to which walls improve public safety and whether that community benefit outweighs the negative impact to connectivity, access, urban design, and community character encouraged by Comp Plan goals and policies.*

WALLS & FENCES

Front Yard Wall

Admin

HISTORIC PRESERVATION COMMENTS

- The 3 foot front wall/fence height limit within front setbacks has been a part of the Albuquerque Zoning code since 1959.
- Within residential areas, the front fence is historically defining of the front yard and not a security fortification.
- Regardless of the allowable height, there may always be a desire for taller walls.
- The low front fence is an American statement of home and neighborhood.
- Variances, if really needed, can always be applied for, but the higher fence should be an exception, not the norm.

OUTDOOR AND SITE LIGHTING



Replace Section 14-16-5-8 in its entirety

PROPOSED CHANGE

5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light trespass between private properties, minimize disruption to natural ecosystems, and prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky.

IDO TEXT

5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light pollution between private properties, and prevent unnecessary sky glow that reduces visibility of stars in the night sky.



OUTDOOR AND SITE LIGHTING

Staff

Replace Section 14-16-5-8 in its entirety

PUBLIC COMMENTS

- 7 emailed written comments supporting the change with requests for specific changes or alterations.
 - MX zones limit to Lz2
 - Additional language in the purpose statement
 - Additional lumen limits on specific types of lighting
 - Eliminating minimum CCT, lowering the maximum
 - Lowering motion sensor timing
 - Site lumen limits for specific uses
 - Definition edits
 - Reducing the period of nonconformity by 5 years
- 24 pinned comments were made online.

STAFF COMMENTS

- The changes strike an appropriate balance between allowing for adequate lighting of outdoor spaces for navigating and ensuring safety while also encouraging less light overall to minimize our human impact on the night sky.
- Continuance of the hearing will allow staff to review the public comments with our consultant that helped draft the exhibit.
- Staff intends to provide some clarifying conditions based on further review and comment.

BUILDING DESIGN

Item #25

Council

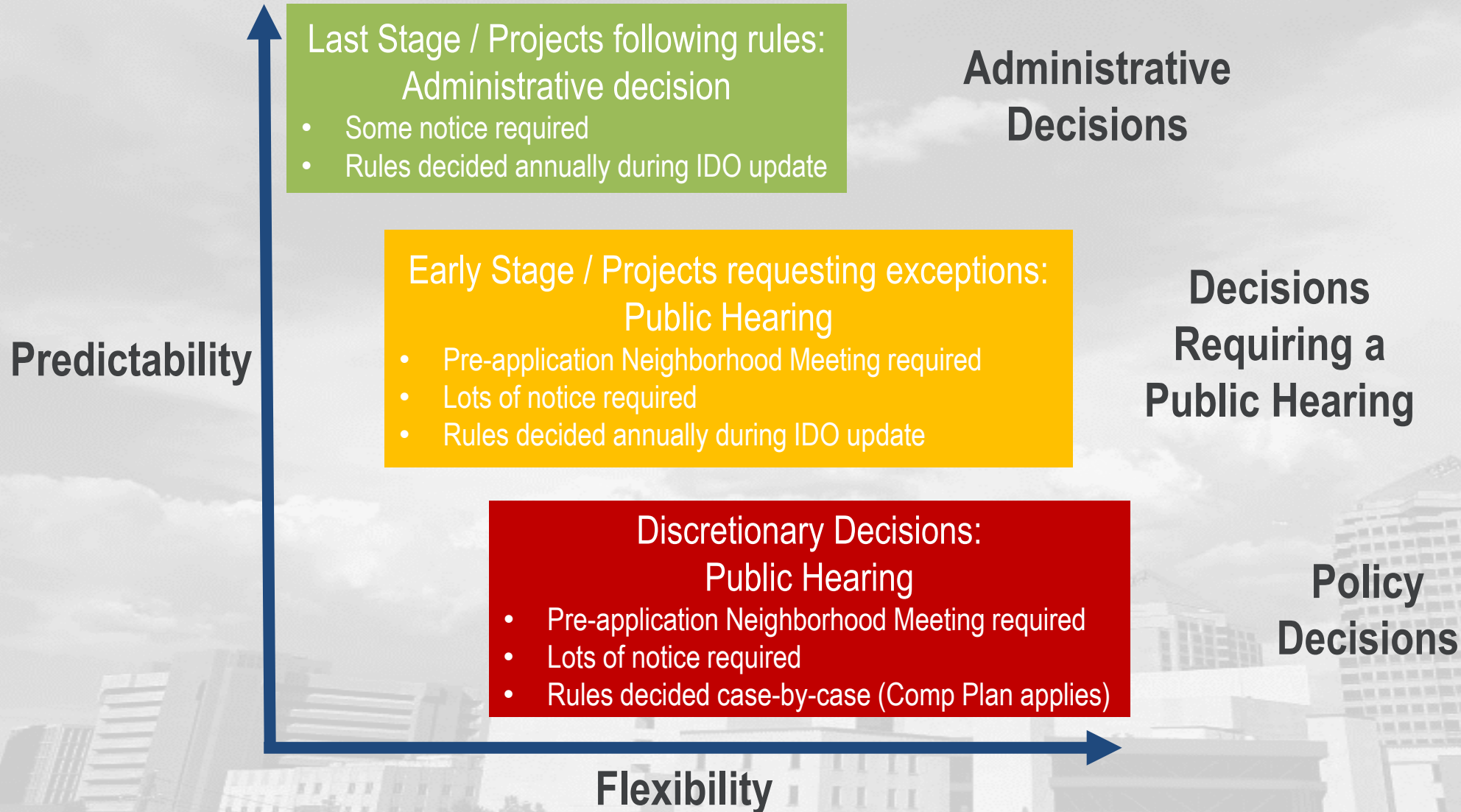
Proposes to require façade articulation requirements for:

1. Non-residential development other than industrial development in NR-LM or NR-GM
2. Industrial Development in any zone district

PUBLIC COMMENT

- 5 pinned comments were made online regarding building facades.
- One emailed comment is in support if the applicable façade length for the industrial development section was extended to 150 feet and to include/allow vertical projections and recesses in addition to horizontal.

FINDING THE BALANCE



DECISION-MAKING BODIES



EPC Appointments

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>EPC Appointments 6-2(E)(2)(b) <u>Prior to when a vacancy on the EPC occurs or upon the resignation of an EPC member:</u> 1. The Mayor shall notify a City Councilor in writing that his/her District member's term will be expiring of office has expired or that the position is otherwise will be vacant, and that the City Councilor shall have 60 calendar days to submit recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.</p>	<p>Allows the EPC appointment process to begin before the Commissioner leaves, eliminating or minimizing the time that a seat is vacant.</p>

6-2(E)(2)

Appointments

- 6-2(E)(2)(a) If an EPC member's term of office is ending, that member is eligible for reappointment to the EPC, and the City Councilor in whose District that member resides desires to reappoint the member, the City Councilor shall so notify the City Council and the member shall be reappointed subject to the advice and consent of the City Council.
- 6-2(E)(2)(b) When a vacancy on the EPC occurs:
 1. The Mayor shall notify a City Councilor in writing that his/her District member's term of office has expired or the position is otherwise vacant, and that the City Councilor shall have 60 calendar days to submit 2 recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.
 2. The Mayor shall then recommend 1 of the 2 individuals recommended by the City Councilor for appointment with the advice and consent of the City Council.
 3. The Mayor shall deliver to the City Council the Mayor's recommendation from the 2 names submitted within 30 calendar days of delivery of the 2 names to the Mayor. If the Mayor fails to timely make a recommendation from the 2 names submitted, the City Councilor who submitted the names may appoint one of the 2 recommended members, subject to the advice and consent of the City Council.



PRE-SUBMITTAL
NEIGHBORHOOD MEETING
VALIDITY PERIOD

Council

Proposes to extend the time in which a Pre-Submittal Neighborhood Meeting report is valid from 90 days to 1 year.

GENERAL PROCEDURES

Pre-submittal Neighborhood Meeting



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise Subsection (1) as follows: "For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to</u> the subject property no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met." Delete Subsection (2).</p>	<p>Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result. Common administrative practice currently assumes .025 miles (132 feet) from the subject property line to pick up relevant Neighborhood Associations. For large roadways, ONC staff has to measure the roadway. If larger than 132 feet, ONC staff has to manually add Neighborhood Associations that are adjacent. The adjacency requirement precludes automation in GIS. This solution will help automate queries for required NA representative contacts. Note: 330 feet = 1/16 of a mile or approx. 1 city block See related proposed changes to make distances consistent for public notice [6-4(K)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>

- 6-4(B)(1) For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject property no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.
- 6-4(B)(1)(a) Table 6-1-1 requires a meeting with a neighborhood to be offered for that type of application.
- 6-4(B)(1)(b) The application is a Site Plan – Administrative proposing a new building or multiple new buildings that include a total of any of the following:
1. More than 100 multi-family residential dwelling units.
 2. More than 50,000 square feet of non-residential development.

GENERAL PROCEDURES

Pre-submittal Neighborhood Meeting

Staff

PUBLIC COMMENT

- Many comments submitted were generally opposed to changes that shift this and similar requirements from adjacency to a specific distance.
- At least one comment was made in support of the distance change as meeting the intent, and in some cases providing more notice than what falls under adjacency.

STAFF COMMENT

- The proposed set distance of 330 feet is more easily mapped and, in most cases, more generous than the existing requirement.



AGENCY REFERRALS

Timeframes



Staff

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Referrals to Agencies Revise second sentence as follows: "<u>For administrative decisions in Table 6-1-1, any comments received after such a referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures. For decisions that require a public hearing and policy decisions in Table 6-1-1, Any comments must be received within 15 calendar days after such a referral to shall be considered with the application materials in any further review and decision-making procedures.</u>"</p>	<p>Matches current practice. Referring agencies receive notice of applications that are decided administratively, but the City will not delay these administrative decisions for 15 days until the comment period ends, as is done with decisions that require a public hearing.</p>

6-4(J) REFERRALS TO COMMENTING AGENCIES
 Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

TRIBAL ENGAGEMENT

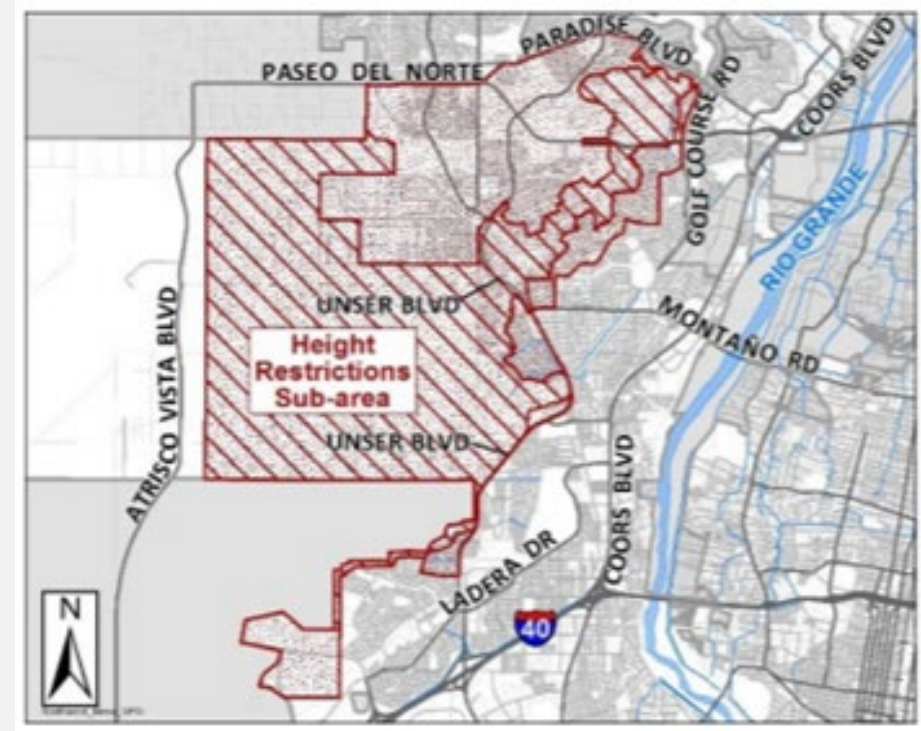
Council

Item #58

Proposes to require tribal entities and/or representatives to be considered “commenting agencies” for development in the following locations:

1. Within 660 feet of the Petroglyph National Monument
2. Within 660 feet of MPOS
3. Within 660 feet of tribal land
4. ~~Within the Albuquerque Indian School Area~~
5. Within 660 feet of the Northwest Mesa Escarpment View Protection Overlay Zone*

Proposes to include tribal entities and/or representatives in the Archaeological Certificate process



*Small Area application (separate review and approval process)

TRIBAL ENGAGEMENT

Staff

PUBLIC COMMENT

- The Pueblo of Laguna submitted comments and supports the goals of the amendment with 3 suggestions:
 - Extend the proposed distance from 660 feet to one mile
 - Extend the notice requirement to the Coors Boulevard CPO/MPO
 - Tribes be allowed to supplement the notice by designating an additional tribal officer or employee to receive notice, such as the Tribal Historic Preservation Officer
- 4 other emailed comments were received in support and 6 pinned comments were made online.

STAFF COMMENT

- Planning staff is working with Council staff to share this amendment and solicit feedback.
 - Presented to the [Commission on American Indian and Alaska Native Affairs](#), Wednesday, December 13th.
- The proposal provides transparency and opportunities for discussion and engagement about development that may impact tribal communities.

PUBLIC NOTICE

Notice to Neighborhood Associations



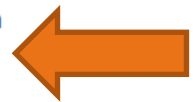
PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Public Notice to Neighborhood Associations Replace the adjacency requirement for notice to Neighborhood Associations with a set distance of 330 feet from the subject property in the following subsections: (2) Electronic Mail (3)(b)3 Mailed Notice to Neighborhood Associations</p>	<p>Replaces the "adjacent" requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>

6-4(K)(2) Electronic Mail
 Where Table 6-1-1 requires electronic mail notice, the applicant shall send an electronic mail notice to the e-mail addresses on file with the ONC for each Neighborhood Association whose boundaries include or are adjacent to the subject property.

- 6-4(K)(3)(b) Notice to Neighborhood Associations**
 Where Table 6-1-1 requires mailed notice, the applicant shall mail a notice to the 2 contact addresses on file with the ONC for Neighborhood Associations as follows.
1. For applications related to a citywide Policy Decision: all Neighborhood Associations.
 2. For applications related to a Wireless Telecommunications Facility (WTF): any Neighborhood Association within 1,320 feet (¼ mile) in any direction of the subject property.
 3. For all other applications: any Neighborhood Association whose boundaries include or are adjacent to the subject property or small area.
 4. For applications where Table 6-1-1 requires electronic mail notice, mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file for that representative.



PUBLIC NOTICE

Mailed Notice to Property Owners



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Mailed Notice to Property Owners Revise the second sentence as follows: <u>"For zoning map amendment applications only, adjacent properties shall be included where</u> Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</p>	<p>Removes the adjacency requirement to allow automation for the query for property owners in all but zoning map amendment cases. The State of New Mexico requires mailed notice to adjacent property owners within 100 feet excluding right-of-way for zoning map amendments.</p>

6-4(K)(3)(c) **Notice to Property Owners**
 Where Table 6-1-1 requires mailed notice for Administrative Decisions, Decisions Requiring a Public Hearing, Amendments to Zoning Map, Adoption or Amendment of Historic Designation, or Annexation of Land, the applicant shall mail a notice to all of the following:

1. The owner of the property listed in the application.
2. All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the subject property. Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.



PUBLIC NOTICE

Amendment to IDO Text – Small Area




PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Mailed Notice for Amendments to IDO Text - Small Area Revise text as follows: "All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</p>	<p>Removes the adjacency requirement to allow automation for the query for property owners.</p>

6-4(K)(3)(d) **Notice for Amendment to IDO Text – Small Area**
 Where Table 6-1-1 requires mailed notice for an application for an Amendment to IDO Text – Small Area, the applicant shall mail a notice to all of the following, in addition to Neighborhood Associations pursuant to Subsection 6-4(K)(3)(b)3:

1. The owners of the properties within the small area.
2. All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area.  Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.



POST-SUBMITTAL FACILITATED MEETING



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise the final sentence as follows: "The facilitator shall attempt to contact all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to the subject property.</u>"</p>	<p>Replaces adjacency requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and appeals [6-4(V)(2)(a)].</p>

6-4(L)(3) Timing of a Post-submittal Facilitated Meeting



- 6-4(L)(3)(a) Once notified by the Planning Director about the request for a post-submittal facilitated meeting, the applicant shall contact the City's Alternative Dispute Resolution (ADR) office to request the post-submittal facilitated meeting within 2 business days. The City shall assign a facilitator, who shall schedule the post-submittal facilitated meeting to take place within 15 calendar days of the request to ADR. The facilitator shall attempt to contact all Neighborhood Associations whose boundaries include or are adjacent to the subject property.
- 6-4(L)(3)(b) If reasonable attempts have been made to accommodate the schedules of the applicant, the Neighborhood Associations, and the requester (if different), and no post-submittal facilitated meeting has occurred, the application shall proceed in the relevant review/decision process. If no post-submittal facilitated meeting occurs, the facilitator shall provide documentation of the attempt to schedule the post-submittal facilitated meeting and that no post-submittal facilitated meeting was scheduled within the time allotted.
- 6-4(L)(3)(c) If a post-submittal facilitated meeting occurs, the facilitator shall submit a post-submittal facilitated meeting report, including but not limited to the meeting location, date, and time; attendees; and a summary of the discussion to the Planning Department within 7 calendar days of the post-submittal facilitated meeting.



APPEALS

Standing Based on Proximity for Neighborhood Associations



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows: "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2. a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included. b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete. c. Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property." In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."</p>	<p>Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].</p>

5. Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.
 - a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included.
 - b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.
 - c. Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property.
 - d. For application types with no distance specified, the final decision may be appealed pursuant to the Subsection indicated in Table 6-4-2.

Table 6-4-2: Standing for Appeals Based on Proximity to Subject Property

Application Type	Property Owners within Distance Specified	Neighborhood Associations within Distance Specified
Administrative Decisions		
Archaeological Certificate	100 ft.	Includes or Is Adjacent
Declaratory Ruling	14-16-6-4(V)(2)(a)3	
Historic Certificate of Appropriateness – Minor	100 ft.	Includes or Is Adjacent
Impact Fee Assessment	14-16-6-4(V)(2)(a)4	
Permit – Sign		

APPEALS

Standing Based on Proximity for Neighborhood Associations



PROPOSED CHANGE

Staff

Change / Discussion

In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows: "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.

a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. ~~Where the edge of that area falls within a public right-of-way, adjacent properties shall be included.~~

b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.

c. ~~Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property."~~

In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."

Explanation

Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].

IDO TEXT

Table 6-4-2: Standing for Appeals Based on Proximity to Subject Property

Application Type	Property Owners within Distance Specified	Neighborhood Associations within Distance Specified
<i>Permit</i>	100 ft.	Includes or Is Adjacent
<i>Alternative Signage Plan</i>	330 ft.	660 ft.
Permit – Temporary Use	100 ft.	Includes or Is Adjacent
Permit – Wall or Fence – Minor	100 ft.	Includes or Is Adjacent
Site Plan – Administrative	100 ft.	Includes or Is Adjacent
Subdivision of Land – Minor	100 ft.	Includes or Is Adjacent
Wireless Telecommunications Facility Approval	330 ft.	660 ft.
Decisions Requiring a Public Hearing		
Conditional Use Approval	330 ft.	660 ft.
Demolition Outside of an HPO	330 ft.	660 ft.
Expansion of Nonconforming Use or Structure	100 ft.	Includes or Is Adjacent
Historic Certificate of Appropriateness – Major	330 ft.	660 ft.
Historic Design Standards and Guidelines	330 ft.	660 ft.
Master Development Plan	330 ft.	660 ft.
Permit – Carport	100 ft.	Includes or Is Adjacent
Permit – Wall or Fence – Major	100 ft.	Includes or Is Adjacent
Site Plan – EPC	330 ft.	660 ft.
Subdivision of Land – Major		
<i>Preliminary Plat</i> ⁽¹⁾	N/A	N/A
<i>Bulk Land Subdivision</i>	100 ft.	Includes or Is Adjacent
<i>Final Plat</i>	330 ft.	660 ft.
Vacation of Easement, Private Way, or Public Right-of-way		
<i>Vacation of Public or Private Easement</i>	100 ft.	Includes or Is Adjacent
<i>Vacation of Public Right-of-way – City Council</i>	330 ft.	660 ft.
<i>Vacation of Public Right-of-way – DHO</i>	100 ft.	Includes or Is Adjacent
Variance – EPC	330 ft.	660 ft.
Variance – ZHE	100 ft.	Includes or Is Adjacent
Waiver – DHO	100 ft.	Includes or Is Adjacent
Waiver – Wireless Telecommunications Facility	330 ft.	660 ft.
Policy Decisions		
Adoption or Amendment of Comprehensive Plan	14-16-6-4(V)(2)(a)3	
Adoption or Amendment of Facility Plan	14-16-6-4(V)(2)(a)4	
Adoption or Amendment of Historic Designation	330 ft.	660 ft.
Amendment to IDO Text – Citywide	14-16-6-4(V)(2)(a)4	
Amendment to IDO Text – Small Area	330 ft.	660 ft.
Annexation of Land	330 ft.	660 ft.
Zoning Map Amendment – EPC	330 ft.	660 ft.
Zoning Map Amendment – Council	330 ft.	660 ft.

PUBLIC NOTICE DISTANCES

Staff

PUBLIC COMMENT

- Notification and referrals received 15 pinned comments online.
- Like the change to pre-submittal meetings, there is a general opposition to changing the notice requirements from adjacency to a specific distance.
- Changes to property owner notice and automatic standing for appeals for neighborhoods have reduced distances in some cases.

STAFF COMMENT

- 330 feet is an appropriate distance to cover “includes or is adjacent”
- Creates more consistency between each step in the review and decision process.

NONCONFORMITIES

Nonconforming Structures



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Nonconforming Structures Create new subsections and revise text as follows: "1. Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 2 years, or until <u>unless</u> another provision of this Section 14-16-6-8 requires the termination of the use.</p> <p>2. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings).</p> <p>3. Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs)."</p>	<p>Allows nonconforming structures to be re-used even after being vacant for 2+ years. Note that a separate rule on nonconforming uses would continue to have a time limit of 2 years. This rule change would incentivize the reuse of existing buildings, while the nonconforming use rule would ensure compliance with allowable uses over time.</p>

6-8(D)(1) Authority to Continue
 Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 2 years, or until another provision of this Section 14-16-6-8 requires the termination of the use. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings). Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs).

DEFINITIONS



Community Residential Facility

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Definitions, Community Residential Facility Revise text as follows: "<u>A facility that is designed to provide a residence and services</u> Any building, structure, home, or in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing for persons who need personal assistance, personal services, personal care, and/or protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities and who meet meeting the definition of a handicapped person or for other persons are protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. <u>This use does not include 24-hour skilled nursing care. This use shall not include half-way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.</u> See also Family, Family Care Facility, and Group Home.</p>	<p>Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.</p>

Community Residential Facility
 Any building, structure, home, or facility in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities for persons meeting the definition of a handicapped person or for other persons protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use shall not include half-way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system. See also *Family and Group Home*.

Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).

- Community Residential Facility, Small:** A facility housing between 6 and 8 individuals that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.
- Community Residential Facility, Large:** A facility housing between 9 and 18 individuals that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.

DEFINITIONS



Community Residential Facility

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Definitions, Community Residential Facility (cont'd) Revise text as follows: "Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).</p> <ol style="list-style-type: none"> Community Residential Facility, Small: A facility housing between 6 and 8 individuals <u>receiving services, plus those providing services that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.</u> Community Residential Facility, Large: A facility housing between 9 and 18 individuals <u>receiving services, plus those providing services that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.</u> 	<p>Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.</p>

Community Residential Facility

Any building, structure, home, or facility in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities for persons meeting the definition of a handicapped person or for other persons protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use shall not include half-way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system. See also *Family and Group Home*.

Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).

- Community Residential Facility, Small:** A facility housing between 6 and 8 individuals that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.
- Community Residential Facility, Large:** A facility housing between 9 and 18 individuals that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.

DEFINITIONS

Group Home



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Group Home Revise text as follows: "<u>A facility Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours that is designed to provide a residence and services help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to for persons that who need personal assistance, personal services, personal care, and/or protective care but do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, but not skilled nursing care. This use does not include 24-hour skilled nursing care. This use includes other services as incidental activities if they comply with all local and State licensing requirements, including any required license by the New Mexico Department of Health.</u>"</p>	<p>Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.</p>

Group Home

Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours designed to help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to persons that do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, but not skilled nursing care. This use shall include halfway houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.

Group Home is divided into 3 categories based on the number of individuals residing in the facility (not the size of the structure).

1. **Group Home, Small:** A facility housing no more than 8 unrelated individuals receiving services, plus those providing services.
2. **Group Home, Medium:** A facility housing between 9 and 18 unrelated individuals receiving services, plus those providing services.
3. **Group Home, Large:** A facility housing 19 or more unrelated individuals receiving services, plus those providing services.

DEFINITIONS



Staff

Group Home

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Group Home (cont'd) Revise text as follows: "This use <u>includes</u> shall include <u>halfway houses for facilities for persons individuals</u> in the criminal justice system or residential facilities to divert persons from the criminal justice system. <u>This use includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program.</u>"</p>	<p>Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.</p>

Group Home

Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours designed to help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to persons that do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, but not skilled nursing care. This use shall include halfway houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.

Group Home is divided into 3 categories based on the number of individuals residing in the facility (not the size of the structure).

- 1. Group Home, Small:** A facility housing no more than 8 unrelated individuals receiving services, plus those providing services.
- 2. Group Home, Medium:** A facility housing between 9 and 18 unrelated individuals receiving services, plus those providing services.
- 3. Group Home, Large:** A facility housing 19 or more unrelated individuals receiving services, plus those providing services.

DEFINITIONS

Overnight Shelter



PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Overnight Shelter "A facility that provides temporary or transitional sleeping accommodations for 6 or more persons within completely enclosed portions of a building with no charge or a charge substantially less than market rates. Such facilities may provide meals, personal assistance, personal services, social services, personal care and protective care. This use does not include <u>24-hour</u> skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO."</p>	<p>Revised for consistency with other proposed changes. See proposed amendments for Community Residential Facility, Group Home, and Nursing Home in Section 7-1.</p>

Overnight Shelter

A facility that provides temporary or transitional sleeping accommodations for 6 or more persons within completely enclosed portions of a building with no charge or a charge substantially less than market rates. Such facilities may provide meals, personal assistance, personal services, social services, personal care and protective care. This use does not include skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also *Campground or Recreational Vehicle Park, Hotel or Motel, Nursing Home, and Safe Outdoor Space.*

DEFINITIONS

Staff

PUBLIC COMMENTS

- Some comments express concern about removal of the 24-hour minimum stay as a way to allow “overnight shelters” within neighborhoods under the group home and/or community residential facility uses.
- Concern has been expressed about halfway houses in neighborhoods based on these changes.

STAFF COMMENT

- These changes replace the 24-hour period and related language by stating the use is to “provide a residence and services”
- A residence is defined as a person’s home; the place where someone lives, as opposed to “temporary or transitional sleeping accommodations” as the Overnight shelter definition states.
- Halfway houses would fall under group home, which is not allowed in any R-1 neighborhood.

DEFINITIONS

Staff

CONDITIONS

- Add the following text to the proposed revision to read as follows:
"~~For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also Family, Family Care Facility, and Group Home, and Nursing Home.~~"
- Revisions respond to public comments.

DEFINITIONS



Staff

Sensitive Lands / Large Stand of Mature Trees

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise existing text as follows: "<u>At least 3</u> A collection of 5 or more trees <u>that are each at least 10 years old</u> 30 years or older or with a trunk at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property having trunk diameters (as determined by Diameter at Breast Height – DBH) averaging at least 16 inches in diameter, as determined by the City Forester.</p>	<p>Revised to be more realistic given existing trees in ABQ.</p>

Large Stand of Mature Trees

A collection of 5 or more trees 30 years or older or having trunk diameters (as determined by Diameter at Breast Height – DBH) averaging at least 16 inches in diameter, as determined by the City Forester.

[CABQ Official Plant Palette](#)

<https://www.cabq.gov/parksandrecreation/resources-rules/tree-information>

DEFINITIONS

Sensitive Lands / Rock Outcropping

Staff

PROPOSED CHANGE

IDO TEXT

Change / Discussion	Explanation
<p>Revise existing text to read as follows: "Bedrock or other stratum a minimum of <u>4 feet</u> 6 feet high on its steepest side as measured from the adjacent 10 percent slope line and in excess of <u>300</u> 500 square feet in surface area."</p>	<p>Revised to be more realistic given existing rock outcroppings in ABQ.</p>

Rock Outcropping

Bedrock or other stratum a minimum of 6 feet high on its steepest side as measured from the adjacent 10 percent slope line and in excess of 500 square feet in surface area.

DEFINITIONS

Sensitive Lands

Staff

PUBLIC COMMENTS

STAFF COMMENTS

- ±5 written comments supporting the revised definitions for large stand of mature trees and rock outcroppings.
- One comment opposed to the change.

DEFINITIONS

Adjacent [New - Condition of Approval]

Staff

PROPOSED CHANGE

Change / Discussion	Explanation
Revise existing text to read as follows: “Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. <u>Properties that are on opposite corners of an intersection diagonally (e.g. "kitty corner" or "catty corner" or "caddy corner") are not considered adjacent.</u> ”	Revised in response to a District Court decision following approval of a recent development.

DEFINITIONS

Street-facing Façade [New – Condition of Approval]

Staff

PROPOSED CHANGE

STAFF COMMENT

Change / Discussion

Revise existing text to read as follows:
“Any façade that faces and ~~is within 30 feet of a property line~~ is visible from an abutting a street, not including alleys, unless specified otherwise in this IDO. A building may have more than one street-facing façade. The phrase “façade facing a” that refers to a specific street or to alleys is included in this definition as well.”

Staff has found during project reviews that several large buildings on large parcels have not been subject to IDO façade requirements solely because they are greater than 30 feet from the property line.

Many buildings may be highly visible to the street even when setback more than 30 feet, and those buildings should comply with similar façade standards.

SUGGESTIONS

Public

PROPOSED CHANGES IN PUBLIC COMMENT

- Adjusting setback requirements within the Campground and RV Park use
- Adding Data Centers as a new defined use
- Changing to a bi-annual IDO update cycle
- Others



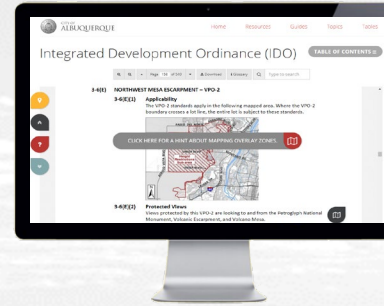
RESOURCES

Mikaela Renz-Whitmore
Urban Design + Dev. Division Manager
mrenz@cabq.gov

Michael Vos
Regulatory Planning Team Lead
mvos@cabq.gov

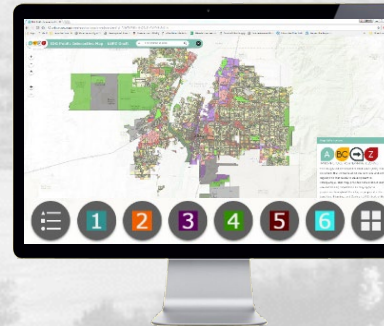
ABC-Z Project
abcto@cabq.gov

Interactive IDO



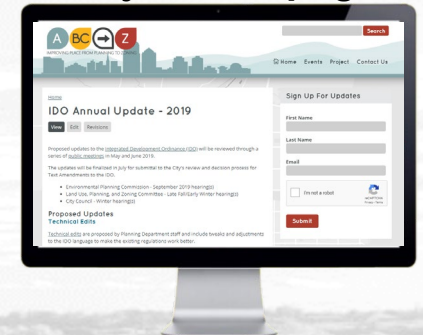
ido.abq-zone.com

IDO Zoning Map



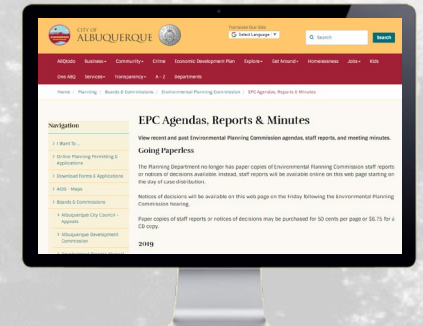
tinyurl.com/idozoningmap

Project Webpage



abq-zone.com

Planning Webpage



cabq.gov/planning

ABC Comp Plan



compplan.abq-zone.com